



Amarik K. Singh, Inspector General

OIG | OFFICE *of the* INSPECTOR GENERAL

Independent Prison Oversight

March 2022



Special Report

The California Department of
Corrections and Rehabilitation's
Processing of Disabled
Incarcerated Persons' Staff
Misconduct Allegations at the
Richard J. Donovan
Correctional Facility

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March 1, 2022

The Governor of California
President pro Tempore of the Senate
Speaker of the Assembly
State Capitol
Sacramento, California

Dear Governor and Legislative Leaders:

Enclosed is the Office of Inspector General's special report titled *The California Department of Corrections and Rehabilitation's Processing of Disabled Incarcerated Persons' Allegations of Staff Misconduct at the Richard J. Donovan Correctional Facility*. The report includes findings by the Office of the Inspector General following its monitoring of staff misconduct inquiry cases that the California Department of Corrections and Rehabilitation (the department) completed in response to staff misconduct allegations made by disabled incarcerated persons at the Richard J. Donovan Correctional Facility in 2020 and 2021.

We conducted our monitoring from August 2020 through July 2021. During that period, the department completed 257 inquiry cases. OIG attorneys monitored 204 of those cases. For 155 of the 204 cases, the OIG fully monitored them. This meant we assessed whether the department timely completed the cases, evaluated the investigators' inquiry work, and examined the prison warden's decisions concerning the cases. The OIG partially monitored the remaining 49 of the 204 cases. This meant we began monitoring these cases but stopped after determining the deadline had passed to take disciplinary action against the staff member or members who allegedly committed misconduct. As to the 204 cases, we assessed the overall inquiry work by the department as *poor* in 186 cases, or 91 percent. For the remaining 18 cases, or 9 percent, we determined the department performed *satisfactory* work in completing the cases. In no cases did the department receive a *superior* rating.

We identified four key concerns. First, we concluded the department delayed in completing the cases, including not completing most of the cases before deadlines had passed to take disciplinary action against the staff members who allegedly committed misconduct and, therefore, preventing the imposition of any disciplinary action against those staff members. Second, we found that, overall, the quality of the investigators' inquiry work was *poor* due to deficient interviews, improper or inadequate evidence collection, and inaccurate or incomplete inquiry report submission. Third, we determined the investigators compromised the confidentiality of several of the inquiry cases, primarily by either conducting interviews in nonconfidential locations or unnecessarily revealing confidential information to witnesses or subjects during the cases. Finally, we concluded that the warden made several inappropriate decisions regarding the cases, including decisions not supported by the evidence, decisions for cases in which he did not fully review the evidence, and decisions for cases in which he was not an impartial decision-maker.



Of the 257 staff misconduct inquiry cases, the department has processed and resolved 256 cases. The warden concluded there was a reasonable belief of staff misconduct in 20 of the cases and requested an investigation from the department's Office of Internal Affairs for them. As of the publication date of this report, the warden has sustained misconduct allegations in only one case. The officers in that case received letters of instruction, which are not disciplinary action, but instead a form of corrective action. Therefore, as of the publication date of this report, the department has not formally disciplined staff members relative to any of the staff allegations submitted by the disabled incarcerated persons pertaining to this project. The department has not yet resolved one remaining case.

In January 2022, the department implemented emergency regulations revising its statewide process for reviewing incarcerated persons' allegations of staff misconduct. It is important to note that this report does not examine the new statewide process to review incarcerated persons' allegations of staff misconduct. We will soon begin monitoring the department's implementation of this new process and will report our assessment and observations of the new process in future reports. Rather, in this report we review the staff misconduct inquiry cases the department conducted in 2020 and 2021 pursuant to a special project the department launched after receiving sworn declarations disabled incarcerated persons filed in federal court. The inquiry cases we review in this report were completed by the department before it implemented the January 2022 emergency regulations.

Respectfully submitted,



Amarik K. Singh
Inspector General

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"Scales of Justice" (cover): Graphic image designed by the U.S. Department of Justice; sourced via the internet

"Lady Justice" (page v): Adapted from an illustration at www.vecteezy.com



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which shall not be
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— *State of California*
(*Penal Code section 6125*)

Terms Used in This Report	
Allegation Inquiry	The collection of preliminary information concerning an allegation of employee misconduct necessary to evaluate whether a matter shall be referred to the Office of Internal Affairs' Central Intake Unit. Allegation inquiries shall be conducted at the direction of the hiring authority when there is an allegation of misconduct, which if true could lead to adverse action, and the subject(s), allegation(s), or both are not clearly defined or more information is necessary to determine if misconduct may have occurred. Certain prison employees or Office of Internal Affairs' investigators, lieutenants, or special agents conduct allegation inquiries.
Corrective Action	A documented nonadverse action taken by a supervisor to assist an employee to improve his or her work performance, behavior, or conduct. Examples of these actions include verbal counseling, in-service training, on-the-job training, written counseling, or a letter of instruction.
Declaration	A formal statement made in writing and under penalty of perjury.
Declaration Allegation Review Team	A team of task force investigators managed by the Office of Internal Affairs, consisting of lieutenants and special agents, to conduct staff misconduct inquiries in 2020 and 2021 at the Richard J. Donovan Correctional Facility. Commonly referred to as <i>DART</i> .
Department Operations Manual	The department's operations manual. The full title is <i>California Department of Corrections and Rehabilitation Adult Institutions, Programs, and Parole Operations Manual</i> . It is commonly referred to as the DOM.
Disciplinary Action	A documented action, punitive in nature and intended to correct misconduct or poor performance or terminate employment and may be appealed to the State Personnel Board. It is the <i>charging</i> document served on an employee who is being disciplined, advising the employee of the causes for discipline and the penalty to be imposed. Examples of these actions include a letter of reprimand, pay reduction, suspension without pay, or termination. Also referred to as <i>adverse action</i> or a <i>notice of adverse action</i> .
Hiring Authority	The individual who has the authority to hire and discipline staff under his or her signature authority. In the context of this report, with two exceptions, the hiring authority for the staff misconduct inquiry cases was the warden of the Richard J. Donovan Correctional Facility.
Inquiry	See entry for <i>Allegation Inquiry</i> , this table.
Investigation	The collection of evidence that supports or refutes an allegation of misconduct, including criminal investigations, administrative investigations, retaliation investigations, or allegation inquiries. The department conducts either criminal investigations, which concern the investigation of a potential crime or crimes, or administrative investigations, which concern the investigation of an alleged violation of a policy, procedure, or other administrative rule.
Investigator	In the context of this report, a special agent or lieutenant assigned to conduct an allegation inquiry.

Continued on next page.

Terms Used in This Report (Continued)	
Office of Internal Affairs	The office within the department authorized to conduct inquiry cases and investigate staff misconduct allegations. This office works independently of the prison chain of command. In general, Office of Internal Affairs Allegation Inquiry Management Section lieutenants conduct inquiry cases; Office of Internal Affairs Central Intake Unit special agents review and process requests from hiring authorities for investigations; and Office of Internal Affairs special agents, from both its regional teams and headquarters, conduct investigations.
Special Agent	In the context of this report, a special agent is an investigator employed by the California Department of Corrections and Rehabilitation, assigned to investigate allegations of staff misconduct.
Staff Misconduct Grievance	An incarcerated person may appeal (or challenge) any policy, decision, condition, or omission by the department that has a material adverse effect upon his or her health, safety, or welfare. Toward that end, an incarcerated person may use the form “CDCR Form 602” (commonly referred to a “602”) to file his or her appeal or complaint.
Subject	In the context of this report, an employee who allegedly committed misconduct or engaged in criminal activity.

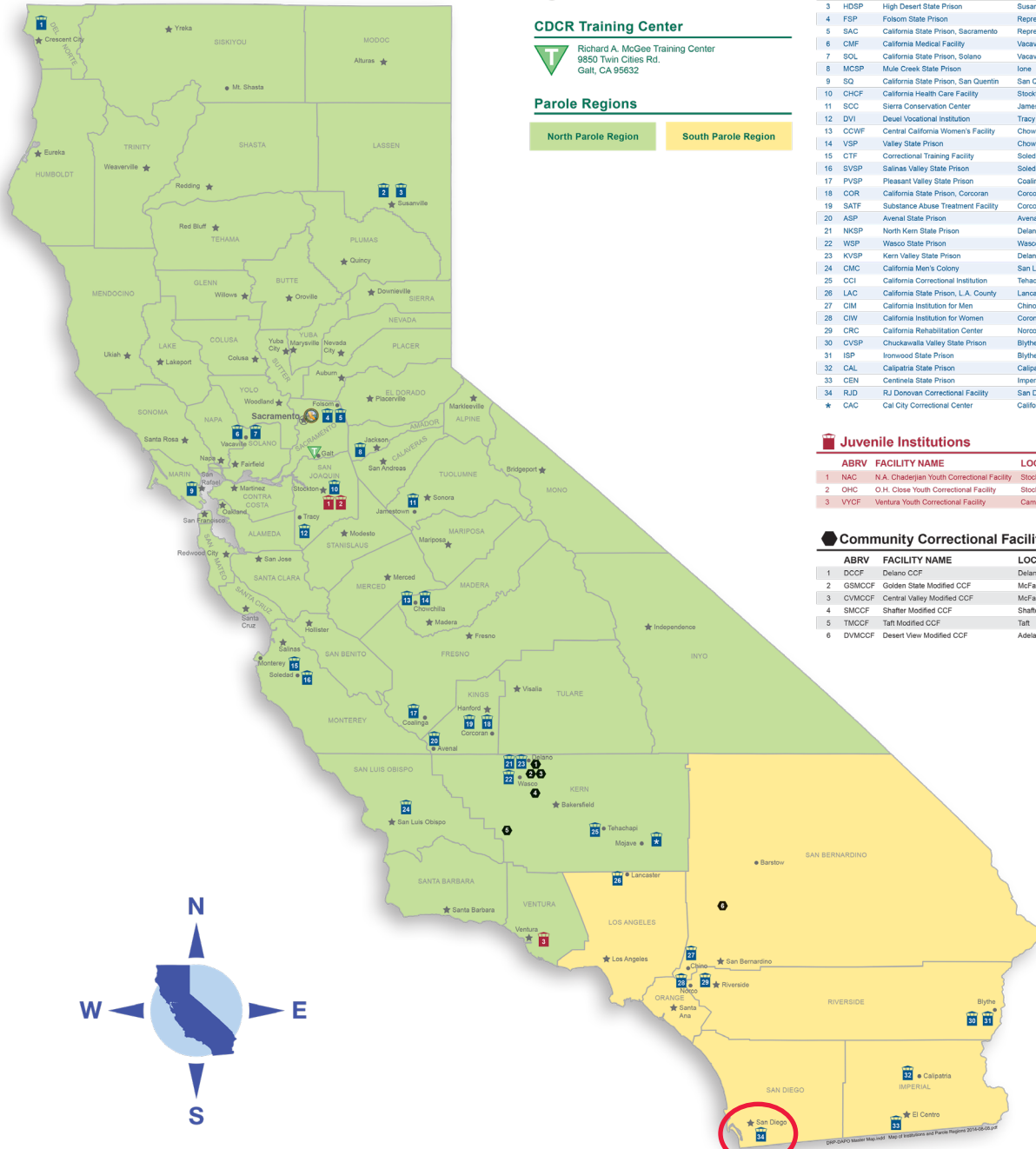
Source: The Office of the Inspector General.

Terms for Categories Used in This Report Identifying the Types of Staff Misconduct Inquiry Cases That the OIG Monitored	
Fully Monitored Cases	The 155 staff misconduct inquiry cases completed by the department in which the OIG monitored all the inquiry work performed by departmental investigators, including monitoring each interview and reviewing the corresponding final inquiry report.
Partially Monitored Cases	The 49 staff misconduct inquiry cases the department opened in 2021 and in which the OIG monitored only part of the department’s inquiry work. The OIG determined that the deadline to take disciplinary action had expired in the 49 cases and, therefore, did not expend further resources in continuing to monitor the cases. In most of those cases, the OIG did not monitor any interviews. The OIG did not review the final inquiry report for any of these cases.
All Monitored Cases	The 204 cases the OIG monitored in connection with this report, including the 155 fully monitored cases and the 49 partially monitored cases.

Source: The Office of the Inspector General.



California Department of Corrections and Rehabilitation Institutions and Parole Regions



CDCR Headquarters



Department of Corrections and Rehabilitation
 1515 'S' St.
 Sacramento, CA 95811

CDCR Training Center



Richard A. McGee Training Center
 9850 Twin Cities Rd.
 Galt, CA 95632

Parole Regions

North Parole Region South Parole Region

Adult Institutions

ABRV	FACILITY NAME	LOCATION
1	PBSP Pelican Bay State Prison	Crescent City
2	CCC California Correctional Center	Susanville
3	HDSP High Desert State Prison	Susanville
4	FSP Folsom State Prison	Represa
5	SAC California State Prison, Sacramento	Represa
6	CMF California Medical Facility	Vacaville
7	SCL California State Prison, Solano	Vacaville
8	MCSF Mule Creek State Prison	Jone
9	SQ California State Prison, San Quentin	San Quentin
10	CHCF California Health Care Facility	Stockton
11	SCC Sierra Conservation Center	Jamestown
12	DVI Deuel Vocational Institution	Tracy
13	CCWF Central California Women's Facility	Chowchilla
14	VSP Valley State Prison	Chowchilla
15	CTF Correctional Training Facility	Soledad
16	SVSP Sainas Valley State Prison	Soledad
17	PVSP Pleasant Valley State Prison	Coalinga
18	COR California State Prison, Corcoran	Corcoran
19	SATF Substance Abuse Treatment Facility	Corcoran
20	ASP Avenal State Prison	Avenal
21	NKSP North Kern State Prison	Delano
22	WSP Wasco State Prison	Wasco
23	KVSP Kern Valley State Prison	Delano
24	CMC California Men's Colony	San Luis Obispo
25	CCI California Correctional Institution	Tehachapi
26	LAC California State Prison, L.A. County	Lancaster
27	CIW California Institution for Women	Chico
28	CIW California Institution for Women	Corona
29	CRC California Rehabilitation Center	Norco
30	CVSP Chuckawalla Valley State Prison	Blythe
31	ISP Ironwood State Prison	Blythe
32	CAL Calipatria State Prison	Calipatria
33	CEN Centinela State Prison	Imperial
34	RJD RJ Donovan Correctional Facility	San Diego
*	CAC Cal City Correctional Center	California City

Juvenile Institutions

ABRV	FACILITY NAME	LOCATION
1	NAC N.A. Chaderjian Youth Correctional Facility	Stockton
2	OHC O.H. Close Youth Correctional Facility	Stockton
3	VYCF Ventura Youth Correctional Facility	Camarillo

Community Correctional Facilities

ABRV	FACILITY NAME	LOCATION
1	DCCF Delano CCF	Delano
2	GMCCF Golden State Modified CCF	McFarland
3	CVNCCF Central Valley Modified CCF	McFarland
4	SMCCF Shafter Modified CCF	Shafter
5	TMCCF Taft Modified CCF	Taft
6	DVMCCF Desert View Modified CCF	Adelanto

Map provided courtesy of the California Department of Corrections and Rehabilitation.

Richard J. Donovan
 Correctional Facility

Summary

Overall, the Department Poorly Addressed Staff Misconduct Allegations Made by Disabled Incarcerated Persons at the Richard J. Donovan Correctional Facility During a Special Project in 2020 and 2021

Beginning in January 2020, several disabled incarcerated persons housed at the Richard J. Donovan Correctional Facility in Southern California submitted a series of declarations signed under penalty of perjury in federal court describing staff misconduct allegations at the prison. The incarcerated persons were members of a class action of plaintiffs in a federal lawsuit, known as the *Armstrong* case, in which disabled incarcerated persons and parolees alleged that the California Department of Corrections and Rehabilitation (the department) violated the Americans with Disabilities Act in its treatment and handling of incarcerated persons and parolees.¹

In response to the filing of the declarations, the department assembled a team to address the allegations. The team included attorneys from the department's Office of Legal Affairs and a task force of investigators managed by its Office of Internal Affairs. In 2020 and 2021, these investigators—lieutenants and special agents—completed staff misconduct inquiry cases looking into the allegations. Although the Office of Internal Affairs managed the inquiry cases and the special agents and some lieutenants were from the Office of Internal Affairs, some of the lieutenants assigned to the task force came from various prisons throughout the State and were specifically assigned to this project. The Office of Internal Affairs submitted the resulting final inquiry reports to the departmental official who had the authority to hire and discipline staff under his or her signature authority. For purposes of this report, except for three cases, the Richard J. Donovan Correctional Facility warden was the hiring authority and made the decisions concerning the resolution of the cases.²

The department informed the Office of the Inspector General (the OIG) that, although the department began receiving the declarations in January 2020, its investigators did not begin their actual inquiry work on the cases until June 2020. From June 2020 through July 2021, the investigators completed 257 staff misconduct inquiry cases.³

1. *Armstrong v. Newsom*, 475 F.Supp.3d 1038 (N.D. Cal. July 2020).

2. For purposes of this report, hereafter, we will refer to the hiring authority as the warden, even though, of the 257 cases, there were three cases decided by another departmental official.

3. In July 2021 and August 2021, the Office of Internal Affairs opened additional staff misconduct inquiry cases pursuant to this project. The OIG is not monitoring those cases.

The OIG learned of the project in August 2020 and immediately assembled its own team of attorneys to monitor the cases. From August 2020 through July 2021, OIG attorneys monitored 204 of the 257 inquiry cases. We fully monitored 155 of the 204 cases, personally attending interviews and evaluating the final inquiry reports. OIG attorneys also reviewed related documentary evidence, photographs, interview recordings and other recordings, and final inquiry reports in connection with the 155 fully monitored cases. We partially monitored 49 cases: This means we began to monitor the cases, but stopped our monitoring after we determined the deadline to take disciplinary action against the involved staff members had already expired in those cases.

For each of the 204 cases we monitored, we assessed the performance of departmental staff and provided an *overall* rating. We used this rating to evaluate the department's overall performance in completing the inquiry case: We assessed the department's processing of the case, including its adherence to deadlines and its timeliness in completing the case, as well as the quality of the inquiry work performed by the investigator. Our assessment methodology for this rating is based on the OIG attorneys' answers to 21 performance-related questions for each case. We assessed the overall work in each inquiry case as *superior*, *satisfactory*, or *poor*. We found that in 186 of the 204 cases we monitored, or 91 percent, the department's overall performance was *poor* in completing the inquiry cases. In the remaining 18 cases, or 9 percent, the department's overall performance was *satisfactory*. In no cases did the department receive a *superior* rating.

During our monitoring, we identified four key concerns with how the department conducted the staff misconduct inquiry cases. First, we concluded the department delayed in completing the cases, allowing the deadline for completion of the cases to expire in most of the cases.

Second, we found that the overall quality of the investigators' work in completing the inquiry cases was deficient, especially in how they conducted interviews, collected evidence, and prepared reports. In the 155 cases we fully monitored, we concluded the quality of investigators' inquiry work was *poor* in 96 of the 155 of the fully monitored cases, or 62 percent. In the remaining 59 of the 155 cases, or 38 percent, we assessed the quality of the investigators' interviews, evidence collection, and report preparation as *satisfactory*.

Third, we observed, in several cases, investigators compromised the confidentiality of the cases by conducting interviews in inappropriate locations or by divulging unnecessary information to witnesses or subjects during the cases.

Finally, we found that the person responsible for making decisions concerning the inquiry cases—the warden in all but three cases—made

inappropriate decisions concerning many of the cases. The warden reached inappropriate decisions by making conclusions in cases in which there was not enough evidence for him to make a decision regarding the case; by not thoroughly reviewing all available evidence before making a decision; or by deciding on a case in which he was not an impartial decision-maker.

Overall, the department completed staff misconduct inquiry cases for this project that were delayed, poorly conducted, and compromised, and the warden made many inappropriate decisions. Consequently, as a whole, the department did not appropriately address the staff misconduct allegations submitted by the disabled incarcerated persons at the Richard J. Donovan Correctional Facility during the special project in 2020 and 2021.

In January 2022, the department implemented emergency regulations revising its statewide process for reviewing incarcerated persons' allegations of staff misconduct. The inquiry cases we reviewed for this report were completed by the department before it implemented the January 2022 emergency regulations. From our understanding of the regulations, complaints of staff misconduct that incarcerated persons file in federal court would be subject to the department's new statewide staff misconduct inquiry process. We will soon begin monitoring the department's implementation of this new process and will report our observations of the new process in future reports.

Scope and Methodology

The OIG monitored the work of the investigators in two phases. In the first phase, we fully monitored all 133 staff misconduct inquiry cases that the Office of Internal Affairs opened in 2020 as part of this project. During this phase, with very limited exceptions, our attorneys personally monitored every interview and the other related field work that investigators completed.

In the second phase, we monitored the staff misconduct inquiry cases the Office of Internal Affairs opened from January 2021 through June 2021, some of which were closed as late as July 2021. During this second phase, we partially monitored 49 cases and fully monitored 22 cases. In the 49 partially monitored cases, we determined that the deadline to take disciplinary action had expired, and we therefore decided not to expend our resources in continuing to monitor those cases. We decided to fully monitor a 25 percent random sample of the remaining staff misconduct inquiry cases the Office of Internal Affairs opened from January through June 2021, or 22 cases. Accordingly, from August 2020 through July 2021, we fully monitored 155 cases: all 133 inquiry cases the Office of Internal Affairs opened in 2020, and also, 22 inquiry cases the Office of Internal

Affairs opened in the first six months of 2021.⁴ The Office of Internal Affairs continued to open new inquiry cases for this project in July 2021 and August 2021, but we did not and are not monitoring those cases.

In addition to monitoring interviews and other field work at the Richard J. Donovan Correctional Facility and at other prisons throughout the State, we analyzed the resulting final inquiry reports produced by the Office of Internal Affairs. This included reviewing the interview and other recordings as well as other evidence, such as documentation, pertaining to the cases. We also received and reviewed memoranda from the warden concerning his review and resolution of the cases, including his analysis for each case as to whether there existed a reasonable belief of staff misconduct.

To accomplish our assessment of the 155 cases we fully monitored, we analyzed the relevant dates of the inquiry cases to include, but not be limited to, the assignment date of the investigators; the date of the final interview; the completion dates of the inquiry case; the deadlines to take disciplinary action; and the date of the warden's decision as to each case. In addition, we analyzed the number of days between certain events, such as the number of days between the start of each inquiry and the date the Office of Internal Affairs completed and submitted the final inquiry report. We also conducted a qualitative analysis of the inquiry work conducted by all investigators—including their interviews, evidence collection, and report preparation—for the 155 cases we fully monitored.

To complete our assessment of the 155 fully monitored cases, OIG attorneys answered a series of 21 performance-related assessment questions for each fully monitored case, presented in the table on the next page. For the 49 partially monitored cases, OIG attorneys answered only the questions encompassing the processing of the cases within required time frames. (See Table 1, next page.)

Our assessment resulted in an *overall* rating of *superior*, *satisfactory*, or *poor* for each of the 204 cases we monitored. For the 155 cases we fully monitored, the *overall* rating consisted of our conclusion regarding the Office of Internal Affairs' overall handling of the inquiry case, including the timeliness of the processing of the cases and our conclusion as to the quality of the inquiry, including our assessment as to the interviews, evidence collection, and report preparation.

Finally, for the 49 investigations we partially monitored, we reviewed the relevant dates of the deadline to take disciplinary action, the inquiry commencement date, the inquiry completion date, and the dates of the warden's decision as to each case. However, because, for the most part,

4. The investigators began conducting interviews in June 2020. Although OIG attorneys did not begin to personally monitor interviews until August 2020, OIG attorneys reviewed all interview recordings for the 155 fully monitored cases, even for those interviews the attorneys did not personally monitor.

we did not monitor the interviews for those cases and because we did not review any of the final inquiry reports for those cases, we did not conduct a qualitative review of the investigators' work for the 49 partially monitored cases. The OIG attorneys' assessments of the monitored cases are reflected in case summaries, which have been incorporated herein as the Appendix to this report.

Table 1. The 21 Assessment Questions

Number	Question
1	Did the investigator adequately confer with the OIG upon case initiation and prior to finalizing the inquiry plan?
2	Did the investigator adequately prepare for all aspects of the inquiry?
3	Did the investigator ask all relevant questions during interviews?
4	Did the investigator use effective interviewing techniques when conducting interviews?
5	Did the investigator complete all necessary and relevant interviews?
6	Did the investigator properly search for and collect relevant documentary and other forensic evidence?
7	Did the investigator thoroughly and appropriately conduct the inquiry?
8	Did the Office of Internal Affairs timely complete the inquiry report after completion of the last interview?
9	Did the investigator prepare a final inquiry report that included all relevant facts and evidence?
10	Did the investigator address material contradictions in the final inquiry report?
11	Did the investigator address all appropriate allegations as discovered during the inquiry in the final inquiry report?
12	Did the investigator include all relevant policies and procedures in the final inquiry report?
13	Did the investigator include all relevant documentary evidence in the final inquiry report?
14	Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?
15	Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?
16	Did the department handle the case with due diligence?
17	Did the department timely transmit documents or items of evidentiary value to the OIG?
18	Did the investigator adequately consult with the OIG?
19	Did the investigator have any substantive off-the-record conversations with a witness or subject before, during or after the interview?
20	Did the investigator provide an admonishment/advisement at the beginning of each interview?
21	Did the investigator provide an admonishment concerning confidentiality at the end of each interview?

Source: The Office of the Inspector General.

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Monitoring Results

We identified four key concerns with the department's handling of the staff misconduct inquiry cases at the Richard J. Donovan Correctional Facility. First, we discovered departmental staff delayed in completing the cases, allowing the deadline for completion of the cases to expire in most of the cases. Second, we found that the overall quality of the investigators' work in most cases was deficient: The investigators conducted inadequate interviews, did not properly collect evidence, and did not prepare thorough and accurate reports. Third, we determined, in several cases, investigators compromised the confidentiality of cases, mostly by conducting interviews in inappropriate locations or by inappropriately divulging information to either witnesses or subjects of the cases. Finally, we concluded the warden made inappropriate decisions concerning the resolution of more than half the inquiry cases we fully monitored. The decisions were inappropriate because the warden did not have enough evidence to reach a conclusion; he did not thoroughly review the evidence in a case before reaching a conclusion; or he made a decision in a case in which he was not an impartial decision-maker. Overall, by not conducting thorough, appropriate, and complete inquiry cases, the department failed to appropriately address most of the staff misconduct allegations made by incarcerated persons.

The Department Delayed in Completing Cases

The department was time-barred from taking disciplinary action in 88 percent of the 204 cases. In 173 cases, the department received the declarations prior to the deadline for taking disciplinary action. However, in 120 of those cases, or 69 percent, the Office of Internal Affairs did not complete the inquiry case until after the deadline for taking disciplinary action expired. Of the 53 inquiry cases the Office of Internal Affairs did complete before the deadline for taking disciplinary action, in 32 of those cases, or 19 percent of the 173 cases, the Office of Internal Affairs did not provide its final report to the hiring authority with enough time for the hiring authority to reasonably be able to take any disciplinary action.

In addition, the department's delays impacted the evidentiary value of the inquiry work. Witnesses in many cases could not remember details of incidents that occurred long before their interviews. Finally, we observed two factors that significantly contributed to the overall delays. First, the Office of Internal Affairs substantially delayed assigning investigators to conduct the inquiry cases. Second, once the investigators completed their final interviews, we observed substantial delays by the Office of Internal Affairs in completing reports and providing them to the warden.

“Justice delayed
is justice
denied.”

—William E. Gladstone
(1809–1898)

The Department Did Not Complete the Inquiry Cases Before the Deadline to Take Disciplinary Action in Most Cases

The Office of Internal Affairs did not complete the staff misconduct inquiry cases prior to the deadline for taking disciplinary action against the staff members who allegedly committed misconduct in 69 percent of the cases where they had the opportunity to do so. “Justice delayed is justice denied.”⁵ Timely completion of the inquiry process is critical to the employee discipline process because discipline must be imposed by a particular deadline. Pursuant to Government Code section 3304 (d), a department can generally only impose disciplinary action against peace officer employees within one year after the date the department discovered the alleged misconduct. As to the cases the OIG monitored, with three possible exceptions, all subjects of the inquiry cases we monitored were peace officer employees.⁶

Once the inquiry case concluded, and if the warden determined there existed a reasonable belief of staff misconduct, the warden was required to refer the case to the Office of Internal Affairs’ Central Intake Unit to request an investigation or for approval to take direct action to address the alleged misconduct without an investigation as soon as is reasonably practical. Postponement or delay of an inquiry case steadily chipped away at the remaining time available for the Office of Internal Affairs to conduct a subsequent investigation. In addition, delays in conducting the inquiry case reduced the amount of time for the warden to analyze the evidence gathered, assess an appropriate penalty, and serve the employee with a disciplinary action, if the situation so warranted.

In 173 of the 204 monitored cases, the department received the declarations containing the staff misconduct allegations before the deadline to take disciplinary action expired. As to those cases in which the department received the declarations containing the staff misconduct allegations before the deadline to take disciplinary action, the Office of Internal Affairs did not complete the inquiry work and submit the final inquiry report to the warden before the deadline to take disciplinary action in 120 cases, or 69 percent.

In 31 of the 204 monitored cases, the department received the declarations containing the staff misconduct allegations after the deadline to take disciplinary action expired. Nevertheless, the department decided to still conduct an inquiry case for those allegations, even if it was barred from taking disciplinary action.

The Office of Internal Affairs’ failure to submit the final inquiry reports and supporting materials to the warden before the deadline to take disciplinary action prevented the hiring authority from taking

5. Late-19th-century maxim; William E. Gladstone (1809–1898), from the *Louisiana Law Journal* in 1842, and in a speech as British Prime Minister in 1868.

6. Two subjects were nonpeace officers, and a third subject was “unknown staff.”

appropriate disciplinary action, if any, as to the staff members who allegedly committed misconduct in 120 of 173 cases. The department barred itself from taking disciplinary action in 69 percent of cases by failing to complete the inquiry cases in a timely manner.

There Were Some Cases in Which, Even Though the Department Did Not Allow the Deadline to Take Disciplinary Action to Expire, the Department Did Not Complete the Inquiry Cases in Sufficient Time for the Warden to Return the Cases If Further Inquiry Work Were Needed

In 32 of the 173 monitored cases, or 19 percent, even though the Office of Internal Affairs did not allow the deadline to take disciplinary action to expire, the Office of Internal Affairs did not complete the inquiry cases within 60 days of the deadline to take disciplinary action. These cases arrived on the warden's desk with little or no time for him to evaluate the final inquiry report and return it for further inquiry work, if needed, or for him to refer the case to the Office of Internal Affairs' Central Intake Unit for an investigation or approval to take direct disciplinary action against the staff member.

In these instances, even had the Office of Internal Affairs submitted its final inquiry report to the warden before the deadline to take disciplinary action, if the warden referred the case to the Office of Internal Affairs for an investigation, there would still need to be time subsequently allotted for an Office of Internal Affairs special agent to conduct an investigation. Time would also need to be reserved for the warden to review the investigative report and supporting materials or to serve the staff member with a disciplinary action, if appropriate. Moreover, the time needed for potential executive review should also be considered in these cases, a process whereby a department attorney or we could elevate a warden's unreasonable employee discipline decision to a departmental executive.

An example of such a delay involved a case in which on April 29, 2020, the department learned that a counselor allegedly told an incarcerated person that another incarcerated person had been convicted of sex crimes against children, which was not true. The department did not assign an investigator to conduct an inquiry into the allegation until August 7, 2020, three months and nine days thereafter. The deadline to take disciplinary action was April 29, 2021, but the Office of Internal Affairs did not submit its final inquiry report to the warden until March 23, 2021, one month and seven days before the deadline to take disciplinary action. The warden determined there was a reasonable belief of staff misconduct and referred the case to the Office of Internal Affairs' Central Intake Unit. Subsequently, the Office of Internal Affairs' Central Intake Unit approved an administrative investigation. An Office of Internal Affairs special agent then conducted a rushed, 14-day investigation due to the impending deadline to take disciplinary action. The Office of Internal Affairs submitted its investigative report to the hiring authority, a regional parole administrator, on the day before the

deadline to take disciplinary action. In arriving at her decision not to sustain the allegations, the regional parole administrator admitted she had not reviewed the interview recordings because the Office of Internal Affairs had only provided the investigative materials to her on the day before the deadline to take disciplinary action expired. By not providing the final inquiry report and supporting materials to the warden or other hiring authority until 60 days or fewer before the deadline to take disciplinary action, the Office of Internal Affairs negatively impacted the warden’s or other hiring authority’s ability to thoroughly review subsequent investigative materials as well as for related processes, such as an executive review, to take place.

The Delays Hindered Investigators’ Efforts to Gather Key Evidence in Some Cases

In an issue closely related to the department’s delays in completing the inquiry cases, we found that in many of the delayed cases, investigators encountered a diminished ability to gather evidence. Investigators should promptly interview witnesses, and search for and collect relevant evidence. However, in the delayed cases we monitored, several witnesses reported they could no longer recall relevant facts. In 91 of the 155 fully monitored cases, or 58 percent, at least one witness during the inquiry said they could not recall, or could not remember the information, when the investigator asked the witness a relevant question.

For example, in a case involving allegations that an officer allegedly threatened to harm an incarcerated person and that the officer was part of a gang of officers called the *Green Wall*, the officer who was the subject of an inquiry asked an investigator, “How am I supposed to remember an incident that was two years ago?”

Another example involved an incarcerated person who alleged staff assaulted him twice and encouraged him to follow through with a suicide attempt. In the interview of the incarcerated person who submitted the allegation, the incarcerated person told the investigator he had known the answers to the questions posed to him, but simply could not remember them anymore. He asked the investigator, “How come you waited so long?”

The Office of Internal Affairs’ failure to timely complete inquiry cases resulted in the warden not having the most comprehensive information available to make decisions concerning whether there was a reasonable belief of staff misconduct.

In Most of the Monitored Cases, the Department Significantly Delayed Assigning Investigators to Conduct Inquiries Into Staff Misconduct Allegations

We found that, in most cases, the department delayed in assigning investigators. For a proper inquiry of staff misconduct allegations

“How am I supposed to remember an incident that was two years ago?”

—Asked by an officer who was a subject of an inquiry case to an investigator

“How come you waited so long?”

—Asked by an incarcerated person to an investigator

to occur, we believe the department should assign an investigator to conduct an inquiry as soon as possible to facilitate the interviewing of witnesses while their recollections of the events are clear and closer in time to the event, and also to allow the expeditious collection of as much relevant information as possible. Furthermore, generally, per Government Code section 3304 (d), a warden or other hiring authority is required to impose disciplinary action against peace officer employees within one year of the date the alleged misconduct is discovered. If the warden determined a reasonable belief of staff misconduct existed, the inquiry must be followed by a referral to the Office of Internal Affairs' Central Intake Unit for a subsequent investigation or for approval to take direct disciplinary action before discipline could be imposed. Since the investigation must typically be completed within a year of the allegation becoming known to the department, these ubiquitous delays helped run out the clock on imposing discipline in most cases for this project.

To that end, when the Office of Internal Affairs conducts investigations of staff misconduct, a manager is generally required to assign an investigator to the case within 10 days of receiving the allegations.⁷ In this instance, the Office of Internal Affairs assigned investigators to conduct staff misconduct inquiry cases, precursors to investigations. For this project, after review by departmental management staff, an Office of Internal Affairs supervisor assigned each case to an investigator. For purposes of our evaluation, we determined that there was a delayed assignment if the department did not assign an investigator to conduct an inquiry within 30 days of learning of the staff misconduct allegations.

Despite the necessity of the department promptly assigning investigators to conduct staff misconduct inquiry cases, we found in 145 of the 155 fully monitored cases, or 94 percent, the department delayed assigning an investigator to a case for 30 days or more after the department discovered the alleged misconduct.

As to the 155 fully monitored cases, the department took an average of 203 days to assign an investigator to conduct the inquiry case after discovering the staff misconduct allegations. We also found in 15 of the 155 fully monitored cases, the department did not assign an investigator for more than a year, thus barring disciplinary action before the investigator could conduct the first interview. For example, in one case, the department learned of the alleged staff misconduct on February 4, 2020. However, the Office of Internal Affairs did not assign an investigator to the case until March 29, 2021, one year, one month, and 26 days thereafter. Two other cases also involved a delay in assigning an investigator for over a year after the department's discovery of the allegations, namely, 374 days each.

7. DOM Section 31140.16.

The delay in assigning investigators to conduct the inquiry cases contributed significantly to the problem of the department not timely completing the cases and being barred in many cases from taking disciplinary action because the case was completed after the deadline to take disciplinary action had passed.

The Office of Internal Affairs Often Delayed Closing Cases From the Date of the Investigator’s Last Interview to the Date It Delivered the Corresponding Inquiry Report and Supporting Materials to the Warden

We also determined the Office of Internal Affairs significantly delayed closing cases and prolonged the period from the date of an investigator’s final interview to the date the Office of Internal Affairs delivered the corresponding inquiry report and supporting materials to the warden. We considered a report delayed if the Office of Internal Affairs completed it and submitted it to the warden 30 days or more after an investigator completed his or her final inquiry interview.

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 OIA’s Investigator’s Field Guide.”⁸ Even though the Office of Internal Affairs conducted staff misconduct inquiry cases, precursors to investigations, the same principles of timeliness should apply, given that the inquiry work will be used by the Office of Internal Affairs in subsequent investigations and reviewed by a warden or other hiring authority.

Investigators completed interviews in 143 of the 155 fully monitored cases. In 126 of those 143 cases, or 88 percent, the Office of Internal Affairs delayed in submitting its final inquiry report to the warden by 30 days or more after the final inquiry interview. The Office of Internal Affairs averaged 105 days from the date of the investigator’s final interview to the date the Office of Internal Affairs completed and submitted its final inquiry report to the warden.

For example, in one case, after an incarcerated person allegedly assaulted officers, an officer allegedly retaliated by issuing a false rules violation report against the incarcerated person. The officer also allegedly failed to conduct a urinalysis test. The investigator completed the final interview on September 3, 2020, but the Office of Internal Affairs did not complete and submit its final inquiry report to the warden until April 21, 2021, seven months and 18 days later. In a second example, staff allegedly threatened the safety of the incarcerated person on two occasions. The investigator completed the final interview on September 21, 2020, but the

8. DOM, 2021.

Office of Internal Affairs did not complete and submit its final report until May 21, 2021, eight months later.

Given that the warden had only one year to take disciplinary action from the date of discovery of the alleged misconduct of a peace officer, the Office of Internal Affairs' lengthy delays in closing cases undercut the warden's ability to address the alleged staff misconduct allegations by either leaving the warden a short amount of time to review the case before the deadline to take disciplinary action expired, or eliminating the possibility of discipline entirely because the deadline to take disciplinary action had already expired.

The Investigators Poorly Conducted Interviews, Collected Evidence, and Produced Reports

One of our key findings was that the quality of the investigators' work in conducting most of the inquiry cases was *poor*. There were three significant problems: poorly conducted interviews, improper or incomplete collection of evidence, and incomplete or inaccurate inquiry reports. Of the 155 fully monitored cases, we assessed the quality of investigators' inquiry work as *poor* in 96 of the cases, or 62 percent. In the remaining 59 of the 155 cases, or 38 percent, we assessed the quality of the investigators' work as *satisfactory*. In our opinion, none of the cases merited a *superior* rating.

Investigators Conducted Deficient Interviews

Our monitoring revealed that investigators generally performed poorly in conducting interviews. Examples of these problems included investigators who failed to prepare for interviews; did not ask relevant questions during interviews; engaged in material, off-the-record conversations with witnesses or subjects; or used other inappropriate interviewing techniques. These deficiencies contributed heavily to our assessment that the quality of the investigators' inquiry work was *poor* in most cases.

We found that investigators frequently failed to adequately prepare for interviews. Advance preparation is a critical component of the interview process. An investigator must lay the groundwork for a case by seeking out and examining documents or other evidence that will assist the investigator in identifying appropriate witnesses, correctly identifying the individual or individuals who may have committed misconduct, and familiarizing him- or herself with both the layout of incident scenes and the applicable policies and procedures at issue in a case. Of 143 of the 155 fully monitored cases in which investigators conducted interviews, we identified 27 instances of investigators who did not adequately prepare for an inquiry. For example, in one case, an incarcerated person who alleged an officer threatened to harm the incarcerated person and shoved the incarcerated person's walker into his body submitted to a video-recorded interview concerning the allegation on the day of the incident. Such interviews are required to be conducted, according to the department's use-of-force policy, whenever an incarcerated person complains of unreasonable use of force or has sustained a requisite injury.⁹ The Office of Internal Affairs later assigned an investigator to conduct an inquiry into the allegation for purposes of this project.

9. DOM Section 51020.17.3 provides, in pertinent part: "A video recorded interview of an inmate shall be conducted...under the following circumstances:

The inmate has sustained a serious bodily injury or great bodily injury that could have been caused by a staff use of force (CDCR Form 3013-1).

The inmate has made an allegation of unnecessary or excessive use of force (CDCR Form 3013-2)."

However, the investigator did not obtain or review a copy of the recording of the interview conducted on the day of the incident. Before interviewing witnesses, especially a complainant, it is important for the investigator to review the prior statements a witness made. In this case, not only did the investigator not obtain or review the recording of the prior interview before his interview of the incarcerated person, but the investigator did not even include a copy of the recording as an exhibit to the final inquiry report. It was only obtained by the Office of Internal Affairs after the OIG requested a copy of the recording.

We also found that investigators often failed to ask relevant questions during interviews—thereby failing to gather potentially relevant evidence—in more than half the cases we fully monitored. When an investigator conducts an interview, arguably the most important aspect is that he or she asks all relevant questions of the person being interviewed. Any inquiry into staff misconduct allegations requires a thorough and rigorous interview process to ensure a complete presentation of pertinent facts. Without such interviews, a warden or other reviewer cannot be expected to adequately assess whether a reasonable belief of staff misconduct exists. The investigator should be prepared with questions in advance, but should also be able and willing to deviate from any prepared list of questions by engaging in active listening.

Instead, of the 143 fully monitored cases in which investigators conducted interviews, we found that the investigators did not ask all relevant questions in 74 of the 143 of the cases, or 52 percent. Investigators' failure to ask relevant questions led to inquiry cases in which there was a failure to gather all potentially relevant evidence. For example, in one case involving an allegation that staff assaulted an incarcerated person, an investigator failed to ask an incarcerated person some of the most relevant questions pertaining to that type of case: those asking for a description of the involved incarcerated person and the staff who were involved or witnessed the alleged assault. Without gathering all potentially relevant evidence, the warden could not make appropriate decisions concerning the staff misconduct allegations in many cases.

In another example, an incarcerated person alleged that officers failed to assist another incarcerated person who requested help after intentionally cutting himself during a suicide attempt. Investigators interviewed incarcerated persons who lived in the housing unit on the date of the incident. One of the incarcerated persons stated he was familiar with a certain officer because the officer regularly worked in the housing unit, but the investigator did not ask enough additional questions to establish the identity of the officer or other officers allegedly involved in the incident. Even when the incarcerated person said he knew the faces of the officers involved in the incident, the investigator did not pose further questions to the incarcerated person or display photographs for the incarcerated person to view in an attempt to learn to whom the incarcerated person was referring. When the incarcerated person told the

investigator that, after he reported the incident, staff retaliated against both him and another incarcerated person, the investigator did not ask for the identity of the other incarcerated person or for the identity of those who retaliated against them. Finally, the investigator allowed the incarcerated person to give ambiguous or nonverbal answers to questions, without seeking clarification. The incarcerated person often answered, “uh huh,” and, at one point, gestured with his hands that the injured incarcerated person had “blood up here,” yet the investigator did not ask the incarcerated person to explain what the gesture meant nor describe the gesture for the benefit of the recording.

Furthermore, aside from failing to ask relevant questions, we also found that investigators used other ineffective interviewing techniques. Ineffective interviewing techniques included not asking open-ended questions; asking leading questions; not laying the foundation for areas of questioning or for the use of exhibits; not making proper identifications for the records; or exhibiting bias. Effective interviewing techniques include asking open-ended questions, not leading questions; laying the foundation for areas of questioning or for the use of exhibits; making proper identifications for the record; and not exhibiting bias. We found of 143 of the 155 fully monitored cases in which investigators conducted interviews, investigators used ineffective interviewing techniques in 80 cases, or 56 percent. Once again, the investigators’ failure to use effective techniques led to completing inquiry cases without benefit of the correct information or without the most available information.

For example, in one case, staff allegedly referred to an incarcerated person as a “snitch,” a serious allegation given the inherent danger of having a reputation, true or not, of being an informant in a correctional setting. The incarcerated person also alleged an officer announced the incarcerated person was meeting with attorneys who were representing members of a class action lawsuit against the department. The investigator interviewed multiple incarcerated persons as part of the inquiry. During the interview of one incarcerated person, the investigator did not ask questions to lay the foundation for several interview topics. For instance, the investigator began the interview by asking the incarcerated person when he started working on a prison yard, without first establishing for the record whether he worked on a prison yard. Also, the investigator referred to documents that were not described for the interview recording. During an interview of a second incarcerated person, the investigator served as a translator because the incarcerated person did not speak English. Some of the conversation between the investigator and the second incarcerated person was either not translated into English or was only paraphrased. During the interview of a third incarcerated person, the investigator interrupted the incarcerated person multiple times while the incarcerated person was speaking. Finally, during an interview of a fourth incarcerated person, the investigator responded to the incarcerated person’s assertion that he knew an officer

had committed misconduct by saying, “You’re thinking that, but you don’t think that . . . she’s never done that before.”

In another case, an incarcerated person who was being interviewed asked the investigator repeatedly for the name of the incarcerated person who made the allegations. The investigator tried to avoid answering, but rather than refuse to divulge the name of the complainant, the investigator invented a fake name and falsely told the incarcerated person that such was the name of the complainant. Curiously, the last name the investigator devised was the same last name as the incarcerated person being interviewed.

In a third case, we monitored an interview conducted by an investigator of a sergeant concerning the sergeant’s alleged misconduct. At one point during the interview, the investigator apologized to the sergeant and said, “I got [sic] to ask all these questions. Sorry.” By apologizing to the sergeant for asking questions, the investigator essentially apologized for doing his job. Even if was unintentional, the investigator implicitly communicated to the sergeant that the interview, if not the inquiry as a whole, was a pointless inconvenience to be endured, rather than the fact-finding mission it was meant to be.

Finally, in another case, we observed an investigator congratulate a sergeant who had recently been promoted from the position of officer to that of sergeant. In this case, an incarcerated person alleged the sergeant, when he had been an officer, ran toward him and yelled for him to return to his cell after the incarcerated person approached him to request a shower. The incarcerated person further alleged, the next day, the officer yelled and threatened him. The investigator questioned the sergeant about the incidents and, near the conclusion of the interview, asked the sergeant how he felt when he found out the incarcerated person’s rules violation report, which the sergeant had issued to the incarcerated person for committing misconduct, was reduced from a *serious rules violation* to a *counseling chrono*, which is a less serious disciplinary violation for an incarcerated person.¹⁰ When the sergeant answered he did not recall that happening, but he was aware a counseling chrono would remain in the incarcerated person’s file, thereby creating a “paper trail,” the investigator told him, “And that’s why you promoted to sergeant.” The investigator proceeded to commend the sergeant for “doing [his] homework” and for his promotion. This exchange was out of place for an interview of this nature. Although cordiality is appropriate for all interviews, including for those in which the interviewee is the subject of a staff misconduct case, interviews should be conducted with the gravity and decorum befitting the occasion. By praising the

10. An incarcerated person who commits misconduct is subject to different disciplinary actions, including a *rules violation report*, which may lead to a loss of custody credits, or a *counseling chrono*, which is a memorandum placed in the incarcerated person’s file, noting the misconduct and the counseling to correct the misconduct.

sergeant's answer during the interview as if the sergeant had successfully passed a test, the investigator risked an appearance of favoritism or impartiality.

In addition to determining investigators did not properly prepare for interviews, did not ask relevant questions, and used other ineffective interviewing techniques, we also found that investigators often did not capture all material information on interview recordings. Information gathered during an investigation is of little evidentiary value if it is not recorded or documented. Answers given during interviews should be either audio- or video-recorded, so the information can be accurately summarized in an inquiry report and reviewers of the report can review the source evidence, namely, the recording itself. Otherwise, the information may be inaccurately repeated, or worse, forever lost. Furthermore, substantive conversations that occur off-the-record may give rise to the appearance of bias, favoritism, or other impropriety. Therefore, investigators should avoid off-the-record conversations as much as possible. However, of the 143 cases in which investigators conducted interviews, investigators failed to capture relevant information on recording devices in 28 of the cases, or 20 percent.

For example, in one case, an investigator interviewed a lieutenant about an allegation officers had pushed an incarcerated person out of a wheelchair. After the incarcerated person submitted a staff misconduct grievance, he stated a sergeant interviewed him about his allegations. According to the incarcerated person, a lieutenant and one of the officers who allegedly pushed the incarcerated person out of the wheelchair were present during the interview. When questioned by an investigator during an interview for an inquiry case for this project, the lieutenant told the investigator he could not recall whether any of the staff members other than he had been present for the interview. When the investigator took a break in the middle of the interview and turned off the recording device he was using for the interview, the lieutenant stated he had more information, and transportation officers escorted the incarcerated person away from the program officer area after the incarcerated person's interview, but they did not participate in the interview itself. Despite receiving the clarifying information, the investigator did not ensure the new and different information was thereafter captured on the recording device. This was especially concerning because we observed that the investigator held a private, closed-door conversation with the lieutenant immediately after the interview concluded.

Generally, the investigators performed deficient interviews by not properly preparing for interviews, failing to ask relevant questions, not using effective interviewing techniques, and not capturing relevant information on the interview recordings. As such, the investigators failed to gather or record potentially important information necessary for a warden, or any other reviewer of the inquiry cases, to consider when evaluating the staff misconduct allegations.

Investigators Failed to Search for and Collect Relevant Evidence

Aside from our finding that investigators conducted poor interviews and therefore failed to capture potentially relevant information, our monitoring also reflected that the investigators failed to adequately collect other types of evidence. A staff misconduct inquiry case entails a fact-finding process. Therefore, it is necessary when conducting inquiry cases for an investigator to not only interview witnesses, but also to gather other relevant evidence regarding the allegation. We encountered cases in which investigators did not search for and collect relevant evidence, such as written statements concerning the incident, prior staff misconduct grievances or complaints, bed assignment histories for incarcerated persons, employee rosters and schedules, or applicable departmental or prison policies or procedures. For an investigator to conduct a thorough inquiry, the investigator should not only obtain this evidence, but also attach it or include it in the final inquiry report for the warden or other reviewer to consider in arriving at a decision concerning the allegation.

During this project, we found in 14 of the 155 fully monitored cases, or 9 percent, investigators failed to collect evidence germane to the inquiry or exhibited poor evidence collection techniques. The investigators' failure to search for and collect relevant evidence led to the warden's not having the most comprehensive information available to make a decision concerning the cases. For example, in two cases involving allegations that officers caused incarcerated persons to be struck with cell doors, the investigators failed to search for and collect evidence that control booth officers at the prison were using pieces of wood to hold open the electronic levers or buttons to open multiple cell doors simultaneously. In some cases in which an incarcerated person was struck with a cell door, the control booth officer used a wood piece to open or close multiple doors simultaneously. The investigator seemingly did not collect this evidence during the inquiry because it was not documented in his inquiry report. We learned of the existence of this evidence only after the warden reviewed the final inquiry reports, submitted a memorandum concerning his decisions on the cases, and disclosed photographic evidence concerning the pieces of wood that he either discovered or were known to him, but which had escaped the attention of the investigators. Once again, by apparently not collecting relevant evidence and including it in the inquiry report, the investigators risked not presenting the information necessary for a warden or other reviewer to consider when evaluating the cases.

In Many Cases, the Investigators Produced Poorly Written Inquiry Reports

Another concern we found was that investigators frequently prepared deficient inquiry reports. At the conclusion of each inquiry case, the investigator prepared a report, which the Office of Internal Affairs then submitted it to the warden. A proper inquiry report is one in which an

investigator adequately summarized interviews, addressed allegations and material contradictions, and included appropriate exhibits, such as documentary evidence, recordings, and relevant policies and procedures. Without these components, the warden would not have the appropriate information to make a decision concerning the allegations. However, in 60 of the 155 cases we fully monitored, or 38 percent, we found the final inquiry reports were deficient in one of the respects described above.

For example, in one case, the investigator interviewed an incarcerated person who alleged that an officer denied him medical assistance because he did not think the incarcerated person required it. When medical staff attempted to examine the incarcerated person, the officer allegedly ordered the medical staff not to examine the incarcerated person because the incarcerated person was malingering. To identify the officer in question, the investigator interviewed the incarcerated person and asked him questions about the officer's identity. The investigator presented six photographs of staff members to the incarcerated person to determine whether the incarcerated person could identify anyone depicted in the photographs as the officer who allegedly committed the misconduct. The investigator not only failed to include the photographs as exhibits in the final inquiry report, but also failed to even mention in the report that the incarcerated person stated he could not identify anyone among the photographs shown to him. Compounding the problem, the investigator did not include a photograph of the officer in question among the six photographs the investigator used or any photograph resembling the officer. By submitting this deficient inquiry report, the investigator did not present an accurate or complete picture of the state of the evidence for the warden to consider when deciding on the allegations.

In another case, an incarcerated person alleged, among other things, that an officer allegedly told him to “shut the [expletive] up” when the incarcerated person requested a shower. The incarcerated person also alleged that the officer threatened him with bodily harm if the incarcerated person filed a complaint against the officer for denying him a shower. The investigator interviewed a second incarcerated person who was a witness. The second incarcerated person told the investigator he heard the officer say, “Shut the [expletive] up,” or words to that effect, on at least one occasion to the first incarcerated person who made the complaint, but the second incarcerated person was unsure of the date. When asked whether the officer in question ever acted outside of policy, the second incarcerated person answered in the affirmative and volunteered some examples, such as the officer going into cells and breaking television sets. Rather than ask the second incarcerated person to elaborate, the investigator abruptly ended the interview.

When we received the final inquiry report, we noticed that the above information was conspicuously absent from the synopsis of the incarcerated person's interview. The report summarized the interview with the incarcerated person, and read, in part, as follows:

“Inmate [Witness] affirmed he was housed of [sic] facility C, building 12, for about a year and a half and was familiar with Inmate [Complainant]. Inmate [Witness] characterized Inmate [Complainant] as a “problem person sometimes.” Inmate [Witness] said he knew Officer [Subject] and characterized him as “[f--ed] up [sic].” Inmate [Witness] said he could not recall any interactions on 12/16/2018, involving Officer [Subject] and Inmate [Complainant]. Inmate [witness] believed Inmate [Complainant] and Officer [Subject] had a history of personal issues between them. Inmate [Witness] believed Officer [Subject] was capable of carrying [sic] out the allegations Inmate [complainant] reported; however, he did not witness the allegations made by Inmate [Complainant].¹¹

Reading the above passage, the hiring authority would have no way of knowing that the incarcerated person who was a witness corroborated the incarcerated person’s allegation that the officer told an incarcerated person to “shut the [expletive] up.” The summary of the interview fails to fully capture the gist of the incarcerated person’s statement to the investigator, except that the incarcerated person described the officer as “f---ed up” and that the officer conceivably could carry out the allegations. The omission is especially glaring because the investigator included a statement from another officer that suggested the allegations would be out of character for the officer.

11. **Complainant:** The incarcerated person who submitted a declaration containing staff misconduct allegations; **Subject:** the staff member who allegedly committed misconduct and was the subject of the inquiry; **Witness:** an incarcerated person whom the investigator interviewed as a witness to the alleged misconduct.

The Investigators Compromised the Confidentiality of Some Cases

Another of our primary findings is that investigators failed to maintain the confidentiality of some cases. To maintain the confidentiality of cases required, among other things, that the investigator conduct interviews in appropriate locations, not divulge unnecessary information during the case, and appropriately admonish witnesses and subjects concerning the confidentiality of the interviews and cases. Compromising the confidentiality of an inquiry can undermine the integrity of a case as witnesses may not come forward because they may not feel safe in doing so, and subjects of inquiry cases may shape their statements according to information they know to be on the record.

More important, the department must maintain confidentiality to keep witnesses safe from actual retaliation from staff or other incarcerated persons. Fear of retaliation for cooperating in a staff misconduct inquiry is real and has been well-documented by our office. The department has a legal duty to keep incarcerated persons safe and is subject to civil liability when it fails to protect against reasonably foreseeable harm by third persons.¹² In many cases, we observed the word *snitch* in the allegations and used by witnesses during interviews. The word *snitch* is a slang word for an informant or someone who provides information to officials. For example, in one case, an incarcerated person reported alleged staff misconduct to a sergeant. Afterward, an officer looked at the incarcerated person as he returned to his cell and allegedly said to another officer, “Snitches get stitches, don’t they?” The second officer allegedly laughed.

Despite the imperative to keep the cases confidential, we observed that investigators compromised confidentiality when they unnecessarily divulged information to witnesses in 11 of the 155 cases, or 7 percent of fully monitored cases; when they conducted interviews in a manner that compromised confidentiality in 22 of the 155 cases, or 14 percent of fully monitored cases; and when they did not admonish each witness in the inquiry case to keep the interview confidential in 90 of the 155 cases, or 58 percent of fully monitored cases.

An example of the department’s not maintaining the confidentiality of cases during this project involved several cases in which investigators conducted 19 interviews of incarcerated persons at the offices of the prison’s investigative services unit. One incarcerated person interviewed expressed frustration to the investigator that staff had other incarcerated

“Snitches get stitches, don’t they?”

—Officer’s statement, overheard by an incarcerated person

12. *Giraldo v. California Department of Corrections* (2008) 168 Cal.App.4th 231, 250; there is a special relationship between jailer and prisoner, imposing a duty of care to the latter, including to protect against reasonably foreseeable harm caused by third parties.

persons in his building pass out ducats¹³ reading “ISU”¹⁴ to incarcerated persons summoned for interviews that day. The incarcerated person’s attorney pointed out to the investigator, “That is not super safe.” It is not safe because incarcerated persons and staff alike know the investigative services unit investigates misconduct by incarcerated persons and conducts inquiry cases regarding staff member misconduct. Therefore, incarcerated persons escorted to that location must deal with the fear of being labeled an informant (or a *snitch*) by either other incarcerated persons or staff members.

In the same series of interviews, another incarcerated person stated the following about his interview being conducted in the investigative services unit: “Do you know how this looks? People are getting rolled out of my building! It’s bad enough in a regular facility, but even worse in a mental health building!” The incarcerated person chose not to answer questions during his interview.

Last, during another interview at the investigative services unit, an incarcerated person told the investigator before the investigator turned on a recording device to capture the interview that he had been incarcerated for 20 years and had never been in an interview room before. He stated he did not like the idea of talking to investigators. The incarcerated person told the investigator, “Just so you know, if someone comes at me over this, I will kill them . . . and I am trying not to do that. I’m trying to change that.” The investigator then proceeded to conduct the audio-recorded interview, and the incarcerated person participated.

Another way in which investigators did not maintain confidentiality was by unnecessarily divulging information to witnesses or subjects during inquiry cases. For example, in one case, during an interview, an investigator disclosed the full state of the evidence, including a review of what the main witness had said, to an officer and the officer’s union representative. The investigator divulged this information even though the officer had already stated he “did not recall” either the incarcerated person involved in the allegation or the incident itself.

By not maintaining confidentiality in these cases, investigators placed witnesses at risk and potentially precluded the gathering of all available evidence for consideration by the warden or other reviewer of the staff misconduct allegations.

13. A *ducat* is a permission slip for an incarcerated person to move from a housing unit to another location within the prison.

14. ISU, which stands for *investigative services unit*, is a common initialism used in prison settings. It is understood by both staff and incarcerated persons to describe a team of prison investigators assigned to investigate misconduct of incarcerated persons and to conduct inquiries of staff member misconduct.

The Warden Reached Several Inappropriate Decisions Concerning Cases

We also found that the warden reached several inappropriate decisions concerning the resolution of the staff misconduct inquiry cases. For the warden to have reached an appropriate decision concerning a staff misconduct inquiry case, the warden should have accurately assessed whether there was enough evidence to decide whether there was a reasonable belief that staff misconduct occurred; thoroughly reviewed all the available evidence; and have only reviewed those cases for which the warden was an impartial reviewer. However, we found there were several cases in which the warden reached a conclusion wherein the investigators' inquiry work for the cases was so deficient that, in the OIG's opinion, there was not enough evidence for the warden to conclude one way or the other whether there was a reasonable belief of misconduct. Furthermore, we also found a few cases in which the warden did not review all available evidence before reaching a decision concerning the cases or in which the warden made a decision even though he was a potential witness in the case and, therefore, not an impartial reviewer.

For each case, the Office of Internal Affairs provided the warden with a final inquiry report and supporting materials, including interview recordings and documentary evidence.¹⁵ The warden was required to review each case to determine whether there was a reasonable belief the alleged misconduct occurred. *Staff misconduct* means an allegation that departmental staff violated a law, regulation, policy, or procedure, or acted contrary to an ethical or a professional standard, which, if true, would more likely than not subject a staff member to adverse disciplinary action.¹⁶ According to the department's training materials for this project, *reasonable belief* is established when facts and circumstances are known that make a reasonable person of average caution believe staff misconduct occurred.

To arrive at this decision, the warden should have objectively reviewed all the available evidence and assessed whether there was enough evidence for him to conclude whether staff misconduct occurred. If there was not enough evidence, the warden should have returned the case to the Office of Internal Affairs for further inquiry work. If the warden concluded there was enough evidence to decide, he then assessed whether there was a reasonable belief of staff misconduct. If there was, he referred the case to the Office of Internal Affairs' Central Intake Unit for either an investigation or for permission to take disciplinary action against the

15. As noted previously on page 1, for purposes of this report, we refer to the hiring authority as the warden, even though, of the 257 cases, there were three cases decided by another departmental official.

16. *California Code of Regulations*, Title 15, section 3480 (b) (14).

staff member without an investigation. The warden sent his written decisions to the OIG upon completing his reviews.

We found in 96 of the 155 cases we fully monitored, or 62 percent, the Office of Internal Affairs' inquiry work was so poor that the final reports lacked sufficient evidence for a reviewer to make a determination regarding whether there was a reasonable belief of staff misconduct. Even so, the warden made a decision in each of those 96 cases. We met with the warden concerning five cases and recommended he request further inquiry work. In only one case, a case in which the investigator had not interviewed the alleged victim of staff misconduct, did the warden accept the OIG's recommendation and request further inquiry work. In the other four cases, the warden rejected the OIG's recommendation to return the cases to the Office of Internal Affairs for further inquiry work.

Of the 96 cases in which we determined there was not enough information to conclude whether there was a reasonable belief of staff misconduct, in 82 of those cases, or 85 percent, the warden did not identify staff misconduct and did not refer the matters to the Office of Internal Affairs' Central Intake Unit for an investigation. However, in 14 cases, the warden referred the matters for investigation even though the OIG determined there was not enough information to conclude whether there was a reasonable belief of misconduct.

For example, in one case, even though the investigator conducted poor inquiry work such that there was insufficient information for the warden to make a decision concerning reasonable belief of staff misconduct, the warden decided the report provided sufficient evidence, and he concluded there was not a reasonable belief of staff misconduct. An officer in the administrative segregation unit allegedly removed an incarcerated person from his cell, placed the incarcerated person in a holding cell, did not remove the incarcerated person's handcuffs, and did not allow the incarcerated person to use a restroom for eight hours. The officer also allegedly placed other incarcerated persons from the administrative segregation unit in holding cells without justification and called them derogatory names. The investigator asked leading questions during interviews, which resulted in extremely short and conclusory interviews. For example, the investigator interviewed an incarcerated person, and during the interview, the investigator listed several scenarios typical in a prison, such as medical emergencies, cell extractions, and suicide responses, asking, "You know what that looks like?" He asked the incarcerated person if he had ever observed anything like the foregoing occur in the housing unit in which he lived. The interview recording was only four minutes and seven seconds long. Further, the incarcerated person who made the allegations claimed that a particular officer was involved in the alleged misconduct. The investigator should have interviewed the officer, but did not. Finally, the investigator did not obtain and use in interviews a diagram of the housing unit where

the incidents allegedly occurred as an aid to help witnesses recall facts. Despite the poor inquiry work, the warden decided the report provided sufficient evidence to conclude there was not a reasonable belief of misconduct.

We also found that the warden made decisions for cases in which he did not thoroughly review all available evidence before resolving the case. For an inquiry case to be appropriately resolved, a warden or other hiring authority should carefully and thoroughly review all available evidence, including the final inquiry report and all supporting materials. However, the warden did not always do so. For example, on February 2, 2021, the warden received five final inquiry reports on the same day related to one incarcerated person's allegations. As to those five final inquiry reports, the warden also received supporting materials, which consisted of approximately nine hours of recorded interviews and 157 pages of exhibits. The inquiry reports consisted of 49 pages. When asked, the warden specifically admitted he did not review all the interview recordings for one of the inquiry cases. The warden also made a decision concerning all five inquiry cases on February 2, 2021, the same day he received the voluminous case materials, and the final inquiry reports and supporting materials for the five cases.

Finally, we also determined that the warden made decisions on three cases in which he was a potential witness. A warden must be impartial and cannot be both a witness and a decision-maker in any case involving allegations of staff misconduct. An example of a case in which the warden made a decision even though he was a potential witness is one in which, after an incarcerated person allegedly assaulted officers, an officer allegedly retaliated against the incarcerated person by issuing a false rules violation report against the incarcerated person. The rules violation report contained an allegation the incarcerated person possessed an alcoholic beverage. During the inquiry, the investigator found that the alleged false rules violation report had been deleted from a departmental database. The investigator did not submit a request to the Office of Internal Affairs' forensic investigative team to retrieve data concerning when the rules violation report was deleted from the departmental database, and to attempt to identify the person who deleted the documents or from whose computer the documents had been deleted.

We recommended further inquiry work be done. The warden explained he had a role in deleting the rules violation report. The warden reported he had been advised to consider dismissing rules violation reports issued to incarcerated persons who were part of the *Armstrong* lawsuit. The warden explained, therefore, he had reviewed the rules violation report at issue and dismissed it. It was further explained that when a rules violation report was dismissed, the document disappears from the departmental database in which it had been located.














































Despite his involvement in the case as a potential witness, the warden reviewed the case and decided the matter. The warden did not return the case for further inquiry work, did not identify staff misconduct, and did not refer the matter to the Office of Internal Affairs' Central Intake Unit. As the warden took the action that caused the relevant rules violation report to be deleted from a departmental database, the warden was a potential witness in the case, which calls into question the motive he had in causing the rules violation report to be dismissed and deleted. At the very least, it appears inappropriate the warden was the decision-maker in a case in which he had a role in eliminating evidence.

By making inappropriate decisions concerning these staff misconduct inquiry cases, the warden prevented both a complete gathering of the available facts and the making of an appropriate resolution of the cases in which he made decisions, despite there being insufficient evidence for him to do so; stymied the review process by not thoroughly reviewing all the case materials; and, for those cases in which he was a potential witness, gave the appearance of a partial or biased resolution of the cases.

Resolution of the Staff Misconduct Inquiry Cases

During the period of June 2020 through July 2021, the Office of Internal Affairs completed 257 staff misconduct inquiry cases related to this project. We monitored 204 of the 257 cases. We fully monitored 155 cases and partially monitored 49 cases. The Office of Internal Affairs provided its final inquiry reports to a hiring authority in 257 cases. Of the 257 inquiry cases, in 20 cases, or 8 percent, the hiring authority decided there was a reasonable belief of staff misconduct and requested either an investigation or the authorization to take direct disciplinary action from the Office of Internal Affairs' Central Intake Unit. In 237 of the cases involving incarcerated persons' allegations of staff misconduct, or 92 percent, the hiring authority concluded there was not enough information to corroborate the claim, or there was no violation of policy, or the Office of Internal Affairs had previously investigated the allegation. Accordingly, the hiring authority took no further action. See Table 2 on the next page for the outcome of the 20 cases the hiring authority referred to the Office of Internal Affairs Central Intake Unit for an investigation.

Table 2. Outcome of 20 Staff Misconduct Inquiry Cases the Warden Referred to the Office of Internal Affairs' Central Intake Unit for an Investigation

Legend			Did the Deadline to Take Disciplinary Action Expire?	Did the Hiring Authority Sustain the Allegations?
	Yes			
	No			
	Rejected			
	Not Applicable			
	Not Applicable (criminal case)			
Notes:				
Rejected means the Office of Internal Affairs' Central Intake Unit rejected the warden's request for an investigation.				
* The OIG did not monitor this case; therefore, there is no OIG case number.				
† The department conducted a criminal (not an administrative) investigation in this matter. Therefore, the deadline to take disciplinary action and whether the hiring authority sustained allegations are not applicable measures. However, after the Office of Internal Affairs conducted a criminal investigation, the Office of Internal Affairs found that there was not sufficient evidence to refer the investigation to a district attorney's office for filing consideration.				
Source: The OIG's case management system.				
OIG Case Number				
20-0035273-IQ				
20-0035988-IQ				
20-0034671-IQ				
20-0035218-IQ				
20-0034513-IQ				
20-0035224-IQ				
20-0034661-IQ				
20-0036620-IQ				
20-0036003-IQ				
20-0035296-IQ				
20-0035208-IQ				
21-0037883-IQ				
20-0034831-IQ				
20-0034516-IQ				
20-0035160-IQ				
20-0034511-IQ				
20-0035286-IQ				
20-0035233-IQ				
No OIG Case Number *				
21-0037895-IQ †				

Of the 257 staff misconduct inquiry cases completed at the Richard J. Donovan Correctional Facility from June 2020 through July 2021, the Office of Internal Affairs' Central Intake Unit later opened and approved 18 cases: 17 cases with administrative allegations and one case with criminal allegations. Of the 17 administrative cases, the Office of Internal Affairs' Central Intake Unit opened 16 administrative investigations and one authorization to take direct disciplinary action case. The Office of Internal Affairs' Central Intake Unit rejected two requests for investigations. One of the rejected cases involved administrative allegations and the other involved criminal allegations. Regarding the 17 completed cases opened as administrative cases, the department later agreed with the OIG's position that the deadline to take disciplinary action had expired in 10 of the cases, which the department then closed. In the seven remaining administrative cases, the hiring authority sustained allegations in one case and imposed letters of instruction, not disciplinary action, on the involved officers. The department did not sustain allegations in the other six cases. As to the one criminal investigation, the Office of Internal Affairs conducted investigative activities and determined there was not enough evidence to refer the case to a district attorney's office for filing consideration and closed its case.

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Appendix: The 204 Case Summaries

Departmental Inquiry Cases

Headquarters

N = 204

Case Type

Departmental
Inquiry

Incident Date

July 05, 2016

Allegations

Discourteous
Treatment

Overall Rating

Poor

OIG Case Number

20-0035230-IQ

Incident Summary

Between July 5, 2016, and December 31, 2020, three officers allegedly directed inappropriate statements to an incarcerated person, such as "Get in line!"; "Hurry up!"; and "Shut up and get to your cell!"

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The Office of Internal Affairs poorly conducted the inquiry. The investigator failed to ask relevant questions during interviews, did not complete necessary and relevant interviews, lied to a witness, and did not include all relevant facts in the final inquiry report. Due to the poor quality of the Office of Internal Affairs' inquiry work, the OIG did not reach a conclusion regarding whether there was a reasonable belief of staff misconduct. However, the deadline to take disciplinary action had expired and, therefore, the OIG agreed that a referral to the Office of Internal Affairs for an investigation was not necessary.

Overall Assessment

Overall, the department poorly conducted the inquiry. The department did not assign an investigator to conduct the inquiry until seven months and four days after it learned of the staff misconduct allegations. Also, the investigator failed to ask relevant questions during interviews, did not complete necessary and relevant interviews, lied to a witness, and did not include all relevant facts in the final inquiry report. In addition, the Office of Internal Affairs did not complete and submit its final inquiry report to the hiring authority until after the deadline to take disciplinary action had expired.

Questions

In the OIG's opinion, did the investigator ask all relevant questions during interviews?

During the interview of the incarcerated person who made the allegations, the incarcerated person reported several allegations of staff misconduct other than the subject matter of the inquiry. However, the investigator did not ask sufficiently detailed follow-up questions of the incarcerated person to determine the extent of his knowledge about those allegations, even though some of them pertained to allegations the department was investigating in other inquiries.

In the OIG's opinion, did the investigator complete all necessary and relevant interviews?

The investigator interviewed two officers whom an incarcerated person identified as having committed the misconduct. However, the investigator did not interview an additional officer whom the incarcerated person identified during an interview as having also committed the alleged misconduct.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

During an interview, an incarcerated person asked the investigator for the identity of the incarcerated person who made the allegations. Rather than answer truthfully or refuse to answer at all, the investigator lied and provided the incarcerated person with a false name.

In the OIG's opinion, did the investigator prepare a final inquiry report that included all relevant facts and evidence?

The investigator failed to include in the final inquiry report the fact that the incarcerated person who made the allegation identified a third officer as also having committed the alleged misconduct.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was January 13, 2021. However, the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until April 19, 2021, three months and six days after the deadline to take disciplinary action.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was January 13, 2021. However the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until April 19, 2021, three months and six days after the deadline to take disciplinary action.

In the OIG's opinion, did the department handle the case with due diligence?

On January 13, 2020, the department learned of the staff misconduct allegation submitted by the incarcerated person. However, the department did not assign an investigator to conduct an inquiry into the allegation until August 17, 2020, seven months and four days thereafter. Also, the deadline to take disciplinary action was January 13, 2021. However, the Office of Internal Affairs did not provide its final inquiry report to the hiring authority until April 19, 2021, three months and six days after the deadline to take disciplinary action.

Case Type

Departmental
Inquiry

Incident Date

July 05, 2016

Allegations

Discourteous
Treatment

Overall Rating

Poor

OIG Case Number

20-0035231-IQ

Incident Summary

Between July 5, 2016, and December 31, 2020, officers allegedly failed to provide an incarcerated person with fresh clothes and bed sheets following incontinence accidents experienced by the incarcerated person.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The Office of Internal Affairs poorly conducted the inquiry. The investigator failed to ask relevant questions during interviews, did not complete necessary and relevant interviews, lied to a witness, and did not include all relevant facts in the report. Due to the poor quality of the Office of Internal Affairs' inquiry work, the OIG did not reach a conclusion regarding whether there was a reasonable belief of staff misconduct. However, the deadline to take disciplinary action had expired and, therefore, the OIG agreed that a referral to the Office of Internal Affairs for an investigation was not necessary.

Overall Assessment

Overall, the department poorly conducted the inquiry. It did not assign an investigator to conduct the inquiry until seven months and four days after it learned of the staff misconduct allegation. Also, the investigator failed to ask relevant questions during interviews, did not complete necessary and relevant interviews, lied to a witness, and did not include all relevant facts in the report. In addition, the Office of Internal Affairs completed its inquiry after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator ask all relevant questions during interviews?***

During the interview of the incarcerated person who made the allegations, the incarcerated person reported several allegations of staff misconduct other than the subject matter of the inquiry. However, the investigator did not ask sufficiently detailed follow-up questions of the incarcerated person to determine the extent of his knowledge about those allegations, even though some of them pertained to allegations the department was investigating in other inquiries.

In the OIG's opinion, did the investigator complete all necessary and relevant interviews?

In the OIG's opinion, the investigator did not but should have interviewed an additional officer whom the incarcerated person identified during his interview as committing the alleged misconduct.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

In the OIG's opinion, the investigator did not thoroughly and appropriately conduct the inquiry. During an interview of an incarcerated person who asked for the identity of the incarcerated person who alleged misconduct, rather than answer truthfully or refuse to answer at all, the investigator lied and provided the incarcerated person a false name.

In the OIG's opinion, did the investigator prepare a final inquiry report that included all relevant facts and evidence?

The investigator failed to include in the final inquiry report the fact that the incarcerated person who made the allegation identified an additional officer as having committed the alleged misconduct.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was January 13, 2021. However the Office of Internal Affairs did not submit the inquiry report to the hiring authority until April 19, 2021, three months and six days thereafter.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was January 13, 2021. However the Office of Internal Affairs did not submit the inquiry report to the hiring authority until April 19, 2021, three months and six days thereafter.

In the OIG's opinion, did the department handle the case with due diligence?

In the OIG's opinion, the department did not handle the case with due diligence. On January 13, 2020, the department learned of the staff misconduct allegation submitted by the incarcerated person. However, the department did not assign an investigator to conduct an inquiry into the allegation until August 17, 2020, seven months and four days thereafter. Also, the deadline to take disciplinary action was January 13, 2021. However, the Office of Internal Affairs did not provide its final inquiry report to the hiring authority until April 19, 2021, three months and six days after the deadline for taking disciplinary action.

Case Type

Departmental
Inquiry

Incident Date

December 19,
2016

Allegations

Discourteous
Treatment

Overall Rating

Poor

OIG Case Number

20-0034623-IQ

Incident Summary

On December 19, 2016, an officer allegedly damaged and destroyed an incarcerated person's property and told the incarcerated person, "I don't give a [expletive] what you do." A sergeant allegedly told the incarcerated person, "Go get [expletive]. How do I know you didn't do it yourself to get the officer in trouble?" Subsequently, after the incarcerated person filed a staff complaint grievance, the officer allegedly damaged property belonging to the incarcerated person.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The OIG agreed with the hiring authority's decisions.

Overall Assessment

Overall, the department poorly conducted the inquiry. The Office of Internal Affairs began and completed this inquiry after the deadline to take disciplinary action expired. The department did not assign an investigator to conduct this inquiry until five months and three days after receiving a declaration from an incarcerated person containing staff misconduct allegations. Also, the Office of Internal Affairs did not complete its final inquiry report until four months and seven days following the investigator's final interview and did not submit its final inquiry report to the hiring authority until three years, three months, and 29 days after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator adequately confer with the OIG upon case initiation and prior to finalizing the inquiry plan?***

The investigator did not confer with the OIG to discuss the inquiry plan.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

In the OIG's opinion, the department did not appropriately conduct the inquiry. The Office of Internal Affairs began and completed this inquiry after the deadline to take disciplinary action expired. The department did not assign an investigator to conduct this inquiry until five months and three days after receiving a declaration from an incarcerated person containing staff misconduct allegations. Also, the Office of Internal Affairs did not complete its final inquiry report until four months and seven days following the investigator's final interview and did not submit its final inquiry report to the hiring authority until three years, three months, and 29 days after the deadline to take disciplinary action had expired.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline for taking disciplinary action was December 23, 2017. The Office of Internal Affairs submitted its final inquiry report to the hiring authority on April 21, 2021, three years, three months, and 29 days after the deadline had expired.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The department received the incarcerated person's staff misconduct grievance on December 23, 2016, and the deadline for taking disciplinary action was December 23, 2017. The Office of Internal Affairs began the department's second inquiry into the allegations on June 16, 2020, two years, five months, and 24 days after the deadline had expired. The Office of Internal Affairs submitted its final inquiry report to the hiring authority on April 21, 2021, three years, three months, and 29 days after the deadline had expired.

In the OIG's opinion, did the department handle the case with due diligence?

On December 23, 2016, the incarcerated person filed a staff misconduct grievance. On January 17, 2017, the department assigned a lieutenant to conduct an inquiry into the allegations of staff misconduct. The lieutenant

conducted a cursory inquiry. On January 27, 2017, at the completion of the inquiry, the hiring authority determined staff did not violate department policy. The incarcerated person subsequently submitted a declaration setting forth the same allegations of staff misconduct to the department on January 13, 2020. The Office of Internal Affairs assigned an investigator to conduct a second inquiry into the same allegations on June 16, 2020, five months and three days after receiving the declaration. The investigator completed the final interview on December 14, 2020. However the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until April 21, 2021, four months and seven days thereafter. Lastly, although the deadline to take disciplinary action was December 23, 2017, the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until April 21, 2021, three years, three months, and 29 days after the deadline expired.

Case Type

Departmental
Inquiry

Incident Date

January 01, 2017

Allegations

Retaliation

Overall Rating

Poor

OIG Case Number

20-0035995-IQ

Incident Summary

Between January 1, 2017, and May 30, 2017, in retaliation for an incarcerated person's filing complaints against staff members, an officer allegedly did not allow the incarcerated person access to a dayroom, showers, or telephones.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The Office of Internal Affairs poorly conducted the inquiry. The investigator failed to ask relevant questions during interviews and failed to capture information obtained from an off-the-record conversation. Due to the poor quality of the Office of Internal Affairs' inquiry work, the OIG did not reach a conclusion regarding whether there was a reasonable belief of staff misconduct. However, the deadline to take disciplinary action had expired and, therefore, the OIG agreed that a referral to the Office of Internal Affairs for an investigation was not necessary.

Overall Assessment

Overall, the department poorly conducted the inquiry because the Office of Internal Affairs began and completed its inquiry after the deadline to take disciplinary action expired. The Office of Internal Affairs did not assign an investigator to conduct an inquiry until three years, one month, and 27 days after the department learned of the staff misconduct allegation. Also, the investigator failed to ask relevant questions during interviews and failed to capture information obtained from an off-the-record conversation.

Questions***In the OIG's opinion, did the investigator ask all relevant questions during interviews?***

The investigator did not ask the incarcerated person who submitted the complaint for additional details when the incarcerated person stated that a sergeant "brushed (him) off" when he complained and that officers referred to the sergeant as "bad news" and that he should not be working there. The investigator also failed to ask the incarcerated person for additional details when the incarcerated person stated that a captain told him he came to the prison because staff were "doing stuff illegal." The investigator did not ask the incarcerated person who made the allegation why the incarcerated person believed he was being denied showers for a retaliatory reason, but the investigator should have done so.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

The Office of Internal Affairs began and concluded its inquiry after the deadline to take disciplinary action had expired. The deadline to take disciplinary action was May 30, 2018. On July 27, 2020, the Office of Internal Affairs assigned an investigator to conduct the inquiry and, on March 5, 2021, submitted its final inquiry report to the hiring authority, two years, nine months, and five days after the deadline to take disciplinary action.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was May 30, 2018, but the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until March 5, 2021, two years, nine months, and five days after the deadline to take disciplinary action.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The department received the incarcerated person's staff misconduct grievance on May 30, 2017, and the deadline to take disciplinary action was May 30, 2018. The Office of Internal Affairs began the department's second inquiry into the allegations on July 27, 2020, two years, one month and 27 days after the deadline. The Office of Internal Affairs submitted its final inquiry report to the hiring authority on March 5, 2021, two years, nine months, and five days after the deadline to take disciplinary action.

In the OIG's opinion, did the department handle the case with due diligence?

On May 30, 2017, the department learned of the staff misconduct allegation submitted by the incarcerated person when he submitted a staff misconduct grievance. The department assigned a sergeant to conduct an inquiry. The sergeant interviewed the incarcerated person, but the incarcerated person withdrew the staff misconduct grievance on September 11, 2017. On February 4, 2020, the incarcerated person subsequently submitted a declaration setting forth the same allegations of staff misconduct to the department. On July 27, 2020, the Office of Internal Affairs assigned an investigator to conduct a second inquiry into the allegations, five months, and 23 days after receiving the declaration. The investigator conducted the final interview on December 1, 2020, but the Office of Internal Affairs did not complete the final inquiry report until March 5, 2021, three months, and four days after the last interview. The deadline to take disciplinary action was May 30, 2018. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until March 5, 2021, two years, nine months, and five days after the deadline to take disciplinary action. The Office of Internal Affairs began and completed its inquiry after the deadline to take disciplinary action had expired.

Case Type

Departmental
Inquiry

Incident Date

January 04, 2017

Allegations

Discourteous
Treatment

Overall Rating

Poor

OIG Case Number

20-0035216-IQ

Incident Summary

Between January 4, 2017, and January 6, 2020, officers allegedly demeaned incarcerated persons with disabilities by referring to their psychiatric medications as “skittles” over a public address system.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The OIG did not agree with the hiring authority's decision that there was not a reasonable belief of misconduct but agreed with the hiring authority's decision not to submit a request for investigation to the Office of Internal Affairs because the deadline to take disciplinary action had expired.

Overall Assessment

Overall, the department poorly handled the inquiry. It did not assign an investigator to conduct an inquiry until six months and 14 days after it learned of the staff misconduct allegation. Also, the Office of Internal Affairs did not complete the inquiry until after the deadline to take disciplinary action had expired. In addition, the investigator did not conduct the interview of the incarcerated person who made the allegation in a confidential setting.

Questions***In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?***

The deadline to take disciplinary action was January 13, 2021, but the Office of Internal Affairs did not complete the inquiry until March 17, 2021, two months and four days after the deadline for taking disciplinary action had expired. Also, the investigator conducted the interview of the incarcerated person who submitted the complaint in an office located in the same housing unit where the incident allegedly occurred. During the interview, staff congregated in the area, looked inside the office through a window, and even opened the door of the office during the interview, which significantly compromised the confidentiality and privacy of the interview.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was January 13, 2021, but the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until March 17, 2021, two months and four days after the deadline to take disciplinary action.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was January 13, 2021, but the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until March 17, 2021, two months and four days after the deadline to take disciplinary action.

In the OIG's opinion, did the department handle the case with due diligence?

In the OIG's opinion, the department did not handle the case with due diligence. On January 13, 2020, the department learned of the staff misconduct allegation submitted by the incarcerated person. However, the department did not assign an investigator to conduct an inquiry into the allegation until July 27, 2020, six months and 14 days thereafter. Also, the investigator conducted the final interview on January 14, 2021. However, the Office of Internal Affairs did not complete the inquiry report until March 17, 2021, two months and three days after completion of the last interview. In addition, the deadline to take disciplinary action was January 13, 2021, but the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until March 17, 2021, two months and four days after the deadline to take disciplinary action.

Case Type

Departmental
Inquiry

Incident Date

April 01, 2017

Allegations

Threat/Intimidation

Overall Rating

Poor

OIG Case Number

20-0034571-IQ

Incident Summary

Between April 1, 2017, and April 30, 2017, after an incarcerated person complained about an officer, another officer allegedly told the incarcerated person, "We know where you live, and we are going to get you."

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The Office of Internal Affairs poorly conducted the inquiry. The investigator failed to ask relevant questions during interviews, inappropriately revealed information to the officer who was the subject of the inquiry concerning the state and extent of the evidence in an off-the-record conversation, and did not complete all necessary and relevant interviews. Due to the poor quality of the Office of Internal Affairs inquiry work, the OIG did not reach a conclusion regarding whether there was a reasonable belief of staff misconduct. However, the deadline to take disciplinary action had expired and, therefore, the OIG agreed that a referral to the Office of Internal Affairs for an investigation was not necessary.

Overall Assessment

Overall, the department poorly conducted the inquiry. It did not assign an investigator to conduct an inquiry until six months and eight days after it learned of the staff misconduct allegation. Also, the investigator failed to ask relevant questions during interviews, inappropriately revealed information to the officer who was the subject of the inquiry concerning the state and extent of the evidence in an off-the-record conversation, did not complete all necessary and relevant interviews, and did not provide confidentiality advisements at the conclusion of interviews. In addition, the Office of Internal Affairs completed and submitted its inquiry report to the hiring authority after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator adequately confer with the OIG upon case initiation and prior to finalizing the inquiry plan?***

The investigator did not confer with the OIG to discuss the inquiry plan.

In the OIG's opinion, did the investigator ask all relevant questions during interviews?

In the OIG's opinion, on December 8, 2020, the investigator failed to ask multiple relevant questions during a witness interview. The investigator also failed to ask appropriate follow-up questions to the answers given by the witness.

In the OIG's opinion, did the investigator use effective interviewing techniques when conducting interviews?

Prior to an interview on August 18, 2020, and off-the-record, the investigator engaged in a conversation with the officer who was the subject of the inquiry during which the investigator told the officer that the alleged incident occurred in March of 2017, and not in April 2017, as alleged by the incarcerated person who submitted the complaint.

In the OIG's opinion, did the investigator complete all necessary and relevant interviews?

The investigator should have interviewed two additional incarcerated persons who may have been percipient witnesses to the incident to provide a more thorough presentation of the facts regarding the alleged misconduct.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

Prior to an interview on August 18, 2020, the investigator engaged in an improper conversation with the officer who was the subject of the inquiry prior to an interview during which the investigator revealed the state and extent of the evidence in the case.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was April 1, 2020. However, the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until February 17, 2021, ten months and 16 days after the deadline to take disciplinary action.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was April 1, 2020. However, the Office of Internal Affairs submitted its inquiry report to the hiring authority on February 17, 2021, ten months and 16 days after the deadline to take disciplinary action.

In the OIG's opinion, did the department handle the case with due diligence?

In the OIG's opinion, the department did not handle the case with due diligence. On January 13, 2020, the department learned of the staff misconduct allegation submitted by the incarcerated person. However, the department did not assign an investigator to conduct an inquiry into the allegation until July 21, 2020, six months and eight days thereafter. Also, the deadline to take disciplinary action was April 1, 2020, but the Office of Internal Affairs did not provide its final inquiry report to the hiring authority until February 17, 2021, ten months and 16 days after the deadline for taking disciplinary action.

Case Type

Departmental
Inquiry

Incident Date

April 01, 2017

Allegations

Discourteous
Treatment

Overall Rating

Poor

OIG Case Number

20-0035304-IQ

Incident Summary

Between April 1, 2017, and April 30, 2017, an officer allegedly lied to an incarcerated person by telling him that a lieutenant wanted the incarcerated person to not pursue a complaint the incarcerated person had previously submitted.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The Office of Internal Affairs poorly conducted the inquiry. The investigator failed to ask relevant questions during interviews, failed to ask follow-up questions, inappropriately revealed information to an officer in an off-the-record conversation concerning the state and extent of the evidence, and did not complete all necessary and relevant interviews. Due to the poor quality of the Office of Internal Affairs inquiry work, the OIG did not reach a conclusion regarding whether there was a reasonable belief of staff misconduct. However, the deadline to take disciplinary action had expired and, therefore, the OIG agreed that a referral to the Office of Internal Affairs for an investigation was not necessary.

Overall Assessment

Overall, the department poorly conducted the inquiry. It did not assign an investigator to conduct an inquiry until six months and eight days after it learned of the staff misconduct allegation. Also, the investigator failed to ask relevant questions during interviews, failed to ask follow-up questions, inappropriately revealed information to an officer concerning the state and extent of the evidence in an off-the-record conversation, and did not complete all necessary and relevant interviews. In addition, the Office of Internal Affairs completed and submitted its inquiry report to the hiring authority after the deadline to take disciplinary action had expired.

Questions

In the OIG's opinion, did the investigator adequately confer with the OIG upon case initiation and prior to finalizing the inquiry plan?

The investigator did not confer with the OIG to discuss the inquiry plan.

In the OIG's opinion, did the investigator ask all relevant questions during interviews?

In the OIG's opinion, on August 15, 2020, the investigator failed to ask multiple relevant questions during a witness interview. The investigator also failed to ask appropriate follow-up questions to the answers given by the witness.

In the OIG's opinion, did the investigator use effective interviewing techniques when conducting interviews?

In an interview conducted on August 15, 2020, the investigator failed to ask foundational questions and did not ask significant clarifying questions.

In the OIG's opinion, did the investigator complete all necessary and relevant interviews?

The investigator did not but should have interviewed two additional incarcerated persons who may have been percipient witnesses to the incident to provide a more thorough presentation of the facts regarding the alleged misconduct.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

Prior to an interview on August 18, 2020, the investigator engaged in a conversation with an officer during which the investigator revealed the state and extent of the evidence in the case.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was April 1, 2020. However, the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until February 17, 2021, ten months and 16 days after the deadline to take disciplinary action.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was April 1, 2020. However, the Office of Internal Affairs submitted its inquiry report to the hiring authority on February 17, 2021, ten months and 16 days after the deadline to take disciplinary action.

In the OIG's opinion, did the department handle the case with due diligence?

In the OIG's opinion, the department did not handle the case with due diligence. On January 13, 2020, the department learned of the staff misconduct allegation submitted by the incarcerated person. However, the department did not assign an investigator to conduct an inquiry into the allegation until July 21, 2020, six months and eight days thereafter. Also, the deadline to take disciplinary action was April 1, 2020, but the Office of Internal Affairs did not provide its final inquiry report to the hiring authority until February 17, 2021, ten months and 16 days after the deadline for taking disciplinary action.

Case Type

Departmental
Inquiry

Incident Date

April 01, 2017

Allegations

Other

Overall Rating

Poor

OIG Case Number

20-0035305-IQ

Incident Summary

Between April 1, 2017, and April 30, 2017, an officer allegedly inappropriately stuck her hands inside an incarcerated person's pants for approximately thirty seconds.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The Office of Internal Affairs poorly conducted the inquiry. The investigator failed to ask relevant questions during interviews, failed to follow-up and clarify answers given by an officer who was the subject of the inquiry, inappropriately revealed information to an officer concerning the state and extent of the the evidence in an off-the-record conversation, and did not complete all necessary and relevant interviews. Due to the poor quality of the Office of Internal Affairs' inquiry work, the OIG did not reach a conclusion regarding whether there was a reasonable belief of staff misconduct. However, the deadline to take disciplinary action had expired and, therefore, the OIG agreed that a referral to the Office of Internal Affairs for an investigation was not necessary.

Overall Assessment

Overall, the department poorly conducted the inquiry. It did not assign an investigator to conduct an inquiry until six months and eight days after it learned of the staff misconduct allegation. Also, the investigator failed to ask relevant questions during interviews, failed to follow-up and clarify answers given by an officer who was the subject of the inquiry, and did not complete all necessary and relevant interviews. In addition, the Office of Internal Affairs completed and submitted its inquiry report to the hiring authority after the deadline to take disciplinary action had expired.

Questions

In the OIG's opinion, did the investigator adequately confer with the OIG upon case initiation and prior to finalizing the inquiry plan?

The investigator did not confer with the OIG to discuss the inquiry plan.

In the OIG's opinion, did the investigator ask all relevant questions during interviews?

During witness interviews on July 30, 2020, August 15, 2020, and December 8, 2020, the investigator failed to ask multiple relevant questions. The investigator also failed to ask appropriate follow-up questions to the answers given by the witnesses.

In the OIG's opinion, did the investigator use effective interviewing techniques when conducting interviews?

Prior to an interview of an officer on August 18, 2020, and off-the-record, the investigator told the officer that the alleged incident occurred in March of 2017, and not in April 2017, as alleged by the incarcerated person who submitted the complaint. In addition, during a December 8, 2020, interview of the officer who was the subject of the inquiry, the investigator failed to ask logical follow-up questions of the officer when she repeatedly claimed that she did not remember the incident.

In the OIG's opinion, did the investigator complete all necessary and relevant interviews?

The investigator should have interviewed two additional incarcerated persons who may have been percipient witnesses to the incident to provide a more thorough presentation of the facts regarding the alleged misconduct.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

In the OIG's opinion, on August 18, 2020, the investigator engaged in an improper conversation with the officer who was the subject of the inquiry prior to an interview when the investigator revealed the state and extent of the evidence in the case.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was April 1, 2020. However, the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until February 17, 2021, ten months and 16 days after the deadline to take disciplinary action.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was April 1, 2020. However, the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until February 17, 2021, ten months and 16 days after the deadline to take disciplinary action.

In the OIG's opinion, did the department handle the case with due diligence?

In the OIG's opinion, the department did not handle the case with due diligence. On January 13, 2020, the department learned of the staff misconduct allegation submitted by the incarcerated person. However, the department did not assign an investigator to conduct an inquiry into the allegation until July 21, 2020, six months and eight days thereafter. Also, the deadline to take disciplinary action was April 1, 2020, but the Office of Internal Affairs did not provide its final inquiry report to the hiring authority until February 17, 2021, ten months and 16 days after the deadline for taking disciplinary action.

Case Type

Departmental
Inquiry

Incident Date

April 01, 2017

Allegations

Battery

Overall Rating

Poor

OIG Case Number

21-0037876-IQ

Incident Summary

Between April 1, 2017, and May 31, 2017, multiple officers allegedly flipped an incarcerated person out his wheelchair onto the floor and then assaulted him.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs.

Overall Assessment

The department poorly conducted the inquiry. It allowed the deadline to take disciplinary action to expire before completion of the inquiry. The deadline to take disciplinary action was May 31, 2020. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 16, 2021, one year, one month, and 16 days after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?***

The deadline to take disciplinary action was May 31, 2020. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 16, 2021, one year, one month, and 16 days after the deadline to take disciplinary action had expired.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was May 31, 2020. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 16, 2021, one year, one month, and 16 days after the deadline to take disciplinary action had expired.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was May 31, 2020. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 16, 2021, one year, one month, and 16 days after the deadline to take disciplinary action had expired.

In the OIG's opinion, did the department handle the case with due diligence?

The department learned of the staff misconduct allegation on January 13, 2020. The deadline to take disciplinary action was May 31, 2020. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 16, 2021, one year, one month, and 16 days after the deadline to take disciplinary action had expired.

Case Type

Departmental
Inquiry

Incident Date

April 24, 2017

Allegations

Neglect of Duty

Overall Rating

Satisfactory

OIG Case Number

20-0035229-IQ

Incident Summary

Between April 24, 2017, and April 27, 2017, an officer allegedly allowed a dead incarcerated person to remain in a cell for multiple days after the cellmate murdered the incarcerated person.

Disposition

The hiring authority reviewed the inquiry and determined that he had previously referred the matter to the Office of Internal Affairs' Central Intake Unit for an investigation. Therefore, there was no need for the hiring authority to refer the matter to the Office of Internal Affairs again.

Overall Assessment

Overall, the department handled the inquiry in a satisfactory manner. The hiring authority had previously submitted a referral to the Office of Internal Affairs and, therefore, the investigator did not conduct any interviews.

Case Type

Departmental
Inquiry

Incident Date

May 10, 2017

Allegations

Discourteous
Treatment

Overall Rating

Poor

OIG Case Number

20-0034654-IQ

Incident Summary

On May 10, 2017, two officers allegedly refused to allow an incarcerated person to attend religious services.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The Office of Internal Affairs poorly conducted the inquiry. The investigator failed to ask relevant questions during interviews, failed to use effective interviewing techniques, and failed to capture information obtained from an off-the-record conversation. Due to the poor quality of the Office of Internal Affairs' inquiry work, the OIG did not reach a conclusion regarding whether there was a reasonable belief of staff misconduct. However, the deadline to take disciplinary action had expired and, therefore, the OIG agreed that a referral to the Office of Internal Affairs for an investigation was not necessary.

Overall Assessment

Overall, the department poorly conducted the inquiry. The Office of Internal Affairs started and completed its inquiry after the deadline to take disciplinary action expired. The Office of Internal Affairs did not assign an investigator to conduct this inquiry until three years, two months, and 16 days after the department learned of the staff misconduct allegation. Also, the investigator failed to ask relevant questions during interviews, failed to use effective interviewing techniques, and failed to capture information obtained from an off-the-record conversation.

Questions***In the OIG's opinion, did the investigator ask all relevant questions during interviews?***

The investigator did not ask the incarcerated person who submitted the complaint for additional details when the incarcerated person stated that a sergeant "brushed (him) off" when he complained and that officers referred to the sergeant as "bad news" and that he should not be working there. The investigator also failed to ask the incarcerated person for additional details when the incarcerated person stated that a captain told him he came to the prison because staff were "doing stuff illegal."

In the OIG's opinion, did the investigator use effective interviewing techniques when conducting interviews?

The investigator did not use effective interviewing techniques because, during an October 27, 2020, interview of a sergeant, the investigator did not clearly note for the record the exhibit he was showing the sergeant, did not note for the record that the sergeant's representative drew his attention to something depicted in an exhibit, and allowed the sergeant to speak freely on the record when there was no question pending. Also, the investigator provided the sergeant with the last name of an officer and asked the sergeant if he knew the officer. When the sergeant answered that he did not know an officer by that name, the investigator told the sergeant, "That's fair. I came up with the same thing," which could cause the sergeant to conclude that no such officer existed.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

The Office of Internal Affairs conducted a second inquiry after the alleged misconduct had already been adequately investigated in a prior inquiry. The Office of Internal Affairs began and concluded its inquiry after the deadline to take disciplinary action expired. The deadline to take disciplinary action was May 11, 2018. On March 5, 2021, the Office of Internal Affairs submitted its inquiry report to the hiring authority, two years, nine months, and 22 days after the deadline to take disciplinary action had expired.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was May 11, 2018, but the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until March 5, 2021, two years, nine months, and 22 days after the deadline to take disciplinary action.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The department received the incarcerated person's complaint on May 11, 2017, and the deadline to take disciplinary action was May 11, 2018. The Office of Internal Affairs began the department's second inquiry into the allegations on July 27, 2020, two years, two months and 16 days after the deadline to take disciplinary action. The Office of Internal Affairs submitted its final inquiry report to the hiring authority on March 5, 2021, two years, nine months, and 22 days after the deadline to take disciplinary action.

In the OIG's opinion, did the department handle the case with due diligence?

On May 11, 2017, the department learned of the staff misconduct allegation submitted by the incarcerated person when he submitted a complaint. On May 19, 2017, the department assigned a sergeant to conduct an inquiry. The sergeant sufficiently investigated the complaint by interviewing the incarcerated person and the two officers who allegedly committed misconduct. On May 30, 2017, at the completion of the inquiry, the hiring authority determined staff did not violate departmental policy. On February 4, 2020, the incarcerated person subsequently submitted a declaration setting forth the same allegations of staff misconduct to the department. Even though a sufficient inquiry had been previously conducted, on July 27, 2020, the Office of Internal Affairs assigned an investigator to conduct a second inquiry into the allegations, five months, and 23 days after receiving the declaration. The Office of Internal Affairs expended time and resources by having an investigator conduct a second inquiry and, upon its completion, submit a final inquiry report on March 5, 2021, two years, nine months, and 22 days after the deadline to take disciplinary action had expired on May 11, 2018.

Case Type

Departmental
Inquiry

Incident Date

May 10, 2017

Allegations

Retaliation

Overall Rating

Poor

OIG Case Number

20-0035996-IQ

Incident Summary

Between May 10, 2017, and September 29, 2017, an officer allegedly retaliated against an incarcerated person by refusing the incarcerated person access to a dayroom.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The Office of Internal Affairs poorly conducted the inquiry. The investigator failed to ask relevant questions during interviews and failed to capture information obtained from an off-the-record conversation. Due to the poor quality of the Office of Internal Affairs inquiry work, the OIG did not reach a conclusion regarding whether there was a reasonable belief of staff misconduct. However, the deadline to take disciplinary action had expired and, therefore, the OIG agreed that a referral to the Office of Internal Affairs for an investigation was not necessary.

Overall Assessment

Overall, the department poorly conducted the inquiry. The Office of Internal Affairs did not assign an investigator to conduct an inquiry until five months and 23 days after the department learned of the staff misconduct allegation. Also, the investigator failed to ask relevant questions during interviews and failed to capture information obtained from an off-the-record conversation. In addition, the Office of Internal Affairs completed and submitted its inquiry report to the hiring authority after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator ask all relevant questions during interviews?***

The investigator did not ask the incarcerated person who submitted the complaint for additional details when the incarcerated person stated that a sergeant "brushed (him) off" when he complained and that officers referred to the sergeant as "bad news" and that he should not be working there. The investigator also failed to ask the incarcerated person for additional details when the incarcerated person stated that a captain told him he came to the prison because staff were "doing stuff illegal."

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

The Office of Internal Affairs began and completed its inquiry after the deadline to take disciplinary action had expired. The deadline to take disciplinary action was September 29, 2020. On July 27, 2020, the Office of Internal Affairs assigned an investigator to conduct the inquiry and, on March 5, 2021, completed and submitted its inquiry report to the hiring authority, five months and five days after the deadline to take disciplinary action.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was September 29, 2020, but the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until March 5, 2021, five months and five days after the deadline to take disciplinary action.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was September 29, 2020, but the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until March 5, 2021, five months and five days after the deadline to take disciplinary action.

In the OIG's opinion, did the department handle the case with due diligence?

On February 4, 2020, the department learned of the staff misconduct allegation submitted by the incarcerated person. However, the Office of Internal Affairs did not assign an investigator to conduct an inquiry into the

allegation until July 27, 2020, five months and 23 days thereafter. Also, the deadline to take disciplinary action was September 29, 2020, but the Office of Internal Affairs did not provide its final inquiry report to the hiring authority until March 5, 2021, five months and five days after the deadline for taking disciplinary action.

Case Type

Departmental
Inquiry

Incident Date

May 11, 2017

Allegations

Retaliation

Overall Rating

Poor

OIG Case Number

20-0035992-IQ

Incident Summary

Between May 11, 2017, and September 24, 2017, on multiple occasions, an officer allegedly closed a cell door on an incarcerated person's wheelchair in retaliation for the incarcerated person filing complaints against staff members.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The Office of Internal Affairs poorly conducted the inquiry. The investigator failed to ask relevant questions during interviews, failed to use effective interviewing techniques, failed to capture information obtained from an off-the-record conversation, and did not include all relevant information in the final inquiry report. Due to the poor quality of the Office of Internal Affairs inquiry work, the OIG did not reach a conclusion regarding whether there was a reasonable belief of staff misconduct. However, the deadline to take disciplinary action had expired and, therefore, the OIG agreed that a referral to the Office of Internal Affairs for an investigation was not necessary.

Overall Assessment

Overall, the department poorly conducted the inquiry. The Office of Internal Affairs began and completed its inquiry after the deadline to take disciplinary action had expired. The Office of Internal Affairs did not assign an investigator to conduct an inquiry until two years, 10 months, and two days after the department learned of the staff misconduct allegation. Also, the investigator failed to ask relevant questions during interviews, failed to use effective interviewing techniques, failed to capture information obtained from an off-the-record conversation, and did not include all relevant information in the final inquiry report.

Questions***In the OIG's opinion, did the investigator ask all relevant questions during interviews?***

The investigator did not ask the incarcerated person who submitted the complaint for additional details when the incarcerated person stated that a sergeant "brushed (him) off" when he complained and that officers referred to the sergeant as "bad news" and that he should not be working there. The investigator also failed to ask the incarcerated person for additional details when the incarcerated person stated that a captain told him he came to the prison because staff were "doing stuff illegal." Also, during an interview of the officer who was the subject of the inquiry, the investigator failed to ask sufficient follow-up questions about the general process of opening and closing cell doors and specific occurrences. Additionally, the investigator failed to ask an incarcerated person for the identity of persons to whom he referred.

In the OIG's opinion, did the investigator use effective interviewing techniques when conducting interviews?

The investigator did not use effective interviewing techniques because, during an October 27, 2020, interview of a sergeant, the investigator did not clearly note for the record the exhibit he was showing the sergeant, did not note for the record that the sergeant's representative drew his attention to something depicted in an exhibit, and allowed the sergeant to speak freely on the record when there was no question pending. Also, the investigator provided the sergeant with the last name of an officer and asked the sergeant if he knew the officer. When the sergeant answered that he did not know an officer by that name, the investigator told the sergeant, "That's fair. I came up with the same thing," which could cause the sergeant to conclude that no such officer existed.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

The Office of Internal Affairs began and concluded its inquiry after the deadline to take disciplinary action expired. The deadline to take disciplinary action was September 25, 2018. On July 27, 2020, the Office of Internal Affairs assigned an investigator to conduct the inquiry and, on March 5, 2021, submitted its final

inquiry report to the hiring authority, two years, five months, and eight days after the deadline to take disciplinary action.

In the OIG's opinion, did the investigator prepare a final inquiry report that included all relevant facts and evidence?

The report reflects that an incarcerated person stated in an interview that he did not recall the incarcerated person who made the allegation getting struck by a cell door nor recall the incarcerated person stating that he had been struck by the cell door. However, the report did not include the information that the incarcerated person stated during the interview that he witnessed the incarcerated person who made the allegation pinned by a cell door in his wheelchair as other incarcerated persons yelled.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was September 25, 2018, but the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until March 5, 2021, two years, five months, and eight days after the deadline to take disciplinary action.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The department received the incarcerated person's staff misconduct grievance on September 25, 2017, and the deadline to take disciplinary action was September 25, 2018. The Office of Internal Affairs began the department's second inquiry into the allegations on July 27, 2020, one year, 10 months and two days after the deadline to take disciplinary action. The Office of Internal Affairs submitted its final inquiry report to the hiring authority on March 5, 2021, two years, five months, and eight days after the deadline to take disciplinary action.

In the OIG's opinion, did the department handle the case with due diligence?

On September 25, 2017, the department learned of the staff misconduct allegation submitted by the incarcerated person when he submitted a staff misconduct grievance. The department assigned a sergeant to conduct an inquiry. On November 17, 2017, the sergeant interviewed the incarcerated person, but the sergeant did not sufficiently investigate the staff misconduct grievance by interviewing other incarcerated persons or staff. On March 1, 2018, at the completion of the inquiry, the hiring authority determined staff did not violate departmental policy. On February 4, 2020, the incarcerated person subsequently submitted a declaration setting forth the same allegations of staff misconduct to the department. On July 27, 2020, the Office of Internal Affairs assigned an investigator to conduct a second inquiry into the allegations, five months and 23 days after receiving the declaration. The investigator conducted the final interview on December 9, 2020, but the Office of Internal Affairs did not submit the final inquiry report to the hiring authority until March 5, 2021, two months and 24 days after the last interview. The deadline to take disciplinary action was September 25, 2018. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until March 5, 2021, two years, five months, and eight days after the deadline to take disciplinary action. The Office of Internal Affairs began and completed its inquiry after the deadline to take disciplinary action expired.

Case Type

Departmental
Inquiry

Incident Date

June 01, 2017

Allegations

Neglect of Duty

Overall Rating

Poor

OIG Case Number

20-0035994-IQ

Incident Summary

Between June 1, 2017, and June 30, 2017, a sergeant allegedly failed to stop officers from assaulting an incarcerated person in a dining area.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The Office of Internal Affairs poorly conducted the inquiry. The investigator failed to ask relevant questions during interviews and failed to use effective interviewing techniques. Due to the poor quality of the Office of Internal Affairs' inquiry work, the OIG did not reach a conclusion regarding whether there was a reasonable belief of staff misconduct. However, the deadline to take disciplinary action had expired and, therefore, the OIG agreed that a referral to the Office of Internal Affairs for an investigation was not necessary.

Overall Assessment

Overall, the department poorly conducted the inquiry. The department did not assign an investigator to conduct an inquiry until five months and 23 days after it learned of the staff misconduct allegation. Also, the investigator failed to ask relevant questions during interviews and failed to use effective interviewing techniques. In addition, the Office of Internal Affairs began and completed its inquiry after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator ask all relevant questions during interviews?***

The investigator did not ask the incarcerated person who submitted the complaint for additional details when the incarcerated person stated that a sergeant "brushed (him) off" when he complained and that officers referred to the sergeant as "bad news" and that he should not be working there. The investigator also failed to ask the incarcerated person for additional details when the incarcerated person stated that a captain told him he came to the prison because staff were "doing stuff illegal."

In the OIG's opinion, did the investigator use effective interviewing techniques when conducting interviews?

In the OIG's opinion, the investigator did not use effective interviewing techniques because on December 9, 2020, the investigator unnecessarily apologized to the sergeant, who was the subject of the inquiry, for asking questions about his alleged misconduct.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

The Office of Internal Affairs began and completed its inquiry after the deadline to take disciplinary action had expired. The deadline to take disciplinary action was June 30, 2020. On July 27, 2020, the Office of Internal Affairs assigned an investigator to conduct the inquiry and, on March 5, 2021, completed and submitted its inquiry report to the hiring authority, eight months and five days after the deadline to take disciplinary action.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was June 30, 2020, but the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until March 5, 2021, eight months and five days after the deadline to take disciplinary action.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was June 30, 2020, but the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until March 5, 2021, eight months and five days after the deadline to take disciplinary action.

In the OIG's opinion, did the department handle the case with due diligence?

In the OIG's opinion, the department did not handle the case with due diligence. On February 4, 2020, the incarcerated person submitted a declaration containing a staff misconduct allegation. However, the Office of Internal Affairs did not assign an investigator to conduct an inquiry into the allegation until July 27, 2020, five months and 23 days thereafter. Also, the deadline to take disciplinary action was June 30, 2020, but the Office of Internal Affairs did not provide its inquiry report to the hiring authority until March 5, 2021, eight months and five days after the deadline for taking disciplinary action.

Case Type

Departmental
Inquiry

Incident Date

July 25, 2017

Allegations

Use of Force
Battery

Overall Rating

Poor

OIG Case Number

21-0037925-IQ

Incident Summary

On July 25, 2017, an officer allegedly arranged a fight among incarcerated persons and allegedly shot an incarcerated person in the face with a round from a less-lethal weapon during that fight among incarcerated persons.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs.

Overall Assessment

The department poorly conducted the inquiry. The department allowed the deadline to take disciplinary action to expire before completion of the inquiry. The deadline to take disciplinary action was February 16, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until May 27, 2021, three months and eleven days after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?***

The deadline to take disciplinary action was February 16, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until May 27, 2021, three months and eleven days after the deadline to take disciplinary action had expired.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was February 16, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until May 27, 2021, three months and eleven days after the deadline to take disciplinary action had expired.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was February 16, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until May 27, 2021, three months and eleven days after the deadline to take disciplinary action had expired.

In the OIG's opinion, did the department handle the case with due diligence?

The department learned of the staff misconduct allegation on January 13, 2020. The deadline to take disciplinary action was February 16, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until May 27, 2021, three months and eleven days after the deadline to take disciplinary action had expired.

Case Type

Departmental
Inquiry

Incident Date

August 01, 2017

Allegations

Neglect of Duty

Overall Rating

Satisfactory

OIG Case Number

20-0035276-IQ

Incident Summary

Between August 1, 2017, and August 31, 2018, officers allegedly refused to take incarcerated persons to their scheduled mental health group meetings, and, on one occasion, refused to take an entire housing unit to mental health group therapy.

Disposition

The hiring authority did not identify staff misconduct, and did not refer the matter to the Office of Internal Affairs. The OIG agreed with the hiring authority's determinations.

Overall Assessment

Overall, the department handled the inquiry in a satisfactory manner. The department did not conduct any interviews because the complainant, a former employee, refused to cooperate with the inquiry.

Case Type

Departmental
Inquiry

Incident Date

August 01, 2017

Allegations

Discourteous
Treatment

Overall Rating

Satisfactory

OIG Case Number

20-0036005-IQ

Incident Summary

Between August 1, 2017, and August 31, 2018, officers allegedly called a social worker a "care bear," an allegedly derogatory term for someone who assists or is sympathetic toward incarcerated persons.

Disposition

The hiring authority did not identify staff misconduct, and did not refer the matter to the Office of Internal Affairs. The OIG agreed with the hiring authority's determinations.

Overall Assessment

The department conducted the inquiry in a satisfactory manner. The department did not conduct any interviews because the complainant, a former employee, refused to cooperate with the inquiry.

Case Type

Departmental
Inquiry

Incident Date

August 01, 2017

Allegations

Dishonesty

Overall Rating

Satisfactory

OIG Case Number

20-0036006-IQ

Incident Summary

Between August 1, 2017, and August 31, 2018, an officer allegedly lied to a social worker when he told her an incarcerated person assigned to the social worker's therapy group was murdered to set her up for a false allegation that she was overly familiar with the incarcerated person.

Disposition

The hiring authority did not identify misconduct, and did not refer the matter to the Office of Internal Affairs. The OIG agreed with the hiring authority's decisions.

Overall Assessment

The department conducted the inquiry in a satisfactory manner. The department did not conduct any interviews because the complainant, a former employee, refused to cooperate with the inquiry.

Case Type

Departmental
Inquiry

Incident Date

August 01, 2017

Allegations

Neglect of Duty

Overall Rating

Satisfactory

OIG Case Number

20-0036008-IQ

Incident Summary

Between August 1, 2017, and August 31, 2018, an officer allegedly refused a request from a social worker that the officer escort her across a yard occupied by incarcerated persons.

Disposition

The hiring authority did not identify misconduct, and did not refer the matter to the Office of Internal Affairs. The OIG agreed with the hiring authority's decisions.

Overall Assessment

Overall, the department conducted the inquiry in a satisfactory manner. The department did not conduct any interviews because the complainant, a former employee, refused to cooperate with the inquiry.

Case Type

Departmental
Inquiry

Incident Date

August 01, 2017

Allegations

Dishonesty
Neglect of Duty
Discrimination/Harassment

Overall Rating

Satisfactory

OIG Case Number

20-0036010-IQ

Incident Summary

Between August 1, 2017, and August 31, 2018, officers allegedly failed to take action regarding allegations that an incarcerated person stalked a social worker, laughed at her, and made up stories to frighten her about an incarcerated person lying in wait in the social worker's office.

Disposition

The hiring authority did not identify misconduct, and did not refer the matter to the Office of Internal Affairs. The OIG agreed with the hiring authority's decisions.

Overall Assessment

Overall, the department conducted the inquiry in a satisfactory manner. The department did not conduct any interviews because the complainant, a former employee, refused to cooperate with the inquiry.

Case Type

Departmental
Inquiry

Incident Date

August 01, 2017

Allegations

Discourteous
Treatment
Discrimination/Harassment

Overall Rating

Satisfactory

OIG Case Number

20-0036012-IQ

Incident Summary

Between August 1, 2017, and August 31, 2018, officers allegedly stated they hated incarcerated persons; remarked that incarcerated persons do not deserve help or services; ridiculed incarcerated persons; and intentionally antagonized incarcerated persons who have mental disabilities.

Disposition

The hiring authority did not identify misconduct, and did not refer the matter to the Office of Internal Affairs. The OIG agreed with the hiring authority's decisions.

Overall Assessment

Overall, the department conducted the inquiry in a satisfactory manner. The department did not conduct any interviews because the complainant, a former employee, refused to cooperate with the inquiry.

Case Type

Departmental
Inquiry

Incident Date

August 01, 2017

Allegations

Neglect of Duty

Overall Rating

Satisfactory

OIG Case Number

20-0036013-IQ

Incident Summary

Between August 1, 2017, and August 31, 2018, officers allegedly ignored and did not respond to fights between incarcerated persons.

Disposition

The hiring authority did not identify misconduct, and did not refer the matter to the Office of Internal Affairs. The OIG agreed with the hiring authority's decisions.

Overall Assessment

Overall, the department conducted the inquiry in a satisfactory manner. The department did not conduct any interviews because the complainant, a former employee, refused to cooperate with the inquiry.

Case Type

Departmental
Inquiry

Incident Date

August 10, 2017

Allegations

Retaliation

Overall Rating

Poor

OIG Case Number

20-0035998-IQ

Incident Summary

On August 10, 2017, an officer allegedly retaliated against an incarcerated person by denying him access to a bathroom because the incarcerated person had filed staff misconduct grievances and other complaints against staff members.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The Office of Internal Affairs poorly conducted the inquiry. The investigator failed to ask relevant questions during interviews, failed to use effective interviewing techniques, and failed to capture information obtained from an off-the-record conversation. Due to the poor quality of the Office of Internal Affairs inquiry work, the OIG did not reach a conclusion regarding whether there was a reasonable belief of staff misconduct. However, the deadline to take disciplinary action had expired and, therefore, the OIG agreed that a referral to the Office of Internal Affairs for an investigation was not necessary.

Overall Assessment

Overall, the department poorly conducted the inquiry. The Office of Internal Affairs began and completed its inquiry after the deadline to take disciplinary action had expired. The Office of Internal Affairs did not assign an investigator to conduct an inquiry until two years, 10 months, and five days after the department learned of the staff misconduct allegation. Also, the investigator failed to ask relevant questions during interviews, failed to use effective interviewing techniques, and failed to capture information obtained from an off-the-record conversation.

Questions***In the OIG's opinion, did the investigator ask all relevant questions during interviews?***

The investigator did not ask the incarcerated person who submitted the complaint for additional details when the incarcerated person stated that a sergeant "brushed (him) off" when he complained and that officers referred to the sergeant as "bad news" and that he should not be working there. The investigator also failed to ask the incarcerated person for additional details when the incarcerated person stated that a captain told him he came to the prison because staff were "doing stuff illegal." Also, the investigator failed to ask logical follow-up questions when interviewing the officer who was the subject of the inquiry when the officer claimed to follow policy in handling the incident notwithstanding her earlier assertion that she was unaware there even was a relevant policy.

In the OIG's opinion, did the investigator use effective interviewing techniques when conducting interviews?

The investigator asked multiple leading questions of the officer who was the subject of the inquiry such that the officer could have inferred the proper or preferred responses to questions.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

The Office of Internal Affairs began and concluded its inquiry after the deadline to take disciplinary action expired. The deadline to take disciplinary action was September 22, 2018. The Office of Internal Affairs did not complete its final inquiry report and submit it to the hiring authority until March 5, 2021, two years, five months, and 11 days after the deadline to take disciplinary action.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was September 22, 2018, but the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until March 5, 2021, two years, five months, and 11 days after the deadline to take disciplinary action.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a

request for additional inquiry if necessary?

The department received the incarcerated person's staff misconduct grievance on September 22, 2017, and the deadline to take disciplinary action was September 22, 2018. The Office of Internal Affairs began the department's second inquiry into the allegations on July 27, 2020, one year, 10 months and five days after the deadline. The Office of Internal Affairs submitted its final inquiry report to the hiring authority on March 5, 2021, two years, five months, and eleven days after the deadline to take disciplinary action.

In the OIG's opinion, did the department handle the case with due diligence?

On September 22, 2017, the department learned of the staff misconduct allegation submitted by the incarcerated person when he submitted a staff misconduct grievance alleging an officer denied access to a bathroom because of the incarcerated person's race. On October 4, 2017, the department assigned a lieutenant to conduct an inquiry. The lieutenant interviewed the incarcerated person, the officer who allegedly committed the misconduct, and a second officer assigned to the building where the incident allegedly occurred. On October 9, 2017, at the completion of the inquiry, the hiring authority determined staff did not violate departmental policy. On February 4, 2020, the incarcerated person subsequently submitted a declaration setting forth the same allegation of staff misconduct to the department, but in the declaration the incarcerated person offered a different theory to explain why the officer denied the incarcerated person access to the bathroom. On July 27, 2020, the Office of Internal Affairs assigned an investigator to conduct a second inquiry into the allegation, five months and 23 days after receiving the declaration. The investigator conducted the final interview on December 7, 2020, but the investigator did not complete the inquiry report until March 5, 2021, two months and 26 days after the last interview. Although the deadline to take disciplinary action was September 22, 2018, the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until March 5, 2021, two years, five months, and 11 days after the deadline to take disciplinary action. The Office of Internal Affairs began and completed its inquiry after the deadline to take disciplinary action had expired.

Case Type

Departmental
Inquiry

Incident Date

August 14, 2017

Allegations

Retaliation

Overall Rating

Poor

OIG Case Number

20-0035993-IQ

Incident Summary

On August 14, 2017, in retaliation for an incarcerated person filing complaints against staff members, an officer allegedly caused a cell door to move and strike the incarcerated person, after which the incarcerated person was trapped in the doorway of the cell for approximately fifteen minutes.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The Office of Internal Affairs poorly conducted the inquiry. The investigator failed to ask relevant questions during interviews, failed to use effective interviewing techniques, and failed to capture information obtained from an off-the-record conversation. Due to the poor quality of the Office of Internal Affairs' inquiry work, the OIG did not reach a conclusion regarding whether there was a reasonable belief of staff misconduct. However, the deadline to take disciplinary action had expired and, therefore, the OIG agreed that a referral to the Office of Internal Affairs for an investigation was not necessary.

Overall Assessment

Overall, the department poorly conducted the inquiry. The Office of Internal Affairs began and completed its inquiry after the deadline to take disciplinary action expired. The Office of Internal Affairs did not assign an investigator to conduct an inquiry until two years, 10 months, and two days after the department learned of the staff misconduct allegation. Also, the investigator failed to ask relevant questions during interviews, failed to use effective interviewing techniques, and failed to capture information obtained from an off-the-record conversation.

Questions***In the OIG's opinion, did the investigator ask all relevant questions during interviews?***

The investigator did not ask the incarcerated person who submitted the complaint for additional details when the incarcerated person stated that a sergeant "brushed (him) off" when he complained and that officers referred to the sergeant as "bad news" and that he should not be working there. The investigator also failed to ask the incarcerated person for additional details when the incarcerated person stated that a captain told him he came to the prison because staff were "doing stuff illegal." Also, during an interview of the officer who was the subject of the inquiry, the investigator failed to ask sufficient follow-up questions about the general process of opening and closing cell doors and specific occurrences. Additionally, the investigator failed to ask an incarcerated person for the identity of persons to whom he referred.

In the OIG's opinion, did the investigator use effective interviewing techniques when conducting interviews?

The investigator did not use effective interviewing techniques because, during an October 27, 2020, interview of a sergeant, the investigator did not clearly note for the record the exhibit he was showing the sergeant, did not note for the record that the sergeant's representative drew his attention to something depicted in an exhibit, and allowed the sergeant to speak freely on the record when there was no question pending. Also, the investigator provided the sergeant with the last name of an officer and asked the sergeant if he knew the officer. When the sergeant answered that he did not know an officer by that name, the investigator told the sergeant, "That's fair. I came up with the same thing," which could cause the sergeant to conclude that no such officer existed.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

The Office of Internal Affairs began and concluded its inquiry after the deadline to take disciplinary action had expired. The deadline to take disciplinary action was September 25, 2018. On July 27, 2020, the Office of Internal Affairs assigned an investigator to conduct the inquiry and, on March 5, 2021, submitted its final inquiry report to the hiring authority, two years, five months and eight days after the deadline to take

disciplinary action. Also, the investigator unnecessarily commented on the difficulty of the inquiry based on the age of the allegation, and unnecessarily empathized with a witness during an interview on October 20, 2020, when the witness could not recall an event.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was September 25, 2018, but the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until March 5, 2021, two years, five months, and eight days after the deadline to take disciplinary action.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was September 25, 2018, but the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until March 5, 2021, two years, five months, and eight days after the deadline to take disciplinary action.

In the OIG's opinion, did the department handle the case with due diligence?

On September 25, 2017, the department learned of the staff misconduct allegation submitted by the incarcerated person when he submitted a staff misconduct grievance. The department assigned a sergeant to conduct an inquiry. On November 17, 2017, the sergeant interviewed the incarcerated person, but the sergeant did not sufficiently investigate the staff misconduct grievance by interviewing other incarcerated persons or staff. On March 1, 2018, at the completion of the inquiry, the hiring authority determined staff did not violate departmental policy. On February 4, 2020, the incarcerated person subsequently submitted a declaration setting forth the same allegations of staff misconduct to the department. On July 27, 2020, the Office of Internal Affairs assigned an investigator to conduct a second inquiry into the allegations, five months, and 23 days after receiving the declaration. The investigator conducted the final interview on December 9, 2020, but the Office of Internal Affairs did not submit the final inquiry report to the hiring authority until March 5, 2021, two months and 24 days after the last interview. The deadline to take disciplinary action was September 25, 2018. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until March 5, 2021, two years, five months, and eight days after the deadline to take disciplinary action. The Office of Internal Affairs began and completed its inquiry after the deadline to take disciplinary action expired.

Case Type

Departmental
Inquiry

Incident Date

November 02,
2017

Allegations

Retaliation

Overall Rating

Satisfactory

OIG Case Number

20-0036011-IQ

Incident Summary

From November 2, 2017, through November 30, 2017, officers allegedly retaliated against a social worker for complaining about officers refusing to take incarcerated persons to her group therapy sessions.

Disposition

The hiring authority did not identify misconduct, and did not refer the matter to the Office of Internal Affairs. The OIG agreed with the hiring authority's decisions.

Overall Assessment

Overall, the department conducted the inquiry in a satisfactory manner. The department did not conduct any interviews because the complainant, a former employee, refused to cooperate with the inquiry.

Case Type

Departmental
Inquiry

Incident Date

November 06,
2017

Allegations

Discourteous
Treatment
Threat/Intimidation
Discrimination/Harassment
Other Failure of
Good Behavior
Neglect of Duty

Overall Rating

Poor

OIG Case Number

20-0034661-IQ

Incident Summary

Between November 6, 2017, and February 14, 2019, an officer allegedly called incarcerated persons derogatory names over a public announcement system, refused the incarcerated persons access to their housing unit during hot weather which put their safety at risk, and directed provocative and threatening statements over a public announcement system to the incarcerated persons, such as "Meet me out in the yard," and "They can't fire me, so I'm staying here."

Disposition

The hiring authority identified staff misconduct and referred the matter to the Office of Internal Affairs for the allegations that the officer made inappropriate statements over the public announcement system. However, overall, the department poorly conducted the inquiry. The Office of Internal Affairs did not conduct an inquiry concerning the allegation that the officer did not allow incarcerated persons access to their housing unit during inclement weather. Despite the poor quality of the inquiry, the OIG agreed with the hiring authority's decision to refer the allegations to the Office of Internal Affairs Central Intake Unit for an investigation. On May 19, 2021, the Office of Internal Affairs Central Intake Unit approved an investigation. However, because the deadline to take disciplinary action had expired, the Office of Internal Affairs did not conduct an investigation. On August 2, 2021, the hiring authority made no findings regarding whether misconduct had occurred and did not impose corrective action or discipline against the officer.

Overall Assessment

Overall, the department poorly handled the inquiry. The investigator did not ask all relevant questions during interviews, did not complete all necessary and relevant interviews, and did not conduct an inquiry into one of the allegations. In addition, the Office of Internal Affairs completed and submitted its inquiry report to the hiring authority after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator ask all relevant questions during interviews?***

The investigator failed to ask any questions of the witnesses or of the subject of the inquiry regarding the allegation that the officer allegedly refused the incarcerated persons access to their housing unit during hotweather which put their safety at risk.

In the OIG's opinion, did the investigator complete all necessary and relevant interviews?

The investigator failed to interview any witnesses regarding the allegation that an officer allegedly refused the incarcerated persons access to their housing unit during hotweather which put their safety at risk.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

The investigator failed to conduct an inquiry into the allegation that an officer allegedly refused the incarcerated persons access to their housing unit during hotweather which put their safety at risk.

In the OIG's opinion, did the investigator address all appropriate allegations as discovered during the inquiry in the final inquiry report?

The investigator failed to conducted an inquiry into the allegation that an officer allegedly refused the incarcerated persons access to their housing unit during hotweather which put their safety at risk.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was February 5, 2021. However, the Office of Internal Affairs did not complete and submit its final inquiry report to the hiring authority until May 10, 2021, four months and five days after the deadline to take disciplinary action had expired.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was February 5, 2021. However, the Office of Internal Affairs did not complete and submit its final inquiry report to the hiring authority until May 10, 2021, four months and five days after the deadline to take disciplinary action had expired.

In the OIG's opinion, did the department handle the case with due diligence?

The deadline to take disciplinary action was February 5, 2021. However, the Office of Internal Affairs did not complete and submit its final inquiry report to the hiring authority until May 10, 2021, four months and five days after the deadline to take disciplinary action had expired.

Case Type

Departmental
Inquiry

Incident Date

December 29,
2017

Allegations

Battery

Overall Rating

Poor

OIG Case Number

21-0037837-IQ

Incident Summary

On December 29, 2017, an officer allegedly kicked and punched an incarcerated person in the head as he lay on the ground in handcuffs.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs.

Overall Assessment

The department poorly conducted the inquiry. The department allowed the deadline to take disciplinary action to expire before completion of the inquiry. The deadline to take disciplinary action was December 29, 2020. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until May 27, 2021, four months and 28 days after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?***

The deadline to take disciplinary action was December 29, 2020. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until May 27, 2021, four months and 28 days after the deadline to take disciplinary action had expired.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was December 29, 2020. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until May 27, 2021, four months and 28 days after the deadline to take disciplinary action had expired.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was December 29, 2020. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until May 27, 2021, four months and 28 days after the deadline to take disciplinary action had expired.

In the OIG's opinion, did the department handle the case with due diligence?

The department learned of the staff misconduct allegation on February 11, 2020. The deadline to take disciplinary action was December 29, 2020. The department poorly conducted the inquiry. The department allowed the deadline to take disciplinary action to expire before completion of the inquiry. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until May 27, 2021, four months and 28 days after the deadline to take disciplinary action had expired.

Case Type

Departmental
Inquiry

Incident Date

December 29,
2017

Allegations

Use of Force

Overall Rating

Poor

OIG Case Number

21-0037841-IQ

Incident Summary

On December 29, 2017, an officer allegedly deployed an extended blast of pepper spray to the face of an incarcerated person.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs.

Overall Assessment

The department poorly conducted the inquiry. The department allowed the deadline to take disciplinary action to expire before completion of the inquiry. The deadline to take disciplinary action was December 29, 2020. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until May 27, 2021, four months and 28 days after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?***

The deadline to take disciplinary action was December 29, 2020. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until May 27, 2021, four months and 28 days after the deadline to take disciplinary action had expired.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was December 29, 2020. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until May 27, 2021, four months and 28 days after the deadline to take disciplinary action had expired.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was December 29, 2020. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until May 27, 2021, four months and 28 days after the deadline to take disciplinary action had expired.

In the OIG's opinion, did the department handle the case with due diligence?

The department learned of the staff misconduct allegation on February 11, 2020. The deadline to take disciplinary action was December 29, 2020. The department poorly conducted the inquiry because it allowed the deadline to take disciplinary action to expire before completion of the inquiry. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until May 27, 2021, four months and 28 days after the deadline to take disciplinary action had expired.

Case Type

Departmental
Inquiry

Incident Date

December 29,
2017

Allegations

Battery

Overall Rating

Poor

OIG Case Number

21-0037845-IQ

Incident Summary

On December 29, 2017, an officer allegedly kicked an incarcerated person in the shoulder as he lay on the ground in handcuffs.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs.

Overall Assessment

The department poorly conducted the inquiry. The department allowed the deadline to take disciplinary action to expire before completion of the inquiry. The deadline to take disciplinary action was December 29, 2020. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until May 27, 2021, four months and 28 days after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?***

The deadline to take disciplinary action was December 29, 2020. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until May 27, 2021, four months and 28 days after the deadline to take disciplinary action had expired.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was December 29, 2020. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until May 27, 2021, four months and 28 days after the deadline to take disciplinary action had expired.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was December 29, 2020. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until May 27, 2021, four months and 28 days after the deadline to take disciplinary action had expired.

In the OIG's opinion, did the department handle the case with due diligence?

The department learned of the staff misconduct allegation on February 11, 2020. The deadline to take disciplinary action was December 29, 2020. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until May 27, 2021, four months and 28 days after the deadline to take disciplinary action had expired.

Case Type

Departmental
Inquiry

Incident Date

January 01, 2018

Allegations

Neglect of Duty

Overall Rating

Poor

OIG Case Number

20-0035297-IQ

Incident Summary

Between January 1, 2018, and December 31, 2018, an officer allegedly intentionally closed a cell door on an incarcerated person, causing cuts and bleeding to the incarcerated person's hands.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The OIG agreed with the hiring authority's decisions.

Overall Assessment

Overall, the department poorly conducted the inquiry. The department did not assign an investigator to conduct an inquiry until five months and 18 days after it learned of the staff misconduct allegation. Also, the Office of Internal Affairs completed and submitted its final inquiry report to the hiring authority after the deadline to take disciplinary action had expired.

Questions

In the OIG's opinion, did the investigator adequately confer with the OIG upon case initiation and prior to finalizing the inquiry plan?

The investigator did not confer with the OIG prior to finalizing the inquiry plan.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

In the OIG's opinion, the Office of Internal Affairs did not appropriately conduct the inquiry because it did not assign an investigator for five months and 18 days after learning of the allegation of staff misconduct. Also, the Office of Internal Affairs did not provide the hiring authority with the final inquiry report until 20 days after the deadline for taking disciplinary action had expired.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was January 13, 2021. However, the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until February 2, 2021, 20 days after the deadline to take disciplinary action had expired.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was January 13, 2021. However, the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until February 2, 2021, 20 days after the deadline to take disciplinary action had expired.

In the OIG's opinion, did the department handle the case with due diligence?

In the OIG's opinion, the department did not handle the case with due diligence. On January 13, 2020, the incarcerated person submitted a declaration containing an allegation of staff misconduct. However, the Office of Internal Affairs did not assign an investigator to conduct an inquiry into the allegation until July 1, 2020, five months and 18 days thereafter. Also, the deadline to take disciplinary action was January 13, 2021, however, the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until February 2, 2021, 20 days after the deadline to take disciplinary action had expired.

Case Type

Departmental
Inquiry

Incident Date

January 01, 2018

Allegations

Use of Force

Overall Rating

Poor

OIG Case Number

20-0035212-IQ

Incident Summary

Between January 1, 2018, and April 14, 2018, an officer allegedly slammed an incarcerated person against a wall and dragged the incarcerated person to a program office.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The Office of Internal Affairs poorly conducted the inquiry. The investigator conducted the interview of the incarcerated person who made the allegation in a setting that was not private or confidential and failed to ask the incarcerated person relevant questions. Due to the poor quality of the Office of Internal Affairs' inquiry work, the OIG did not reach a conclusion regarding whether there was a reasonable belief of staff misconduct. However, the deadline to take disciplinary action had expired and, therefore, the OIG agreed that a referral to the Office of Internal Affairs for an investigation was not necessary.

Overall Assessment

Overall, the department poorly handled the inquiry. The department did not assign an investigator to conduct an inquiry until six months and 14 days after it learned of the staff misconduct allegation. Also, the Office of Internal Affairs did not complete the inquiry until after the deadline to take disciplinary action expired. In addition, the investigator conducted the interview of the incarcerated person who made the allegation in a setting that was not private or confidential and failed to ask the incarcerated person relevant questions.

Questions***In the OIG's opinion, did the investigator ask all relevant questions during interviews?***

The investigator failed to ask the incarcerated person who made the allegation for a description of the incarcerated person who was the target of the alleged misconduct, and failed to ask questions that could assist the investigator in identifying other incarcerated persons who may have witnessed the alleged misconduct.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

The deadline to take disciplinary action was January 13, 2021. The Office of Internal Affairs conducted the final interview on January 26, 2021, and delivered its final inquiry report to the hiring authority on March 17, 2021, both events occurring after the deadline to take disciplinary action. Also, the investigator conducted the interview of the incarcerated person who submitted the complaint in an office located in the same housing unit where the incident allegedly occurred. During the interview, staff congregated in the area, looked inside the office through a window, and even opened the door of the office during the interview, which significantly compromised the confidentiality and privacy of the interview.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was January 13, 2021, but the Office of Internal Affairs did not complete its final inquiry report until March 17, 2021, two months and four days after the deadline.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was January 13, 2021, but the Office of Internal Affairs did not complete its final inquiry report until March 17, 2021, two months and four days after the deadline.

In the OIG's opinion, did the department handle the case with due diligence?

In the OIG's opinion, the department did not handle the case with due diligence. On January 13, 2020, the department learned of the staff misconduct allegation submitted by the incarcerated person. However, the department did not assign an investigator to conduct an inquiry into the allegation until July 27, 2020, six months and 14 days thereafter. Also, the investigator conducted the final interview on January 26, 2021, but the Office of Internal Affairs did not provide its final inquiry report to the hiring authority until March 17, 2021,

one month and 19 days thereafter. In addition, the deadline to take disciplinary action was January 13, 2021, but the Office of Internal Affairs did not complete its final inquiry report until March 17, 2021, two months and four days after the deadline.

Case Type

Departmental
Inquiry

Incident Date

January 01, 2018

Allegations

Use of Force

Overall Rating

Poor

OIG Case Number

20-0035214-IQ

Incident Summary

Between January 1, 2018, and April 14, 2018, an officer allegedly slammed an incarcerated person against a wall and dragged the incarcerated person to a program office.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The Office of Internal Affairs poorly conducted the inquiry. The investigator conducted the interview of the incarcerated person who made the allegation in a setting that was not private or confidential and failed to ask the incarcerated person relevant questions. Due to the poor quality of the Office of Internal Affairs inquiry work, the OIG did not reach a conclusion regarding whether there was a reasonable belief of staff misconduct. However, the deadline to take disciplinary action had expired and, therefore, the OIG agreed that a referral to the Office of Internal Affairs for an investigation was not necessary.

Overall Assessment

Overall, the department poorly handled the inquiry. The department did not assign an investigator to conduct an inquiry until six months and 14 days after it learned of the staff misconduct allegation. Also, the Office of Internal Affairs did not complete the inquiry until after the deadline to take disciplinary action had expired. In addition, the investigator conducted the interview of the incarcerated person who made the allegation in a setting that was not private or confidential and failed to ask the incarcerated person relevant questions.

Questions***In the OIG's opinion, did the investigator ask all relevant questions during interviews?***

The investigator failed to ask the incarcerated person who made the allegation for a description of the incarcerated person who was the target of the alleged misconduct, and failed to ask questions that could assist the investigator in identifying other incarcerated persons who may have witnessed the alleged misconduct.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

The deadline to take disciplinary action was January 13, 2021, but the Office of Internal Affairs conducted the final interview on January 26, 2021, and submitted its final inquiry report to the hiring authority on March 17, 2021, both events occurring after the deadline to take disciplinary action. Also, the investigator conducted the interview of the incarcerated person who submitted the complaint in an office located in the same housing unit where the incident allegedly occurred. During the interview, staff congregated in the area, looked inside the office through a window, and even opened the door of the office during the interview, which significantly compromised the confidentiality and privacy of the interview.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was January 13, 2021, but the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until March 17, 2021, two months and four days after the deadline to take disciplinary action.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was January 13, 2021, but the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until March 17, 2021, two months and four days after the deadline to take disciplinary action.

In the OIG's opinion, did the department handle the case with due diligence?

In the OIG's opinion, the department did not handle the case with due diligence. On January 13, 2020, the department learned of the staff misconduct allegation submitted by the incarcerated person. However, the department did not assign an investigator to conduct an inquiry into the allegation until July 27, 2020, six

months and 14 days thereafter. Also, the deadline to take disciplinary action was January 13, 2021, but the Office of Internal Affairs did not provide its final inquiry report to the hiring authority until March 17, 2021, two months and four days after the deadline for taking disciplinary action.

Case Type

Departmental
Inquiry

Incident Date

January 01, 2018

Allegations

Battery

Overall Rating

Poor

OIG Case Number

21-0037920-IQ

Incident Summary

Between January 1, 2018, and June 30, 2018, an officer allegedly grabbed an incarcerated person by his neck and an arm, threw him to the floor, intentionally fell on top of the incarcerated person, and caused the incarcerated person pain by handcuffing him from behind.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs.

Overall Assessment

The department poorly conducted the inquiry. The department allowed the deadline to take disciplinary action to expire before completion of the inquiry. The deadline to take disciplinary action was February 16, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 11, 2021, three months and 26 days after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?***

The deadline to take disciplinary action was February 16, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 11, 2021, three months and 26 days after the deadline to take disciplinary action had expired.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was February 16, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 11, 2021, three months and 26 days after the deadline to take disciplinary action had expired.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was February 16, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 11, 2021, three months and 26 days after the deadline to take disciplinary action had expired.

In the OIG's opinion, did the department handle the case with due diligence?

The department learned of the staff misconduct allegation on January 13, 2020. The deadline to take disciplinary action was February 16, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 11, 2021, three months and 26 days after the deadline to take disciplinary action had expired.

Case Type

Departmental
Inquiry

Incident Date

January 01, 2018

Allegations

Battery

Overall Rating

Poor

OIG Case Number

21-0037921-IQ

Incident Summary

Between January 1, 2018, through June 30, 2018, an officer allegedly punched and placed a knee on an incarcerated person's face, causing cuts and bruises.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs.

Overall Assessment

The department poorly conducted the inquiry. The department allowed the deadline to take disciplinary action to expire before completion of the inquiry. The deadline to take disciplinary action was February 16, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 11, 2021, three months and 26 days after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?***

The deadline to take disciplinary action was February 16, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 11, 2021, three months and 26 days after the deadline to take disciplinary action had expired.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was February 16, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 11, 2021, three months and 26 days after the deadline to take disciplinary action had expired.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was February 16, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 11, 2021, three months and 26 days after the deadline to take disciplinary action had expired.

In the OIG's opinion, did the department handle the case with due diligence?

The department learned of the staff misconduct allegation on January 13, 2020. The deadline to take disciplinary action was February 16, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 11, 2021, three months and 26 days after the deadline to take disciplinary action had expired.

Case Type

Departmental
Inquiry

Incident Date

January 02, 2018

Allegations

Battery

Overall Rating

Poor

OIG Case Number

21-0037842-IQ

Incident Summary

On January 2, 2018, an officer allegedly dropped his knee onto the back of an incarcerated person's head and a second officer allegedly kicked the incarcerated person as he lay on the dayroom floor in handcuffs.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs.

Overall Assessment

The department poorly conducted the inquiry. The department allowed the deadline to take disciplinary action to expire before completion of the inquiry. The deadline to take disciplinary action was January 2, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 11, 2021, five months and nine days after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?***

The deadline to take disciplinary action was January 2, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 11, 2021, five months and nine days after the deadline to take disciplinary action had expired.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was January 2, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 11, 2021, five months and nine days after the deadline to take disciplinary action had expired.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was January 2, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 11, 2021, five month and nine days after the deadline to take disciplinary action had expired.

In the OIG's opinion, did the department handle the case with due diligence?

The department learned of the staff misconduct allegation on February 11, 2020. The deadline to take disciplinary action was January 2, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 11, 2021, five months and nine days after the deadline to take disciplinary action had expired.

Case Type

Departmental
Inquiry

Incident Date

January 02, 2018

Allegations

Threat/Intimidation

Overall Rating

Poor

OIG Case Number

21-0037844-IQ

Incident Summary

On January 2, 2018, an officer allegedly threatened incarcerated persons living in a housing unit by saying that they would "get hit" with searches because one of the incarcerated persons yelled that he was going to report officers for using excessive force.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs.

Overall Assessment

The department poorly conducted the inquiry. The department allowed the deadline to take disciplinary action to expire before completion of the inquiry. The deadline to take disciplinary action was January 2, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 11, 2021, five months and nine days after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?***

The deadline to take disciplinary action was January 2, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 11, 2021, five months and nine days after the deadline to take disciplinary action had expired.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was January 2, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 11, 2021, five months and nine days after the deadline to take disciplinary action had expired.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was January 2, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 11, 2021, five months and nine days after the deadline to take disciplinary action had expired.

In the OIG's opinion, did the department handle the case with due diligence?

The department learned of the staff misconduct allegation on February 11, 2020. The deadline to take disciplinary action was January 2, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 11, 2021, five months and nine days after the deadline to take disciplinary action had expired.

Case Type

Departmental
Inquiry

Incident Date

March 16, 2018

Allegations

Threat/Intimidation

Overall Rating

Poor

OIG Case Number

21-0037931-IQ

Incident Summary

Between March 16, 2018, and June 18, 2018, an officer allegedly said that if an incarcerated person did not agree to take his medication, the officer would ensure other incarcerated persons physically harmed the incarcerated person.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs.

Overall Assessment

The department poorly conducted the inquiry. The department allowed the deadline to take disciplinary action to expire before completion of the inquiry. The deadline to take disciplinary action was March 10, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 16, 2021, four months and six days after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?***

The deadline to take disciplinary action was March 10, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 16, 2021, four months and six days after the deadline to take disciplinary action had expired.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was March 10, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 16, 2021, four months and six days after the deadline to take disciplinary action had expired.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was March 10, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 16, 2021, four months and six days after the deadline to take disciplinary action had expired.

In the OIG's opinion, did the department handle the case with due diligence?

The department learned of the staff misconduct allegation on February 4, 2020. The deadline to take disciplinary action was March 10, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 16, 2021, four months and six days after the deadline to take disciplinary action had expired.

Case Type

Departmental
Inquiry

Incident Date

April 05, 2018

Allegations

CONDUCT OR
INEFFICIENCY

Overall Rating

Poor

OIG Case Number

21-0037838-IQ

Incident Summary

On April 5, 2018 an officer allegedly told an incarcerated person "Do I look like I want to [expletive] clown with you, [expletive]?" and grabbed a second incarcerated person by the throat and punched him repeatedly in the face.

Disposition

The hiring authority reviewed the inquiry report and determined that on March 21, 2019, a hiring authority had previously referred the matter to the Office of Internal Affairs Central Intake Unit for an investigation. On April 17, 2019, the Office of Internal Affairs' Central Intake Unit rejected the case for an investigation.

Overall Assessment

The department poorly conducted the inquiry. The department allowed the deadline to take disciplinary action to expire before completion of the inquiry. The deadline to take disciplinary action was April 12, 2019. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until April 23, 2021, two years and 11 days after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?***

The deadline to take disciplinary action was April 12, 2019. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until April 23, 2021, two years and 11 days after the deadline to take disciplinary action had expired.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was April 12, 2019. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until April 23, 2021, two years and 11 days after the deadline to take disciplinary action had expired.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was April 12, 2019. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until April 23, 2021, two years and 11 days after the deadline to take disciplinary action had expired.

In the OIG's opinion, did the department handle the case with due diligence?

The department learned of the staff misconduct allegation on April 12, 2018. The deadline to take disciplinary action was April 12, 2019. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until April 23, 2021, two years and 11 days after the deadline to take disciplinary action had expired.

Case Type

Departmental
Inquiry

Incident Date

April 05, 2018

Allegations

Battery

Overall Rating

Poor

OIG Case Number

21-0037843-IQ

Incident Summary

On April 5, 2018, five officers allegedly punched and kicked an incarcerated person, who was wearing a vest indicating that he was mobility-impaired, in the head, back, face, legs, and stomach, for several minutes on an exercise yard.

Disposition

The hiring authority determined that he had previously submitted the matter to the Office of Internal Affairs' Central Intake Unit, but the Office of Internal Affairs' Central Intake Unit rejected the case on April 17, 2019.

Overall Assessment

The department poorly conducted the inquiry. The department allowed the deadline to take disciplinary action to expire before completion of the inquiry. The deadline to take disciplinary action was January 18, 2020. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 24, 2021, one years, five months, and six days after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?***

The deadline to take disciplinary action was January 18, 2020. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 24, 2021, one years, five months, and six days after the deadline to take disciplinary action had expired.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was January 18, 2020. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 24, 2021, one years, five months, and six days after the deadline to take disciplinary action had expired.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was January 18, 2020. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 24, 2021, one years, five months, and six days after the deadline to take disciplinary action had expired.

In the OIG's opinion, did the department handle the case with due diligence?

The department learned of the staff misconduct allegation on January 18, 2019. The deadline to take disciplinary action was January 18, 2020. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 24, 2021, one years, five months, and six days after the deadline to take disciplinary action had expired.

Case Type

Departmental
Inquiry

Incident Date

April 05, 2018

Allegations

Battery

Overall Rating

Poor

OIG Case Number

21-0037847-IQ

Incident Summary

On April 5, 2018, an officer allegedly kicked an incarcerated person, grabbed him by the head, and slammed his face into the wall, causing the incarcerated person's face to swell and bleed.

Disposition

The hiring authority decided not to refer the matter to the Office of Internal Affairs for an investigation. The hiring authority had previously submitted the case to the Office of Internal Affairs Central Intake Unit, but the Office of Internal Affairs Central Intake Unit rejected the case on April 17, 2019.

Overall Assessment

The department poorly conducted the inquiry because it allowed the deadline to take disciplinary action to expire before completion of the inquiry. The deadline to take disciplinary action was April 12, 2019. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until April 23, 2021, two years and 11 days after the deadline to take disciplinary action expired.

Questions***In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?***

The deadline to take disciplinary action was April 12, 2019. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until April 23, 2021, two years and 11 days after the deadline to take disciplinary action expired.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was April 12, 2019. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until April 23, 2021, two years and 11 days after the deadline to take disciplinary action expired.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was April 12, 2019. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until April 23, 2021, two years and 11 days after the deadline to take disciplinary action expired.

In the OIG's opinion, did the department handle the case with due diligence?

The department learned of the staff misconduct allegation on April 12, 2018. The deadline to take disciplinary action was April 12, 2019. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until April 23, 2021, two years and 11 days after the deadline to take disciplinary action expired.

Case Type

Departmental
Inquiry

Incident Date

April 05, 2018

Allegations

Battery

Overall Rating

Poor

OIG Case Number

21-0037848-IQ

Incident Summary

On April 5, 2018, two officers allegedly punched an incarcerated person in the face for no reason.

Disposition

The hiring authority decided not to refer the matter to the Office of Internal Affairs for an investigation. The hiring authority had previously submitted the case to the Office of Internal Affairs Central Intake Unit, but the Office of Internal Affairs' Central Intake Unit rejected the case on April 17, 2019.

Overall Assessment

The department poorly conducted the inquiry. The department allowed the deadline to take disciplinary action to expire before completion of the inquiry. The deadline to take disciplinary action was January 18, 2020. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 2, 2021, one year, five months, and 14 days after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?***

The deadline to take disciplinary action was January 18, 2020. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 2, 2021, one year, five months, and 14 days after the deadline to take disciplinary action had expired.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was January 18, 2020. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 2, 2021, one year, five months, and 14 days after the deadline to take disciplinary action had expired.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was January 18, 2020. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 2, 2021, one year, five months, and 14 days after the deadline to take disciplinary action had expired.

In the OIG's opinion, did the department handle the case with due diligence?

The department learned of the staff misconduct allegation on January 18, 2019. The deadline to take disciplinary action was January 18, 2020. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 2, 2021, one year, five months, and 14 days after the deadline to take disciplinary action had expired.

Case Type

Departmental
Inquiry

Incident Date

April 05, 2018

Allegations

Battery

Overall Rating

Poor

OIG Case Number

21-0037851-IQ

Incident Summary

On April 5, 2018, an officer allegedly stomped on an incarcerated person's ankle, bounced on it, and hit it with a baton.

Disposition

The hiring authority determined he previously submitted the matter to the Office of Internal Affairs' Central Intake Unit, but the Office of Internal Affairs' Central Intake Unit rejected the case on April 17, 2019.

Overall Assessment

The department poorly conducted the inquiry. The department allowed the deadline to take disciplinary action to expire before completion of the inquiry. The deadline to take disciplinary action was January 18, 2020. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 24, 2021, one year, five months, and six days after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?***

The deadline to take disciplinary action was January 18, 2020. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 24, 2021, one year, five months, and six days after the deadline to take disciplinary action had expired.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was January 18, 2020. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 24, 2021, one year, five months, and six days after the deadline to take disciplinary action had expired.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was January 18, 2020. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 24, 2021, one year, five months, and six days after the deadline to take disciplinary action had expired.

In the OIG's opinion, did the department handle the case with due diligence?

The department learned of the staff misconduct allegation on January 18, 2019. The deadline to take disciplinary action was January 18, 2020. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 24, 2021, one year, five months, and six days after the deadline to take disciplinary action had expired.

Case Type

Departmental
Inquiry

Incident Date

April 05, 2018

Allegations

CONDUCT OR
INEFFICIENCY

Overall Rating

Poor

OIG Case Number

21-0037854-IQ

Incident Summary

On April 5, 2018, a sergeant allegedly observed officers assault an incarcerated person and failed to intervene.

Disposition

The hiring authority decided not to refer the matter to the Office of Internal Affairs for an investigation. The hiring authority had previously submitted the case to the Office of Internal Affairs' Central Intake Unit, but the Office of Internal Affairs' Central Intake Unit rejected the case on April 17, 2019.

Overall Assessment

The department poorly conducted the inquiry. The department allowed the deadline to take disciplinary action to expire before completion of the inquiry. The deadline to take disciplinary action was April 12, 2019. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 24, 2021, two years, two months, and 12 days after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?***

The deadline to take disciplinary action was April 12, 2019. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 24, 2021, two years, two months, and 12 days after the deadline to take disciplinary action had expired.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was April 12, 2019. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 24, 2021, two years, two months, and 12 days after the deadline to take disciplinary action had expired.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was April 12, 2019. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 24, 2021, two years, two months, and 12 days after the deadline to take disciplinary action had expired.

In the OIG's opinion, did the department handle the case with due diligence?

The department learned of the staff misconduct allegation on April 12, 2018. The deadline to take disciplinary action was April 12, 2019. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 24, 2021, two years, two months, and 12 days after the deadline to take disciplinary action had expired.

Case Type

Departmental
Inquiry

Incident Date

April 07, 2018

Allegations

Threat/Intimidation

Overall Rating

Poor

OIG Case Number

21-0037852-IQ

Incident Summary

On April 7, 2018, an officer allegedly intimidated an incarcerated person by stopping at the incarcerated person's cell, glaring at him, and shaking his head before walking away.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs.

Overall Assessment

The department poorly conducted the inquiry. The department allowed the deadline to take disciplinary action to expire before completion of the inquiry. The deadline to take disciplinary action was March 17, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 24, 2021, three months and seven days after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?***

The deadline to take disciplinary action was March 17, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 24, 2021, three months and seven days after the deadline to take disciplinary action had expired.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was March 17, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 24, 2021, three months and seven days after the deadline to take disciplinary action had expired.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was March 17, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 24, 2021, three months and seven days after the deadline to take disciplinary action had expired.

In the OIG's opinion, did the department handle the case with due diligence?

The department learned of the staff misconduct allegation on February 22, 2020. The deadline to take disciplinary action was March 17, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 24, 2021, three months and seven days after the deadline to take disciplinary action had expired.

Case Type

Departmental
Inquiry

Incident Date

April 07, 2018

Allegations

Threat/Intimidation

Overall Rating

Poor

OIG Case Number

21-0037859-IQ

Incident Summary

On April 7, 2018, in front of an incarcerated person, an officer told another officer, "Snitches get stitches, don't they?"

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs.

Overall Assessment

The department poorly conducted the inquiry. The department allowed the deadline to take disciplinary action to expire before completion of the inquiry. The deadline to take disciplinary action was March 17, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 25, 2021, three months and eight days after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?***

The deadline to take disciplinary action was March 17, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 25, 2021, three months and eight days after the deadline to take disciplinary action had expired.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was March 17, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 25, 2021, three months and eight days after the deadline to take disciplinary action had expired.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was March 17, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 25, 2021, three months and eight days after the deadline to take disciplinary action had expired.

In the OIG's opinion, did the department handle the case with due diligence?

The department learned of the staff misconduct allegation on February 11, 2020. The deadline to take disciplinary action was March 17, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 25, 2021, three months and eight days after the deadline to take disciplinary action had expired.

Case Type

Departmental
Inquiry

Incident Date

April 14, 2018

Allegations

Use of Force
Neglect of Duty

Overall Rating

Poor

OIG Case Number

20-0034513-IQ

Incident Summary

On April 14, 2018, while escorting an incarcerated person to a program office, two officers and a sergeant allegedly handcuffed the incarcerated person behind his back while lifting up one of the incarcerated person's arms, slammed the incarcerated person against a wall while pinning his shoulder and face against the wall, dragged the incarcerated person into a holding cell, and punched the incarcerated person, causing the incarcerated person to fall and hit his head. After returning to the cell, the incarcerated person allegedly requested assistance by yelling, "Man down!" A third officer allegedly declined to provide medical attention to the incarcerated person and stated, "You can't go 'man down.' Come on. You really gonna put me through this?"

Disposition

The hiring authority identified staff misconduct and referred the matter to the Office of Internal Affairs. However, the Office of Internal Affairs poorly conducted the inquiry. The investigator failed to ask relevant questions and failed to use effective interviewing techniques during interviews. Despite the poor quality of the inquiry, the OIG agreed with the hiring authority's decision to refer the allegations to the Office of Internal Affairs Central Intake Unit for an investigation. On April 14, 2021, the Office of Internal Affairs' Central Intake Unit subsequently approved an investigation. However, because the deadline to take disciplinary action had expired, the Office of Internal Affairs did not conduct an investigation. On July 14, 2021, the hiring authority made no findings regarding whether misconduct occurred and did not impose corrective action or discipline against the officers or the sergeant.

Overall Assessment

Overall, the department poorly conducted the inquiry. The Office of Internal Affairs began and completed its inquiry after the deadline to take disciplinary action had expired. The Office of Internal Affairs did not assign an investigator to conduct an inquiry until two years, three months, and 13 days after the department learned of the staff misconduct allegation. Also, the investigator failed to ask relevant questions during interviews and failed to use effective interviewing techniques during interviews.

Questions***In the OIG's opinion, did the investigator ask all relevant questions during interviews?***

The investigator provided a lieutenant with a copy of a report he wrote about the incident and allowed the lieutenant to read from it verbatim, instead of first questioning him about his independent recollection of the incident. Also, the investigator failed to address the lieutenant's contradictory statement that he did not believe he had previously conducted interviews pertaining to the incident, notwithstanding the fact that the lieutenant was referring to, and reading from, a report that documented interviews the lieutenant previously conducted. In addition, the investigator only provided the lieutenant with documents pertaining to his prior interviews of staff, and not prior interviews of incarcerated persons, thereby providing the lieutenant an incomplete record of his report.

In the OIG's opinion, did the investigator use effective interviewing techniques when conducting interviews?

The investigator disclosed to a sergeant that records showed that the incident occurred before the sergeant reported for duty that day, and that the investigator was only interviewing the sergeant about events that transpired after the alleged misconduct.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

The Office of Internal Affairs began and concluded its inquiry after the deadline to take disciplinary action expired. The deadline to take disciplinary action was April 14, 2019. On July 27, 2020, the Office of Internal Affairs assigned an investigator to conduct the inquiry and, on March 17, 2021, submitted its inquiry report to the hiring authority, one year, 11 months, and three days after the deadline to take disciplinary action. Also, the investigator conducted the interview of the incarcerated person who submitted the complaint in an office

located in the same housing unit where the incident allegedly occurred. During the interview, staff congregated in the area, looked inside the office through a window, and even opened the door of the office during the interview, which significantly compromised the confidentiality and privacy of the interview. In addition, during a September 17, 2020, interview of an incarcerated person, one of two investigators acted in a dual role not only as an investigator, asking questions during the interview, but also as a staff assistant for the disabled incarcerated person.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was April 14, 2019, but the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until March 17, 2021, one year, 11 months, and three days after the deadline to take disciplinary action.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The department first learned of the allegations on April 14, 2018, and the deadline to take disciplinary action was April 14, 2019. The Office of Internal Affairs began the department's second inquiry into the allegations on July 27, 2020, one year, three months, and 13 days after the deadline to take disciplinary action. The Office of Internal Affairs submitted its final inquiry report to the hiring authority on March 17, 2021, one year, 11 months, and three days after the deadline to take disciplinary action.

In the OIG's opinion, did the department handle the case with due diligence?

On April 14, 2018, the department first learned of the staff misconduct allegations when the incarcerated person reported during a recorded interview that staff members assaulted him. The incarcerated person subsequently filed a staff misconduct grievance on May 17, 2018. The department assigned a lieutenant to conduct an inquiry. The lieutenant interviewed the incarcerated person, a sergeant, and two officers, but did not interview other incarcerated persons. On July 13, 2018, at the completion of the inquiry, the hiring authority determined staff did not violate departmental policy. On January 13, 2020, the incarcerated person subsequently submitted a declaration to the department setting forth the same allegations of staff misconduct. On July 27, 2020, the Office of Internal Affairs assigned an investigator to conduct a second inquiry into the allegations, six months and 14 days after receiving the declaration. The investigator conducted the final interview on December 18, 2020, but the Office of Internal Affairs did not submit the final inquiry report to the hiring authority until March 17, 2021, two months and 27 days after the last interview. The deadline to take disciplinary action was April 14, 2019. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until March 17, 2021, one year, 11 months, and three days after the deadline to take disciplinary action. The Office of Internal Affairs began and completed its inquiry after the deadline to take disciplinary action had expired.

Case Type

Departmental
Inquiry

Incident Date

April 14, 2018

Allegations

Threat/Intimidation

Overall Rating

Poor

OIG Case Number

20-0035211-IQ

Incident Summary

Between April 14, 2018, and August 31, 2018, an officer allegedly intimidated an incarcerated person by pointing to another incarcerated person who was using a walker and said, "You see that over there? I did that."

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The OIG agreed with the hiring authority's decisions.

Overall Assessment

Overall, the department poorly handled the inquiry. The department did not assign an investigator to conduct an inquiry until six months and 30 days after it learned of the staff misconduct allegation. Also, the Office of Internal Affairs did not complete the inquiry until after the deadline to take disciplinary action had expired. In addition, the investigator conducted the interview of the incarcerated person who made the allegation in a setting that was not private or confidential.

Questions***In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?***

The deadline to take disciplinary action was January 13, 2021, but the Office of Internal Affairs completed the final interview on January 26, 2021, and completed its inquiry report on March 17, 2021, both after the deadline for taking disciplinary action expired. Also, the investigator conducted the interview of the incarcerated person who submitted the complaint in an office located in the same housing unit where the incident allegedly occurred. During the interview, staff congregated in the area, looked inside the office through a window, and even opened the door of the office during the interview, which significantly compromised the confidentiality and privacy of the interview.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was January 13, 2021, but the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until March 17, 2021, two months and four days after the deadline to take disciplinary action.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was January 13, 2021, but the Office of Internal Affairs completed the final interview on January 26, 2021, and completed its inquiry report on March 17, 2021, both after the deadline for taking disciplinary action expired. The Office of Internal Affairs did not complete the final interview until 13 days after the deadline to take disciplinary action. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until two months and four days after the deadline to take disciplinary action.

In the OIG's opinion, did the department handle the case with due diligence?

In the OIG's opinion, the department did not handle the case with due diligence. On January 13, 2020, the department learned of the staff misconduct allegation submitted by the incarcerated person. However, the department did not assign an investigator to conduct an inquiry into the allegation until August 12, 2020, six months and 30 days thereafter. Also, the deadline to take disciplinary action was January 13, 2021, but the investigator conducted the final interview on January 26, 2021, 13 days thereafter the deadline to take disciplinary action. The Office of Internal Affairs did not provide its final inquiry report to the hiring authority until March 17, 2021, 63 days after the deadline for taking disciplinary action.

Case Type

Departmental
Inquiry

Incident Date

April 14, 2018

Allegations

Threat/Intimidation

Overall Rating

Poor

OIG Case Number

20-0035213-IQ

Incident Summary

Between April 14, 2018, and September 9, 2018, an officer allegedly stared at an incarcerated person in a threatening manner.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The Office of Internal Affairs poorly conducted the inquiry. The investigator did not ask the incarcerated person who made the allegation relevant questions and did not conduct the interview of the incarcerated person in a confidential setting. Due to the poor quality of the Office of Internal Affairs' inquiry work, the OIG did not reach a conclusion regarding whether there was a reasonable belief of staff misconduct. However, the deadline to take disciplinary action had expired and, therefore, the OIG agreed that a referral to the Office of Internal Affairs for an investigation was not necessary.

Overall Assessment

Overall, the department poorly handled the inquiry. The department did not assign an investigator to conduct an inquiry until six months and 14 days after it learned of the staff misconduct allegation. Also, the Office of Internal Affairs did not complete the inquiry until after the deadline to take disciplinary action had expired. In addition, the investigator did not ask the incarcerated person who made the allegation relevant questions and did not conduct the interview of the incarcerated person in a confidential setting.

Questions***In the OIG's opinion, did the investigator ask all relevant questions during interviews?***

The investigator did not ask the incarcerated person who made the allegation any questions about the allegation.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

The deadline to take disciplinary action was January 13, 2021. The Office of Internal Affairs conducted the final interview on January 26, 2021, and delivered its final inquiry report to the hiring authority on March 17, 2021, both events occurring after the deadline to take disciplinary action. Also, the investigator conducted the interview of the incarcerated person who submitted the complaint in an office located in the same housing unit where the incident allegedly occurred. During the interview, staff congregated in the area, looked inside the office through a window, and even opened the door of the office during the interview, which significantly compromised the confidentiality and privacy of the interview.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was January 13, 2021, but the Office of Internal Affairs did not complete its final inquiry report until March 17, 2021, two months and four days after the deadline.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was January 13, 2021, but the Office of Internal Affairs did not complete its final inquiry report until March 17, 2021, two months and four days after the deadline.

In the OIG's opinion, did the department handle the case with due diligence?

In the OIG's opinion, the department did not handle the case with due diligence. On January 13, 2020, the department learned of the staff misconduct allegation submitted by the incarcerated person. However, the department did not assign an investigator to conduct an inquiry into the allegation until July 27, 2020, six months and 14 days thereafter. Also, the investigator conducted his final interview on January 26, 2021, but the Office of Internal Affairs did not provide its final inquiry report to the hiring authority until March 17, 2021, one month and 19 days after the deadline for taking disciplinary action.

Case Type

Departmental
Inquiry

Incident Date

April 14, 2018

Allegations

Threat/Intimidation

Overall Rating

Poor

OIG Case Number

20-0035215-IQ

Incident Summary

Between April 14, 2018, and August 26, 2018, a sergeant allegedly stared at an incarcerated person in a threatening manner.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The Office of Internal Affairs poorly conducted the inquiry. The investigator did not ask the incarcerated person who made the allegation relevant questions, did not conduct the interview of an incarcerated person in a confidential setting, and failed to interview the sergeant whom the incarcerated person identified as the person who stared at him in a threatening manner. Due to the poor quality of the Office of Internal Affairs' inquiry work, the OIG did not reach a conclusion regarding whether there was a reasonable belief of staff misconduct. However, the deadline to take disciplinary action had expired and, therefore, the OIG agreed that a referral to the Office of Internal Affairs for an investigation was not necessary.

Overall Assessment

Overall, the department poorly handled the inquiry. The department did not assign an investigator to conduct an inquiry until six months and 14 days after it learned of the staff misconduct allegation. Also, the Office of Internal Affairs did not complete the inquiry until after the deadline to take disciplinary action had expired and incorrectly identified an officer as the subject of the investigation. In addition, the investigator did not ask the incarcerated person who made the allegation relevant questions, did not conduct the interview of an incarcerated person in a confidential setting, and failed to interview the sergeant whom the incarcerated person identified as the person who stared at him in a threatening manner.

Questions***In the OIG's opinion, did the investigator adequately prepare for all aspects of the inquiry?***

The Office of Internal Affairs incorrectly identified an officer as the subject of the investigation. The incarcerated person who made the allegation identified a sergeant as the person who stared at him in a threatening manner, not an officer.

In the OIG's opinion, did the investigator ask all relevant questions during interviews?

The investigator did not ask the incarcerated person who made the allegation any questions about the allegation.

In the OIG's opinion, did the investigator complete all necessary and relevant interviews?

The investigator should have interviewed the sergeant whom the incarcerated person identified as the person who stared at him in a threatening manner.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

The deadline to take disciplinary action was January 13, 2021, but the Office of Internal Affairs conducted the final interview on January 26, 2021, and submitted its final inquiry report to the hiring authority on March 17, 2021, both events occurring after the deadline to take disciplinary action. Also, the investigator conducted the interview of the incarcerated person who submitted the complaint in an office located in the same housing unit where the incident allegedly occurred. During the interview, staff congregated in the area, looked inside the office through a window, and even opened the door of the office during the interview, which significantly compromised the confidentiality and privacy of the interview.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was January 13, 2021, but the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until March 17, 2021, two months and four days after the deadline to take disciplinary action.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was January 13, 2021, but the Office of Internal Affairs did not complete its final inquiry report until March 17, 2021, two months and four days after the deadline.

In the OIG's opinion, did the department handle the case with due diligence?

In the OIG's opinion, the department did not handle the case with due diligence. On January 13, 2020, the department learned of the staff misconduct allegation submitted by the incarcerated person. However, the department did not assign an investigator to conduct an inquiry into the allegation until July 27, 2020, six months and 14 days thereafter. Also, the investigator conducted the final interview on January 26, 2021, but the Office of Internal Affairs did not complete its final inquiry report until March 17, 2021, one month and 19 days after the last interview. In addition, the deadline to take disciplinary action was January 13, 2021, but the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until March 17, 2021, two months and four days after the deadline to take disciplinary action.

Case Type

Departmental
Inquiry

Incident Date

April 19, 2018

Allegations

Discourteous
Treatment

Overall Rating

Poor

OIG Case Number

20-0035306-IQ

Incident Summary

On April 19, 2018, an officer allegedly closed a cell door in a back and forth motion on an incarcerated person to prevent the incarcerated person from entering the cell.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The Office of Internal Affairs poorly conducted the inquiry. The investigator failed to use a relevant photograph during an interview of an officer who was the subject of the inquiry, failed to ask relevant questions during an interview, did not attempt to locate or interview officers and incarcerated persons who may have witnessed the incident, and did not attach an applicable policy as an exhibit to the final inquiry report. Due to the poor quality of the Office of Internal Affairs' inquiry work, the OIG did not reach a conclusion regarding whether there was a reasonable belief of staff misconduct. However, the deadline to take disciplinary action had expired and, therefore, the OIG agreed that a referral to the Office of Internal Affairs for an investigation was not necessary.

Overall Assessment

Overall, the department poorly conducted the inquiry. The department did not assign an investigator to conduct an inquiry until six months and eight days after it learned of the staff misconduct allegation. Also, the investigator failed to use a relevant photograph during an interview of an officer who was the subject of the inquiry, failed to ask relevant questions during an interview, did not attempt to locate or interview officers and incarcerated persons who may have witnessed the incident, and did not attach an applicable policy as an exhibit to the final inquiry report. In addition, the Office of Internal Affairs completed and submitted its inquiry report to the hiring authority after the deadline to take disciplinary action had expired.

Questions

In the OIG's opinion, did the investigator adequately confer with the OIG upon case initiation and prior to finalizing the inquiry plan?

The investigator did not confer with the OIG to discuss the inquiry plan.

In the OIG's opinion, did the investigator use effective interviewing techniques when conducting interviews?

In the OIG's opinion, the investigator failed to use a relevant photograph on December 8, 2020, during the interview of an officer who was the subject of the inquiry.

In the OIG's opinion, did the investigator complete all necessary and relevant interviews?

To provide a more thorough presentation of the facts regarding the alleged misconduct, the investigator should have attempted to locate and interview officers and incarcerated persons who may have been percipient witnesses to the incident.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

The investigator failed to present and authenticate a photograph of a housing unit during an interview of an officer who was the subject of the inquiry to determine whether the photograph accurately depicted the obstructed viewing angle from the control booth towards a particular cell door. The investigator also failed to follow up and ask the officer if she was familiar with the incarcerated person and his specific disability, and failed to ask whether she had previously witnessed the incarcerated person have difficulties entering and exiting his cell.

In the OIG's opinion, did the investigator include all relevant policies and procedures in the final inquiry report?

The investigator did not include as an exhibit to the final inquiry report the policies and procedures for incarcerated persons with disabilities.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was January 13, 2021. However, the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until February 17, 2021, one month and four days after the deadline to take disciplinary action.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was January 13, 2021. However, the Office of Internal Affairs submitted its inquiry report to the hiring authority on February 17, 2021, one month and four days after the deadline to take disciplinary action.

In the OIG's opinion, did the department handle the case with due diligence?

In the OIG's opinion, the department did not handle the case with due diligence. On January 13, 2020, the department learned of the staff misconduct allegation submitted by the incarcerated person. However, the department did not assign an investigator to conduct an inquiry into the allegation until July 21, 2020, six months and eight days thereafter. Also, the deadline to take disciplinary action was January 13, 2021, but the Office of Internal Affairs did not provide its final inquiry report to the hiring authority until February 17, 2021, one month and four days after the deadline for taking disciplinary action.

Case Type

Departmental
Inquiry

Incident Date

April 24, 2018

Allegations

Discourteous
Treatment

Overall Rating

Poor

OIG Case Number

20-0035307-IQ

Incident Summary

On April 24, 2018, an officer allegedly closed a cell door on an incarcerated person who was using a walker, knocking the incarcerated person against a wall. Also, the officer allegedly moved the door back and forth as the incarcerated person attempted to enter the cell.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The Office of Internal Affairs poorly conducted the inquiry. The investigator failed to use a relevant photograph during an interview of an officer who was the subject of the inquiry, failed to ask relevant questions during an interview, did not attempt to locate or interview officers and incarcerated persons who may have witnessed the incident, and did not attach an applicable policy as an exhibit to the report. Due to the poor quality of the Office of Internal Affairs' inquiry work, the OIG did not reach a conclusion regarding whether there was a reasonable belief of staff misconduct. However, the deadline to take disciplinary action had expired and, therefore, the OIG agreed that a referral to the Office of Internal Affairs for an investigation was not necessary.

Overall Assessment

Overall, the department poorly conducted the inquiry. The department did not assign an investigator to conduct an inquiry until six months and eight days after it learned of the staff misconduct allegation. Also, the investigator failed to use a relevant photograph during an interview of an officer who was the subject of the inquiry, failed to ask relevant questions during an interview, did not attempt to locate or interview officers and incarcerated persons who may have witnessed the incident, and did not attach an applicable policy as an exhibit to the report. Additionally, the Office of Internal Affairs completed and submitted its inquiry report to the hiring authority after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator use effective interviewing techniques when conducting interviews?***

In the OIG's opinion, during an interview on December 8, 2020, the investigator failed to use a relevant photograph during the interview of an officer who was the subject of the inquiry.

In the OIG's opinion, did the investigator complete all necessary and relevant interviews?

The investigator should have attempted to locate and interview officers and incarcerated persons who may have been percipient witnesses to the incident to provide a more thorough presentation of the facts regarding the alleged misconduct.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

The investigator failed to present and authenticate a photograph of a housing unit during an interview of an officer who was the subject of the inquiry to determine whether the photograph accurately depicted the obstructed viewing angle of the control booth towards a particular cell door. The investigator also failed to follow up and ask the officer if she was familiar with the incarcerated person and his specific disability, and whether she had previously witnessed the incarcerated person have difficulties entering and exiting his cell.

In the OIG's opinion, did the investigator include all relevant policies and procedures in the final inquiry report?

The investigator did not include as an exhibit to the final inquiry report the policies and procedures for incarcerated persons with disabilities.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was January 13, 2021. However, the Office of Internal Affairs did not

submit its final inquiry report to the hiring authority until February 17, 2021, one month and four days after the deadline to take disciplinary action.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was January 13, 2021. However, the Office of Internal Affairs submitted its inquiry report to the hiring authority on February 17, 2021, one month and four days after the deadline to take disciplinary action.

In the OIG's opinion, did the department handle the case with due diligence?

In the OIG's opinion, the department did not handle the case with due diligence. On January 13, 2020, the department learned of the staff misconduct allegation submitted by the incarcerated person. However, the department did not assign an investigator to conduct an inquiry into the allegation until July 21, 2020, six months and eight days thereafter. Also, the deadline to take disciplinary action was January 13, 2021, but the Office of Internal Affairs did not provide its final inquiry report to the hiring authority until February 17, 2021, one month and four days after the deadline for taking disciplinary action.

Case Type

Departmental
Inquiry

Incident Date

May 01, 2018

Allegations

Battery
Threat/Intimidation

Overall Rating

Poor

OIG Case Number

21-0037919-IQ

Incident Summary

On May 1, 2018, after ordering an incarcerated person to drop a syringe he was carrying, an officer allegedly slammed the incarcerated person's face into a wooden table and a second officer allegedly jumped on the back of the incarcerated person. The first officer allegedly told the incarcerated person not to tell medical staff how he received the injuries, and in return, the officer would not issue a rules violation report against the incarcerated person for possession of contraband.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs.

Overall Assessment

The department poorly conducted the inquiry. The department allowed the deadline to take disciplinary action to expire before completion of the inquiry. The deadline to take disciplinary action was February 16, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 6, 2021, four months and 20 days after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?***

The deadline to take disciplinary action was February 16, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 6, 2021, four months and 20 days after the deadline to take disciplinary action expired.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was February 16, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 6, 2021, four months and 20 days after the deadline to take disciplinary action expired.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was February 16, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 6, 2021, four months and 20 days after the deadline to take disciplinary action expired.

In the OIG's opinion, did the department handle the case with due diligence?

The department learned of the staff misconduct allegation on January 13, 2020. The deadline to take disciplinary action was February 16, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 6, 2021, four months and 20 days after the deadline to take disciplinary action expired.

Case Type

Departmental
Inquiry

Incident Date

May 07, 2018

Allegations

Battery
Threat/Intimidation
CONDUCT OR
INEFFICIENCY

Overall Rating

Poor

OIG Case Number

21-0037922-IQ

Incident Summary

On May 7, 2018, an officer allegedly grabbed an incarcerated person's shirt and hair, pulled him up from the floor, and punched him in the face and stomach, causing the incarcerated person to suffer lacerations, bruising, and swelling to his face. On May 7, 2018, the officer allegedly directed curse terms and other offensive language to the incarcerated person. On May 7, 2018, a second officer allegedly physically assaulted the incarcerated person, causing the incarcerated person to sustain lacerations, bruising, and swelling to the face, and threatened to physically harm an incarcerated person again if the incarcerated person submitted a staff misconduct grievance. On May 7, 2018, a third officer allegedly prepared and submitted a false report concerning a use-of-force incident and read the false report to the incarcerated person. On May 17, 2018, the first officer allegedly retrieved food trays from an incarcerated person and threw them in the trash, and allegedly directed an expletive-laden comment to the incarcerated person. Between May 14, 2018, and May 31, 2018, a fourth officer allegedly told the incarcerated person that the incarcerated person was lucky that he was involved in the incident with the first officer because, if it had been the fourth officer, the fourth officer would have "stomped out" the incarcerated person.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs.

Overall Assessment

The department poorly conducted the inquiry. The department allowed the deadline to take disciplinary action to expire before completion of the inquiry. The deadline to take disciplinary action was August 8, 2019. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 11, 2021, one year, ten months, and 3 days after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?***

The deadline to take disciplinary action was August 8, 2019. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 11, 2021, one year, ten months, and 3 days after the deadline to take disciplinary action had expired.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was August 8, 2019. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 11, 2021, one year, ten months, and 3 days after the deadline to take disciplinary action had expired.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was August 8, 2019. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 11, 2021, one year, ten months, and 3 days after the deadline to take disciplinary action had expired.

In the OIG's opinion, did the department handle the case with due diligence?

The department learned of the staff misconduct allegation on August 8, 2018. The deadline to take disciplinary action was August 8, 2019. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 11, 2021, one year, ten months, and 3 days after the deadline to take disciplinary action had expired.

Case Type

Departmental
Inquiry

Incident Date

May 15, 2018

Allegations

Retaliation

Overall Rating

Poor

OIG Case Number

20-0035997-IQ

Incident Summary

On May 15, 2018, an officer allegedly read an incarcerated person's legal mail in retaliation for the incarcerated person's filing staff misconduct grievances and other complaints against staff members. Between May 15, 2018, and June 30, 2018, a sergeant allegedly rewrote the incarcerated person's staff misconduct grievances and other complaints in retaliation for the incarcerated person's filing staff misconduct grievances and other complaints against staff members.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The Office of Internal Affairs poorly conducted the inquiry. The investigator failed to ask relevant questions during interviews, failed to use effective interviewing techniques, and failed to capture information obtained from an off-the-record conversation. Due to the poor quality of the Office of Internal Affairs' inquiry work, the OIG did not reach a conclusion regarding whether there was a reasonable belief of staff misconduct. However, the deadline to take disciplinary action had expired and, therefore, the OIG agreed that a referral to the Office of Internal Affairs for an investigation was not necessary.

Overall Assessment

Overall, the department poorly conducted the inquiry. The Office of Internal Affairs began and completed its inquiry after the deadline to take disciplinary action had expired. The Office of Internal Affairs did not assign an investigator to conduct an inquiry until two years, two months, and 11 days after the department learned of the staff misconduct allegation. Also, the investigator failed to ask relevant questions during interviews, failed to use effective interviewing techniques, and failed to capture information obtained from an off-the-record conversation.

Questions***In the OIG's opinion, did the investigator ask all relevant questions during interviews?***

The investigator did not ask the incarcerated person who submitted the complaint for additional details when the incarcerated person stated that a sergeant "brushed (him) off" when he complained and that officers referred to the sergeant as "bad news" and that he should not be working there. The investigator also failed to ask the incarcerated person for additional details when the incarcerated person stated that a captain told him he came to the prison because staff were "doing stuff illegal." Also, the investigator failed to ask the incarcerated person about the circumstances under which an officer who was a subject of the inquiry apologized to him for reading his mail.

In the OIG's opinion, did the investigator use effective interviewing techniques when conducting interviews?

In the OIG's opinion, the investigator did not use effective interviewing techniques. On December 9, 2020, the investigator unnecessarily apologized to a sergeant who was a subject of the inquiry for asking questions about the sergeant's alleged misconduct.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

The Office of Internal Affairs began and concluded its inquiry after the deadline to take disciplinary action had expired. The deadline to take disciplinary action was May 16, 2019. On July 27, 2020, the Office of Internal Affairs assigned an investigator to conduct the inquiry and, on March 5, 2021, submitted its inquiry report to the hiring authority, one year, nine months, and 17 days after the deadline to take disciplinary action.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was May 16, 2019, but the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until March 5, 2021, one year, nine months, and 17 days after the deadline to take disciplinary action.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The department received the incarcerated person's complaint and staff misconduct grievance on May 16, 2018, and the deadline to take disciplinary action was May 16, 2019. The Office of Internal Affairs began the department's second inquiry into the allegations on July 27, 2020, one year, two months, and 11 days after the deadline. The Office of Internal Affairs submitted its final inquiry report to the hiring authority on March 5, 2021, one year, nine months, and 17 days after the deadline to take disciplinary action.

In the OIG's opinion, did the department handle the case with due diligence?

On May 16, 2018, the department learned of the staff misconduct allegations submitted by the incarcerated person when he submitted a complaint and staff misconduct grievance. The department assigned a sergeant to conduct an inquiry. On June 12, 2018, the sergeant interviewed the incarcerated person, but did not sufficiently investigate the complaint and staff misconduct grievance by interviewing other incarcerated persons or staff and did not address all the allegations. On August 5, 2018, at the completion of the inquiry, the hiring authority determined staff did not violate departmental policy. On February 4, 2020, the incarcerated person subsequently submitted a declaration setting forth the same allegations of staff misconduct to the department. On July 27, 2020, the Office of Internal Affairs assigned an investigator to conduct a second inquiry into the allegations, five months, and 23 days after receiving the declaration. The investigator completed the final interview on December 9, 2020, but the Office of Internal Affairs did not complete the final inquiry report until March 5, 2021, two months and 24 days after the last interview. The deadline to take disciplinary action was May 16, 2019, the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until March 5, 2021, one year, nine months, and 17 days after the deadline to take disciplinary action. The Office of Internal Affairs began and completed its inquiry after the deadline to take disciplinary action had expired.

Case Type

Departmental
Inquiry

Incident Date

June 01, 2018

Allegations

Use of Force
Discourteous
Treatment
Neglect of Duty

Overall Rating

Poor

OIG Case Number

20-0035308-IQ

Incident Summary

Between June 1, 2018, and June 30, 2018, two officers allegedly failed to respond to an incarcerated person's report of being suicidal, dragged the incarcerated person by an arm to a cell, and slammed the cell door.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The Office of Internal Affairs poorly conducted the inquiry. The investigator failed to ask all relevant questions during interviews, did not use effective interviewing techniques when conducting interviews, did not complete all necessary and relevant interviews, did not address in the final inquiry report all appropriate allegations as discovered during the inquiry, and did not prepare a final inquiry report that included all relevant facts and evidence. Due to the poor quality of the Office of Internal Affairs' inquiry work, the OIG did not reach a conclusion regarding whether there was a reasonable belief of staff misconduct. However, the deadline to take disciplinary action had expired and, therefore, the OIG agreed that a referral to the Office of Internal Affairs for an investigation was not necessary.

Overall Assessment

Overall, the department poorly conducted the inquiry. The department did not assign an investigator to conduct an inquiry until six months and 22 days after it learned of the staff misconduct allegation. Also, the investigator failed to ask all relevant questions during interviews, did not use effective interviewing techniques when conducting interviews, did not complete all necessary and relevant interviews, did not address in the final inquiry report all appropriate allegations as discovered during the inquiry in the final inquiry report, and did not prepare a final inquiry report that included all relevant facts and evidence. In addition, the Office of Internal Affairs completed and submitted its final inquiry report to the hiring authority after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator ask all relevant questions during interviews?***

The investigator failed to ask any questions that would indicate whether the witnesses had an independent recollection of the day of the incident.

In the OIG's opinion, did the investigator use effective interviewing techniques when conducting interviews?

The investigator used leading questions when questioning the department witnesses; this prevented a determination of whether the witnesses had independent recollections of the day or the incident in question. The investigator failed to state for the recording his actions when he was showing witnesses photographs or exhibits and failed to describe the items for the recording.

In the OIG's opinion, did the investigator complete all necessary and relevant interviews?

The investigator failed to interview medical staff who worked in the building or at the treatment and triage area at the time of the incident to determine if an incarcerated person was treated for self-inflicted wounds during the time period at issue.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

The investigator used leading questions when questioning the department witnesses; this prevented a determination of whether the witnesses had independent recollections of the day or the incident in question. The investigator failed to state for the recording his actions when he was showing witnesses photographs or exhibits and failed to describe the items for the recording. Further, the department inappropriately separated the allegations in this case from the allegations in another inquiry case, even though the allegations all

stemmed from one incident; this separation resulted in inefficiencies and duplication of efforts as the investigator interviewed all the same witnesses for both inquiry cases, used the same exhibits for both inquiry cases, and produced two nearly identical reports for each of the inquiry cases.

In the OIG's opinion, did the investigator prepare a final inquiry report that included all relevant facts and evidence?

The report incorrectly states that the department first assigned an investigator on January 1, 2021. However, the department assigned an initial investigator to conduct the inquiry on August 4, 2020.

In the OIG's opinion, did the investigator address all appropriate allegations as discovered during the inquiry in the final inquiry report?

The investigator failed to address the allegation that the incarcerated person informed officers that the incarcerated person was suicidal and the officers allegedly failed to respond. The department separated two allegations from the same incident into two inquiries, which resulted in the inquiries failing to convey the gravity of the allegations.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was January 13, 2021. However, the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until April 19, 2021, three months and six days after the deadline to take disciplinary action.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was January 13, 2021. However, the Office of Internal Affairs submitted its inquiry report to the hiring authority on April 19, 2021, three months and six days after the deadline to take disciplinary action.

In the OIG's opinion, did the department handle the case with due diligence?

In the OIG's opinion, the department did not handle the case with due diligence. On January 13, 2020, the department learned of the staff misconduct allegation submitted by the incarcerated person. However, the department did not assign an investigator to conduct an inquiry into the allegation until August 4, 2020, six months and 22 days thereafter. Also, the deadline to take disciplinary action was January 13, 2021, but the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until April 19, 2021, three months and six days after the deadline to take disciplinary action.

Case Type

Departmental
Inquiry

Incident Date

June 01, 2018

Allegations

Other Failure of
Good Behavior
Neglect of Duty
Other

Overall Rating

Poor

OIG Case Number

20-0035309-IQ

Incident Summary

On June 1, 2018, through June 30, 2018, an officer allegedly did not respond to an incarcerated person's cries that the incarcerated person had self-inflicted cuts, did not render any medical aid to the incarcerated person, and did not remove the incarcerated person from the cell he was in until the next morning.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The Office of Internal Affairs poorly conducted the inquiry. The investigator failed to ask all relevant questions during interviews, did not use effective interviewing techniques when conducting interviews, did not complete all necessary and relevant interviews, and did not prepare a final inquiry report that included all relevant facts and evidence. Due to the poor quality of the Office of Internal Affairs' inquiry work, the OIG did not reach a conclusion regarding whether there was a reasonable belief of staff misconduct. However, the deadline to take disciplinary action had expired and, therefore, the OIG agreed that a referral to the Office of Internal Affairs for an investigation was not necessary.

Overall Assessment

Overall, the department poorly conducted the inquiry. The department did not assign an investigator to conduct an inquiry until six months and 22 days after it learned of the staff misconduct allegation. Also, the investigator failed to ask all relevant questions during interviews, did not use effective interviewing techniques when conducting interviews, did not complete all necessary and relevant interviews, and did not prepare a final inquiry report that included all relevant facts and evidence. In addition, the Office of Internal Affairs completed and submitted its final inquiry report to the hiring authority after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator ask all relevant questions during interviews?***

The investigator failed to ask any questions to determine whether the witnesses had independent recollections of the day of the incident.

In the OIG's opinion, did the investigator use effective interviewing techniques when conducting interviews?

The investigator used leading questions when questioning the department witnesses; this prevented a determination of whether the witnesses had independent recollections of the day or the incident in question. The investigator failed to state for the recording his actions when he was showing witnesses photographs or exhibits and to failed to describe the items for the recording.

In the OIG's opinion, did the investigator complete all necessary and relevant interviews?

The investigator failed to interview medical staff who worked in the building or at the treatment and triage area at the time of the incident to determine if an incarcerated person was treated for self-inflicted wounds during the time period at issue.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

The investigator used leading questions when questioning the department witnesses; this prevented a determination of whether the witnesses had independent recollections of the day or the incident in question. The investigator failed to state for the recording his actions when he was showing witnesses photographs or exhibits and failed to describe the items for the recording. Further, the department inappropriately separated the allegations in this case from the allegations in another inquiry case, even though the allegations all stemmed from one incident; this separation resulted in inefficiencies and duplication of efforts as the investigator interviewed all the same witnesses for both inquiry cases, used the same exhibits for both inquiry cases, and produced two nearly identical reports for each of the inquiry cases.

In the OIG's opinion, did the investigator prepare a final inquiry report that included all relevant facts and evidence?

The report incorrectly reflects that the department first assigned an investigator on January 1, 2021. However, the department assigned an initial investigator to conduct the inquiry on August 4, 2020.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was January 13, 2021. However, the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until April 19, 2021, three months and six days after the deadline to take disciplinary action.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was January 13, 2021. However, the Office of Internal Affairs submitted its inquiry report to the hiring authority on April 19, 2021, three months and six days after the deadline to take disciplinary action.

In the OIG's opinion, did the department handle the case with due diligence?

In the OIG's opinion, the department did not handle the case with due diligence. On January 13, 2020, the department learned of the staff misconduct allegation submitted by the incarcerated person. However, the department did not assign an investigator to conduct an inquiry into the allegation until August 4, 2020, six months and 22 days thereafter. Also, the deadline to take disciplinary action was January 13, 2021, but the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until April 19, 2021, three months and six days after the deadline to take disciplinary action.

Case Type

Departmental
Inquiry

Incident Date

June 01, 2018

Allegations

Other Failure of
Good Behavior
Neglect of Duty

Overall Rating

Poor

OIG Case Number

20-0035310-IQ

Incident Summary

Between June 1, 2018, and June 30, 2018, two officers allegedly allowed incarcerated persons to engage in physical altercations without intervening to stop the altercations, provide medical attention, or investigate the incidents.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The Office of Internal Affairs poorly conducted the inquiry. The investigator failed to ask all relevant questions during interviews, did not use effective interviewing techniques when conducting interviews, did not complete all necessary and relevant interviews, did not prepare a final inquiry report that included all relevant facts and evidence, and failed to address material contradictions in the final inquiry report. Due to the poor quality of the Office of Internal Affairs' inquiry work, the OIG did not reach a conclusion regarding whether there was a reasonable belief of staff misconduct. However, the deadline to take disciplinary action had expired and, therefore, the OIG agreed that a referral to the Office of Internal Affairs for an investigation was not necessary.

Overall Assessment

Overall, the department poorly conducted the inquiry. The department did not assign an investigator to conduct an inquiry until six months and 22 days after it learned of the staff misconduct allegation. Also, the investigator failed to ask all relevant questions during interviews, did not use effective interviewing techniques when conducting interviews, did not complete all necessary and relevant interviews, did not prepare a final inquiry report that included all relevant facts and evidence, and failed to address material contradictions in the final inquiry report. In addition, the Office of Internal Affairs completed and submitted its final inquiry report to the hiring authority after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator ask all relevant questions during interviews?***

The investigator failed to ask any questions to determine whether the witnesses had independent recollections of the day of the incident.

In the OIG's opinion, did the investigator use effective interviewing techniques when conducting interviews?

The investigator asked leading questions when questioning the department witnesses; this prevented a determination of whether the witnesses had independent recollections of the day or the incident in question. The investigator failed to state for the recording his actions when he was showing witnesses photographs or exhibits and failed to describe the items for the recording.

In the OIG's opinion, did the investigator complete all necessary and relevant interviews?

The investigator failed to interview medical staff who worked in the building in question to determine whether medical staff witnessed any of the alleged incidents.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

The investigator asked leading questions when questioning the department witnesses; this prevented a determination of whether the witnesses had independent recollections of the day or the incident in question. The investigator failed to state for the recording his actions when he was showing witnesses photographs or exhibits and failed to describe the items for the recording. Further, the department inappropriately separated the first subject of these allegations in this case from the second subject of these same allegations into another inquiry case, even though the two subjects were allegedly involved in the same incidents; this separation

resulted in inefficiencies and duplication of efforts as the investigator interviewed all the same witnesses for both inquiry cases, used the same exhibits for both inquiry cases, and produced two nearly identical reports for each of the inquiry cases.

In the OIG's opinion, did the investigator prepare a final inquiry report that included all relevant facts and evidence?

The report incorrectly states that the department first assigned an investigator on January 1, 2021. However, the department assigned an initial investigator to conduct the inquiry on August 4, 2020. In addition, the investigator failed to reference and include a summary of the interview he conducted with the second subject of the inquiry on February 25, 2021, in which that individual gave information related to this inquiry.

In the OIG's opinion, did the investigator address material contradictions in the final inquiry report?

The investigator failed to address the contradiction that every incarcerated person whom the investigator interviewed corroborated the allegations against the officers who were the subjects of the inquiries despite the denials of the officers. The investigator's only explanation regarding the material contradiction was to discredit all of the incarcerated persons who were interviewed by stating that they could not remember specific dates, times, or persons for the physical altercations that occurred but he failed to note that the incarcerated witnesses were expected to retain details for events that occurred two years and eight months prior to their interviews.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was January 13, 2021. However, the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until April 19, 2021, three months and six days after the deadline to take disciplinary action.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was January 13, 2021. However, the Office of Internal Affairs submitted its inquiry report to the hiring authority on April 19, 2021, three months and six days after the deadline to take disciplinary action.

In the OIG's opinion, did the department handle the case with due diligence?

In the OIG's opinion, the department did not handle the case with due diligence. On January 13, 2020, the department learned of the staff misconduct allegation submitted by the incarcerated person. However, the department did not assign an investigator to conduct an inquiry into the allegation until August 4, 2020, six months and 22 days thereafter. Also, the deadline to take disciplinary action was January 13, 2021, but the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until April 19, 2021, three months and six days after the deadline to take disciplinary action.

Case Type

Departmental
Inquiry

Incident Date

June 01, 2018

Allegations

Other Failure of
Good Behavior
Neglect of Duty

Overall Rating

Poor

OIG Case Number

20-0035311-IQ

Incident Summary

Between June 1, 2018, and June 30, 2018, two officers allegedly allowed incarcerated persons to engage in physical altercations without intervening to stop the altercations, provide medical attention, or investigate the incidents.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The Office of Internal Affairs poorly conducted the inquiry. The investigator failed to ask all relevant questions during interviews, did not use effective interviewing techniques when conducting interviews, did not complete all necessary and relevant interviews, did not prepare a final inquiry report that included all relevant facts and evidence, and failed to address material contradictions in the final inquiry report. Due to the poor quality of the Office of Internal Affairs' inquiry work, the OIG did not reach a conclusion regarding whether there was a reasonable belief of staff misconduct. However, the deadline to take disciplinary action had expired and, therefore, the OIG agreed that a referral to the Office of Internal Affairs for an investigation was not necessary.

Overall Assessment

Overall, the department poorly conducted the inquiry. The department did not assign an investigator to conduct an inquiry until six months and 22 days after it learned of the staff misconduct allegation. Also, the investigator failed to ask all relevant questions during interviews, did not use effective interviewing techniques when conducting interviews, did not complete all necessary and relevant interviews, did not thoroughly and appropriately conduct the inquiry, did not prepare a final inquiry report that included all relevant facts and evidence, and failed to address material contradictions in the final inquiry report. In addition, the Office of Internal Affairs completed and submitted its inquiry report to the hiring authority 96 days after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator ask all relevant questions during interviews?***

The investigator failed to ask any questions to determine whether the witnesses had independent recollections of the day of the incident.

In the OIG's opinion, did the investigator use effective interviewing techniques when conducting interviews?

The investigator asked leading questions when questioning the department witnesses; this prevented a determination of whether the witnesses had independent recollections of the day or the incident in question. The investigator failed to state for the recording his actions when he was showing witnesses photographs or exhibits and failed to describe the items for the recording.

In the OIG's opinion, did the investigator complete all necessary and relevant interviews?

The investigator failed to interview medical staff who worked in the building to determine whether medical staff witnessed any of the alleged incidents.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

The investigator asked leading questions when questioning the department witnesses; this prevented a determination of whether the witnesses had independent recollections of the day or the incident in question. The investigator failed to state for the recordings his actions when he was showing witnesses photographs or exhibits and failed to describe the items for the recording. Further, the department inappropriately separated the second subject of these allegations in this case from the case involving the first subject of these same allegations into another inquiry case, even though the two subjects were allegedly involved in the same

incidents; this separation resulted in inefficiencies and duplication of efforts as the investigator interviewed all the same witnesses for both inquiry cases, used the same exhibits for both inquiry cases, and produced two nearly identical reports for each of the inquiry cases.

In the OIG's opinion, did the investigator prepare a final inquiry report that included all relevant facts and evidence?

The report incorrectly states that the department first assigned an investigator on January 1, 2021. However, the department assigned an initial investigator to conduct the inquiry on August 4, 2020. In addition, the investigator failed to reference and include in the final inquiry report a summary of the interview he conducted with the first subject officer on February 25, 2021, in which that individual gave information related to this inquiry.

In the OIG's opinion, did the investigator address material contradictions in the final inquiry report?

The investigator failed to address the contradiction that every incarcerated person who was interviewed corroborated the allegations against the two officers who were the subjects of the inquiry, despite the denials of the officers. The investigator's only explanation regarding this material contradiction was to discredit all of the incarcerated persons who were interviewed by stating that they could not remember specific dates, times or persons for the physical altercations that occurred but he failed to note that the incarcerated witnesses were expected to retain details for events that occurred two years and eight months prior to their interviews.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was January 13, 2021. However, the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until April 19, 2021, three months and six days after the deadline to take disciplinary action.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was January 13, 2021. However, the Office of Internal Affairs submitted its inquiry report to the hiring authority on April 19, 2021, three months and six days after the deadline to take disciplinary action.

In the OIG's opinion, did the department handle the case with due diligence?

In the OIG's opinion, the department did not handle the case with due diligence. On January 13, 2020, the department learned of the staff misconduct allegation submitted by the incarcerated person. However, the department did not assign an investigator to conduct an inquiry into the allegation until August 4, 2020, six months and 22 days thereafter. Also, the deadline to take disciplinary action was January 13, 2021, but the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until April 19, 2021, three months and six days after the deadline to take disciplinary action.

Case Type

Departmental
Inquiry

Incident Date

June 01, 2018

Allegations

Battery

Overall Rating

Poor

OIG Case Number

21-0037870-IQ

Incident Summary

Between June 1, 2018, and June 30, 2018, an officer allegedly threw a disabled incarcerated person to the ground.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs.

Overall Assessment

The department poorly conducted the inquiry. The department allowed the deadline to take disciplinary action to expire before completion of the inquiry. The deadline to take disciplinary action was February 16, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 24, 2021, four months and eight days after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?***

The deadline to take disciplinary action was February 16, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 24, 2021, four months and eight days after the deadline to take disciplinary action had expired.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was February 16, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 24, 2021, four months and eight days after the deadline to take disciplinary action had expired.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was February 16, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 24, 2021, four months and eight days after the deadline to take disciplinary action had expired.

In the OIG's opinion, did the department handle the case with due diligence?

The department learned of the staff misconduct allegation on January 13, 2020. The deadline to take disciplinary action was February 16, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 24, 2021, four months and eight days after the deadline to take disciplinary action had expired.

Case Type

Departmental
Inquiry

Incident Date

June 01, 2018

Allegations

Battery

Overall Rating

Poor

OIG Case Number

21-0037872-IQ

Incident Summary

Between June 1, 2018, and July 31, 2018, an officer allegedly grabbed a disabled incarcerated person, who was in a wheelchair, by the neck and slammed him to the floor from his wheelchair. The officer then allegedly dragged the incarcerated person to the incarcerated person's cell.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs.

Overall Assessment

The department poorly conducted the inquiry. The department allowed the deadline to take disciplinary action to expire before completion of the inquiry. The deadline to take disciplinary action was February 16, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 24, 2021, four months and eight days after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?***

The deadline to take disciplinary action was February 16, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 24, 2021, four months and eight days after the deadline to take disciplinary action had expired.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was February 16, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 24, 2021, four months and eight days after the deadline to take disciplinary action had expired.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was February 16, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 24, 2021, four months and eight days after the deadline to take disciplinary action had expired.

In the OIG's opinion, did the department handle the case with due diligence?

The department learned of the staff misconduct allegation on January 13, 2020. The deadline to take disciplinary action was February 16, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 24, 2021, four months and eight days after the deadline to take disciplinary action had expired.

Case Type

Departmental
Inquiry

Incident Date

July 01, 2018

Allegations

Battery

Overall Rating

Poor

OIG Case Number

21-0037878-IQ

Incident Summary

From July 1, 2018, through July 31, 2018, an officer allegedly grabbed a disabled incarcerated person by the throat and threw the incarcerated person from his wheelchair to the ground.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs.

Overall Assessment

The department poorly conducted the inquiry. The department allowed the deadline to take disciplinary action to expire before completion of the inquiry. The deadline to take disciplinary action was February 16, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 16, 2021, five months after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?***

The deadline to take disciplinary action was February 16, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 16, 2021, five months after the deadline to take disciplinary action had expired.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was February 16, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 16, 2021, five months after the deadline to take disciplinary action had expired.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was February 16, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 16, 2021, five months after the deadline to take disciplinary action had expired.

In the OIG's opinion, did the department handle the case with due diligence?

The department learned of the staff misconduct allegation on January 13, 2020. The deadline to take disciplinary action was February 16, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 16, 2021, five months after the deadline to take disciplinary action had expired.

Case Type

Departmental
Inquiry

Incident Date

July 01, 2018

Allegations

CONDUCT OR
INEFFICIENCY

Overall Rating

Poor

OIG Case Number

21-0037926-IQ

Incident Summary

Between July 1, 2018, and July 31, 2018, an officer allegedly called a disabled incarcerated person "crippled" and made a belittling statement concerning the incarcerated person's being in a wheelchair.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs.

Overall Assessment

The department poorly conducted the inquiry. The department allowed the deadline to take disciplinary action to expire before completion of the inquiry. The deadline to take disciplinary action was February 16, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until May 12, 2021, two months and 26 days after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?***

The deadline to take disciplinary action was February 16, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until May 12, 2021, two months and 26 days after the deadline to take disciplinary action had expired.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was February 16, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until May 12, 2021, two months and 26 days after the deadline to take disciplinary action had expired.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was February 16, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until May 12, 2021, two months and 26 days after the deadline to take disciplinary action had expired.

In the OIG's opinion, did the department handle the case with due diligence?

The department learned of the staff misconduct allegation on January 13, 2020. The deadline to take disciplinary action was February 16, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until May 12, 2021, two months and 26 days after the deadline to take disciplinary action had expired.

Case Type

Departmental
Inquiry

Incident Date

July 04, 2018

Allegations

Neglect of Duty
CONDUCT OR
INEFFICIENCY

Overall Rating

Poor

OIG Case Number

21-0037930-IQ

Incident Summary

On July 4, 2018, staff allegedly ignored violence committed by incarcerated persons against an injured incarcerated person, and an officer allegedly made a demeaning statement to an incarcerated person concerning mentally ill incarcerated persons.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs.

Overall Assessment

The department poorly conducted the inquiry. The department allowed the deadline to take disciplinary action to expire before completion of the inquiry. The deadline to take disciplinary action was March 10, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 16, 2021, four months and six days after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?***

The deadline to take disciplinary action was March 10, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 16, 2021, four months and six days after the deadline to take disciplinary action had expired.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was March 10, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 16, 2021, four months and six days after the deadline to take disciplinary action had expired.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was March 10, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 16, 2021, four months and six days after the deadline to take disciplinary action had expired.

In the OIG's opinion, did the department handle the case with due diligence?

The department learned of the staff misconduct allegation on February 4, 2020. The deadline to take disciplinary action was March 10, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 16, 2021, four months and six days after the deadline to take disciplinary action had expired.

Case Type

Departmental
Inquiry

Incident Date

July 06, 2018

Allegations

Discourteous
Treatment
Other Failure of
Good Behavior
Discrimination/Harassment

Overall Rating

Poor

OIG Case Number

20-0034674-IQ

Incident Summary

On July 6, 2018, an officer allegedly cursed at an incarcerated person after the incarcerated person informed the officer that a Kool-Aid dispenser was empty, and the officer continued to curse at the incarcerated person while the incarcerated person ate his meal. The officer, while in the presence of two additional officers, then allegedly grabbed the incarcerated person's walker and threw it; aggressively searched the incarcerated person; took the incarcerated person's eyeglasses and broke them; forced the incarcerated person to remove his shoes, shirt, and pants; and forced the incarcerated person to walk back to his housing unit in underclothes.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The Office of Internal Affairs poorly conducted the inquiry. The investigator failed to use effective interviewing techniques when conducting interviews, did not complete all necessary and relevant interviews, did not search for and collect relevant evidence, and did not prepare a final inquiry report that included all relevant facts and evidence. Due to the poor quality of the Office of Internal Affairs' inquiry work, the OIG did not reach a conclusion regarding whether there was a reasonable belief of staff misconduct. However, the deadline to take disciplinary action had expired and, therefore, the OIG agreed that a referral to the Office of Internal Affairs for an investigation was not necessary.

Overall Assessment

Overall, the department poorly conducted the inquiry. The investigator failed to use effective interviewing techniques when conducting interviews, did not complete all necessary and relevant interviews, did not search for and collect relevant evidence, and did not prepare a final inquiry report that included all relevant facts and evidence. In addition, the Office of Internal Affairs completed and submitted its final inquiry report to the hiring authority after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator ask all relevant questions during interviews?***

The investigator failed to ask any questions to determine whether the witnesses had an independent recollection of the day of the incident.

In the OIG's opinion, did the investigator use effective interviewing techniques when conducting interviews?

When questioning staff witnesses, the investigator used leading questions that prevented a determination as to whether the witnesses had independent recollections of the day or the incident in question. In addition, the investigator failed to state for the recording his actions when he was showing witnesses photographs or exhibits and failed to describe the items for the recording.

In the OIG's opinion, did the investigator complete all necessary and relevant interviews?

The investigator failed to interview any incarcerated persons who lived in the housing unit with the incarcerated person or who were housed in the cells next door to the incarcerated person who allegedly returned to the housing unit wearing only his underclothes.

In the OIG's opinion, did the investigator properly search for and collect relevant documentary and other forensic evidence?

The investigator failed to review the incarcerated person's medical records to determine whether the incarcerated person did, in fact, order new eyeglasses due to his eyeglasses allegedly having been broken by staff.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

The investigator failed to interview any incarcerated persons who lived in the housing unit with the incarcerated person or who were housed in the cells next door to the incarcerated person who allegedly

returned to the housing unit wearing only his underclothes. The investigator failed to review the incarcerated person's medical records to determine whether the incarcerated person did, in fact, order new eyeglasses due to his eyeglasses allegedly having been broken by staff. The investigator failed to state for the recording his actions when he was showing witnesses photographs or exhibits and failed to describe the items for the recording.

In the OIG's opinion, did the investigator prepare a final inquiry report that included all relevant facts and evidence?

The report incorrectly states that the department first assigned an investigator on January 1, 2021. The department assigned an initial investigator to conduct the inquiry on August 4, 2020.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was August 1, 2019. However, the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until April 19, 2021, one year, eight months, and 18 days after the deadline to take disciplinary action.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was August 1, 2019. However, the Office of Internal Affairs submitted its inquiry report to the hiring authority on April 19, 2021, one year, eight months, and 18 days after the deadline to take disciplinary action.

In the OIG's opinion, did the department handle the case with due diligence?

The incarcerated person filed a staff misconduct grievance on August 1, 2018. On August 1, 2018, the prison assigned an associate warden from the prison to conduct an inquiry. The associate warden conducted a cursory inquiry into the allegations of excessive use of force. On September 13, 2018, after completion of the inquiry, the hiring authority found staff did not violate departmental policy. Thereafter, on January 13, 2020, the incarcerated person submitted a declaration describing the same staff misconduct allegation. The Office of Internal Affairs assigned an investigator to conduct a second inquiry into the same allegations on August 4, 2020, six months and 22 days after receiving the declaration. Also, the deadline to take disciplinary action was August 1, 2019, but the Office of Internal Affairs did not provide its final inquiry report to the hiring authority until April 19, 2021, one year, eight months, and 18 days after the deadline to take disciplinary action.

Case Type

Departmental
Inquiry

Incident Date

July 07, 2018

Allegations

Use of Force
Battery

Overall Rating

Poor

OIG Case Number

21-0037875-IQ

Incident Summary

On July 7, 2018, an officer allegedly placed an incarcerated person in a stranglehold, slammed him to the floor, and repeatedly hit him. A second officer allegedly kicked the incarcerated person twice in the face.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs.

Overall Assessment

The department poorly conducted the inquiry. The department allowed the deadline to take disciplinary action to expire before completion of the inquiry. The deadline to take disciplinary action was February 16, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 9, 2021, four months and 23 days after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?***

The deadline to take disciplinary action was February 16, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 9, 2021, four months and 23 days after the deadline to take disciplinary action had expired.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was February 16, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 9, 2021, four months and 23 days after the deadline to take disciplinary action had expired.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was February 16, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 9, 2021, four months and 23 days after the deadline to take disciplinary action had expired.

In the OIG's opinion, did the department handle the case with due diligence?

The department learned of the staff misconduct allegation on January 13, 2020. The deadline to take disciplinary action was February 16, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 9, 2021, four months and 23 days after the deadline to take disciplinary action had expired.

Case Type

Departmental
Inquiry

Incident Date

August 21, 2018

Allegations

Discourteous
Treatment
Use of Force
Dishonesty

Overall Rating

Poor

OIG Case Number

20-0035275-IQ

Incident Summary

On August 21, 2018, an officer allegedly yelled at an incarcerated person, denigrated the incarcerated person for being disabled, deployed pepper spray on the incarcerated person's face, struck the incarcerated person in the face with a pepper spray canister, kicked the incarcerated person in the ribs and stomach, and stomped on the incarcerated person's back and neck. The officer allegedly lied when he told a sergeant the incarcerated person spat on him.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The Office of Internal Affairs poorly conducted the inquiry. The investigator asked leading questions, did not ask all relevant questions during interviews, and engaged in off-the-record conversations with witnesses. Due to the poor quality of the Office of Internal Affairs' inquiry work, the OIG did not reach a conclusion regarding whether there was a reasonable belief of staff misconduct.

Overall Assessment

Overall, the department poorly conducted the inquiry. The Office of Internal Affairs began and completed its inquiry after the deadline to take disciplinary action expired. Also, the investigator asked leading questions, did not ask all relevant questions during interviews, engaged in off-the-record conversations with witnesses, and did not admonish the witnesses concerning confidentiality at the end of interviews.

Questions***In the OIG's opinion, did the investigator ask all relevant questions during interviews?***

During interviews on October 27, 2020, October 29, 2020, November 3, 2020, and November 4, 2020, the investigator did not ask logical follow-up questions such as questions about the identity of witnesses, the sources of information, or other allegations of similar misconduct.

In the OIG's opinion, did the investigator use effective interviewing techniques when conducting interviews?

During interviews, the investigator asked leading questions which did not facilitate obtaining important details from witnesses, and the investigator failed to note for the record an exhibit shown to a witness.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

The department did not appropriately conduct the inquiry. The Office of Internal Affairs began and completed its inquiry after the deadline to take disciplinary action had expired. The deadline to take disciplinary action was September 6, 2019. The Office of Internal Affairs submitted its inquiry report to the hiring authority on February 2, 2021, one year, four months and 27 days after the deadline expired. Also, the investigator asked leading questions, did not ask all relevant questions during interviews, engaged in off-the-record conversations with witnesses, and did not admonish the witnesses concerning confidentiality at the end of interviews.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was September 6, 2019. The Office of Internal Affairs submitted its inquiry report to the hiring authority on February 2, 2021, one year, four months and 27 days after the deadline expired.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was September 6, 2019. The Office of Internal Affairs submitted its inquiry report to the hiring authority on February 2, 2021, one year, four months and 27 days after the deadline to take disciplinary action.

In the OIG's opinion, did the department handle the case with due diligence?

On September 6, 2018, the department learned of the staff misconduct allegations at issue in this inquiry and assigned a sergeant to conduct an inquiry. On September 7, 2018, the sergeant interviewed the incarcerated person. On April 28, 2019, at the completion of the inquiry, the hiring authority determined staff did not violate departmental policy. On February 11, 2020, the incarcerated person subsequently submitted a declaration setting forth the same allegations of staff misconduct. On October 20, 2020, the Office of Internal Affairs assigned an investigator to conduct a second inquiry into the allegations, eight months and nine days after the department received the declaration. The investigator completed the final interview on November 12, 2020, but the Office of Internal Affairs did not provide the final inquiry report to the hiring authority until February 2, 2021, two months and 21 days after the final interview. Finally, the deadline to take disciplinary action was September 6, 2019, but the Office of Internal Affairs did not submit its final inquiry report to the hiring authority on February 2, 2021, one year, four months and 27 days after the deadline to take disciplinary action. The Office of Internal Affairs began and completed its inquiry after the deadline to take disciplinary action had expired.

Case Type

Departmental
Inquiry

Incident Date

August 23, 2018

Allegations

Misuse of Authority

Overall Rating

Poor

OIG Case Number

21-0038976-IQ

Incident Summary

On August 23, 2018, an officer allegedly arranged and paid for an incarcerated person to take his cellmate's television, radio, and money. The officer allegedly paid the incarcerated person with heroin. A second and third officer allegedly acted as lookouts while the incarcerated person took his cellmate's property. A sergeant allegedly recovered the cellmate's television and did not release it to the cellmate.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The Office of Internal Affairs poorly conducted the inquiry. The investigator did not properly identify all allegations against staff and did not conduct all necessary and relevant interviews. Due to the poor quality of the Office of Internal Affairs' inquiry work, the OIG did not reach a conclusion regarding whether there was a reasonable belief of staff misconduct. However, the deadline to take disciplinary action had expired and, therefore, the OIG agreed that a referral to the Office of Internal Affairs for an investigation was not necessary.

Overall Assessment

The department poorly conducted the inquiry. The department began and concluded the inquiry after the deadline to take disciplinary action expired. The investigator did not properly identify all subjects of the inquiry and did not complete all necessary and relevant interviews. The Office of Internal Affairs submitted its final inquiry report to the hiring authority after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator adequately prepare for all aspects of the inquiry?***

On September 18, 2018, an incarcerated person submitted a staff misconduct grievance against three officers and a sergeant regarding an incident that occurred on August 23, 2018. On January 13, 2020, the incarcerated person submitted a declaration to the department containing another complaint regarding the same August 23, 2018, incident. In the declaration, the incarcerated person referred to the staff misconduct grievance he filed in 2018. However, in the declaration, the incarcerated person identified only one officer as the subject of the alleged misconduct. The Office of Internal Affairs investigator prepared for and conducted an inquiry only as to the allegation against the one officer whom the incarcerated person identified in the declaration as having committed misconduct. Despite being aware of the prior staff misconduct grievance reflecting the misconduct allegations against three officers and a sergeant, the investigator did not prepare for all aspects of the inquiry as he did not prepare to conduct inquiry work as to the allegations against the other two officers or the sergeant. In the OIG's opinion, the investigator should have prepared to conduct an inquiry as to all potential subjects, including the two other officers and the sergeant because in the staff misconduct grievance the incarcerated person clearly identified there were other staff members who committed the alleged misconduct and the incarcerated person wrote and submitted the staff misconduct grievance closer in time to the incident and the staff misconduct grievance contained more details. Furthermore, departmental records reflected that the other two officers and sergeant were on duty during the time of the incident, but the officer whom the incarcerated person identified in the January 13, 2020, declaration was not on duty at the time of the incident.

In the OIG's opinion, did the investigator complete all necessary and relevant interviews?

On September 18, 2018, an incarcerated person submitted a staff misconduct grievance against three officers and a sergeant regarding an incident that occurred on August 23, 2018. On January 13, 2020, the incarcerated person submitted a declaration to the department containing another complaint regarding the same August 23, 2018, incident. In the declaration, the incarcerated person referred to the staff misconduct grievance he filed in 2018. However, in the declaration, the incarcerated person identified only one officer as the subject of the alleged misconduct. The Office of Internal Affairs investigator conducted an inquiry only as to the allegation against the one officer whom the incarcerated person identified in the declaration as having committed misconduct. Despite being aware of the prior staff misconduct grievance reflecting the misconduct allegations against three officers and a sergeant, the investigator did not conduct an inquiry as to the allegations against the

other two officers or the sergeant. Additionally, the investigator did not interview the other two officers or the sergeant. In the OIG's opinion, the investigator should have interviewed the other two officers and the sergeant because, in the staff misconduct grievance, the incarcerated person clearly identified there were other staff members who committed the alleged misconduct and the incarcerated person wrote and submitted the staff misconduct grievance closer in time to the incident and contained more details. Furthermore, departmental records reflected that the other two officers and sergeant were on duty during the time of the incident, but the officer whom the incarcerated person identified in the January 13, 2020, declaration was not on duty at the time of the incident.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

On September 18, 2018, the department received a staff misconduct grievance from an incarcerated person alleging misconduct against three officers and a sergeant regarding an incident that occurred on August 23, 2018. On November 13, 2018, the department assigned a sergeant to conduct an inquiry into the allegations. The sergeant interviewed the incarcerated person. On January 19, 2019, at the completion of the inquiry, the hiring authority did not identify any staff misconduct. On January 13, 2020, the incarcerated person submitted a declaration to the department containing another complaint regarding the same August 23, 2018, incident. On March 29, 2021, the Office of Internal Affairs assigned an investigator to conduct an inquiry into the allegations, one year, two months, and 16 days after receipt of the declaration. In the declaration, the incarcerated person referred to the staff misconduct grievance he previously filed in 2018. However, in the declaration, the incarcerated person identified only one officer as the subject of the alleged misconduct. The Office of Internal Affairs investigator conducted an inquiry only as to the allegation against the one officer whom the incarcerated person identified in the declaration as having committed misconduct. Despite being aware of the prior staff misconduct grievance reflecting the misconduct allegations against three officers and a sergeant, the investigator did not conduct an inquiry as to the allegations against the other two officers or the sergeant. In the OIG's opinion, the investigator should have conducted a thorough inquiry as to all potential subjects, including the two other officers and the sergeant, because in the staff misconduct grievance the incarcerated person clearly identified there were other staff members who committed the alleged misconduct and the incarcerated person wrote and submitted the staff misconduct grievance closer in time to the incident and the staff misconduct grievance contained more details. Furthermore, departmental records reflected that the other two officers and sergeant were on duty during the time of the incident, but the officer whom the incarcerated person identified in the declaration was not on duty at the time of the incident. Finally, the deadline to take disciplinary action was September 18, 2019. However, the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 4, 2021, one year, eight months, and 17 days after the deadline to take disciplinary action. The Office of Internal Affairs began and completed its inquiry after the deadline to take disciplinary action had expired.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was September 18, 2019, but the Office of Internal Affairs did not submit the final inquiry report to the hiring authority until June 4, 2021, one year, eight months, and 17 days after the deadline to take disciplinary action expired.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was September 18, 2019, but the Office of Internal Affairs did not submit the final inquiry report to the hiring authority until June 4, 2021, one year, eight months, and 17 days after the deadline to take disciplinary action expired.

In the OIG's opinion, did the department handle the case with due diligence?

On September 18, 2018, the department received a staff misconduct grievance from an incarcerated person alleging misconduct against three officers and a sergeant regarding an incident that occurred on August 23, 2018. On November 13, 2018, the department assigned a sergeant to conduct an inquiry into the allegations. The sergeant interviewed the incarcerated person. On January 19, 2019, at the completion of the inquiry, the hiring authority did not identify any staff misconduct. On January 13, 2020, the incarcerated person submitted

a declaration to the department containing another complaint regarding the same August 23, 2018, incident. On March 29, 2021, the Office of Internal Affairs assigned an investigator to conduct an inquiry into the allegations, one year, two months, and 16 days after receipt of the declaration. In the declaration, the incarcerated person referred to the staff misconduct grievance he filed in 2018. However, in the declaration, the incarcerated person identified only one officer as the subject of the alleged misconduct. The Office of Internal Affairs investigator conducted an inquiry only into the allegation against the one officer whom the incarcerated person identified in the declaration as having committed misconduct. Despite being aware of the prior staff misconduct grievance containing the misconduct allegations against three officers and a sergeant, the investigator did not conduct an inquiry as to the allegations against the other two officers or the sergeant. In the OIG's opinion, the investigator should have conducted a thorough inquiry into all potential subjects, including the two other officers and the sergeant, because in the staff misconduct grievance the incarcerated person clearly identified there were other staff members who committed the alleged misconduct and the incarcerated person wrote and submitted the staff misconduct grievance closer in time to the incident and the staff misconduct grievance contained more details. Furthermore, departmental records showed that the other two officers and sergeant were on duty during the time of the incident, but the officer whom the incarcerated person identified in the declaration was not on duty at the time of the incident. Finally, the deadline to take disciplinary action was September 18, 2019. However, the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 4, 2021, one year, eight months, and 17 days after the deadline to take disciplinary action. The Office of Internal Affairs began and completed its inquiry after the deadline to take disciplinary action had expired.

Case Type

Departmental
Inquiry

Incident Date

August 25, 2018

Allegations

CONDUCT OR
INEFFICIENCY

Overall Rating

Poor

OIG Case Number

21-0037839-IQ

Incident Summary

On August 25, 2018, two officers allegedly kicked dirt over a pool of blood to conceal an assault of one incarcerated person by a second incarcerated person.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs.

Overall Assessment

The department poorly conducted the inquiry. The department allowed the deadline to take disciplinary action to expire before completion of the inquiry. The deadline to take disciplinary action was March 17, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 11, 2021, two months and 25 days after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?***

The deadline to take disciplinary action was March 17, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 11, 2021, two months and 25 days after the deadline to take disciplinary action had expired.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was March 17, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 11, 2021, two months and 25 days after the deadline to take disciplinary action had expired.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was March 17, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 11, 2021, two months and 25 days after the deadline to take disciplinary action had expired.

In the OIG's opinion, did the department handle the case with due diligence?

The department learned of the staff misconduct allegation on February 11, 2020. The deadline to take disciplinary action was March 17, 2021. The department poorly conducted the inquiry because it allowed the deadline to take disciplinary action to expire before completion of the inquiry. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 11, 2021, two months and 25 days after the deadline to take disciplinary action had expired.

Case Type

Departmental
Inquiry

Incident Date

August 27, 2018

Allegations

Use of Force

Overall Rating

Poor

OIG Case Number

20-0034574-IQ

Incident Summary

On August 27, 2018, an officer allegedly pushed an incarcerated person as the incarcerated person sat in a chair, leaned on the incarcerated person, and pulled some facial hair from the incarcerated person's beard.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The OIG agreed with the hiring authority's decisions.

Overall Assessment

Overall, the department poorly conducted the inquiry. The Office of Internal Affairs started and completed its inquiry after the deadline to take disciplinary action had expired. The Office of Internal Affairs did not assign an investigator to conduct the inquiry until one year, 10 months and 17 days after the department learned of the staff misconduct allegation. Also, the investigator failed to prepare for all aspects of the inquiry and failed to provide admonishments concerning confidentiality.

Questions***In the OIG's opinion, did the investigator adequately prepare for all aspects of the inquiry?***

The investigator did not adequately prepare for all aspects of the inquiry. Prior to conducting interviews, the investigator did not appear to know whom to ask, or what resources to pursue, in order to ascertain which witnesses were working in a medical trailer where the incident allegedly occurred.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

The Office of Internal Affairs began and concluded its inquiry after the deadline to take disciplinary action had expired. The deadline to take disciplinary action was September 10, 2019. On July 27, 2020, the Office of Internal Affairs assigned an investigator to conduct the inquiry and, on March 17, 2021, submitted its inquiry report to the hiring authority, one year, six months, and seven days after the deadline to take disciplinary action.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was September 10, 2019, but the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until March 17, 2021, one year, six months, and seven days after the deadline to take disciplinary action.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The department received the incarcerated person's staff misconduct grievance on September 10, 2018, and the deadline to take disciplinary action was September 10, 2019. The Office of Internal Affairs began the department's second inquiry into the allegations on July 27, 2020, 10 months and 17 days after the deadline to take disciplinary action. The Office of Internal Affairs submitted its final inquiry report to the hiring authority on March 17, 2021, one year, six months, and seven days after the deadline to take disciplinary action.

In the OIG's opinion, did the department handle the case with due diligence?

On September 10, 2018, the department learned of the staff misconduct allegation submitted by the incarcerated person when he submitted a staff misconduct grievance. On September 10, 2018, the department assigned a sergeant to conduct an inquiry. The sergeant interviewed the incarcerated person, as well as other incarcerated persons and staff members. On June 14, 2019, at the completion of the inquiry, the hiring authority determined staff did not violate departmental policy. On January 13, 2020, the incarcerated person subsequently submitted a declaration setting forth the same allegations of staff misconduct. On July 27, 2020, the Office of Internal Affairs assigned an investigator to conduct a second inquiry into the allegations, six months and 14 days after receiving the declaration. The investigator conducted the final interview on

December 9, 2020, but the Office of Internal Affairs did not submit the final inquiry report to the hiring authority until March 17, 2021, three months and eight days after the last interview. The deadline to take disciplinary action was September 10, 2019. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until March 17, 2021, one year, six months, and seven days after the deadline to take disciplinary action. The Office of Internal Affairs began and completed its inquiry after the deadline to take disciplinary action had expired.

Case Type

Departmental
Inquiry

Incident Date

September 01,
2018

Allegations

CONDUCT OR
INEFFICIENCY
Threat/Intimidation

Overall Rating

Poor

OIG Case Number

21-0037865-IQ

Incident Summary

Between September 1, 2018, and April 30, 2019, staff allegedly made discourteous and demeaning statements to an incarcerated person.

Disposition

The department allowed the deadline to take disciplinary action to expire prior to completion of the inquiry.

Overall Assessment

The department poorly conducted the inquiry. The department allowed the deadline to take disciplinary action to expire before completion of the inquiry. The deadline to take disciplinary action was February 16, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 2, 2021, four months and 16 days after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?***

The deadline to take disciplinary action was February 16, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 2, 2021, four months and 16 days after the deadline to take disciplinary action had expired.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was February 16, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 2, 2021, four months and 16 days after the deadline to take disciplinary action had expired.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was February 16, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 2, 2021, four months and 16 days after the deadline to take disciplinary action had expired.

In the OIG's opinion, did the department handle the case with due diligence?

The department learned of the staff misconduct allegation on January 13, 2020. The deadline to take disciplinary action was February 16, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 2, 2021, four months and 16 days after the deadline to take disciplinary action had expired.

Case Type

Departmental
Inquiry

Incident Date

September 07,
2018

Allegations

Battery

Overall Rating

Poor

OIG Case Number

21-0037850-IQ

Incident Summary

On September 7, 2018, an officer allegedly kicked an incarcerated person in the stomach and slapped him in the face.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs.

Overall Assessment

The department poorly conducted the inquiry. The department allowed the deadline to take disciplinary action to expire before completion of the inquiry. The deadline to take disciplinary action was September 10, 2019. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 4, 2021, one year, eight months, and 25 days after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?***

The deadline to take disciplinary action was September 10, 2019. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 4, 2021, one year, eight months, and 25 days after the deadline to take disciplinary action had expired.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was September 10, 2019. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 4, 2021, one year, eight months, and 25 days after the deadline to take disciplinary action had expired.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was September 10, 2019. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 4, 2021, one year, eight months, and 25 days after the deadline to take disciplinary action had expired.

In the OIG's opinion, did the department handle the case with due diligence?

The department learned of the staff misconduct allegation on September 10, 2018. The deadline to take disciplinary action was September 10, 2019. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 4, 2021, one year, eight months, and 25 days after the deadline to take disciplinary action had expired.

Case Type

Departmental
Inquiry

Incident Date

September 07,
2018

Allegations

Battery

Overall Rating

Poor

OIG Case Number

21-0037858-IQ

Incident Summary

On September 7, 2018, an officer allegedly pushed an incarcerated person's face into a chain link fence and held it there for approximately four minutes.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs.

Overall Assessment

The department poorly conducted the inquiry. The department allowed the deadline to take disciplinary action to expire before completion of the inquiry. The deadline to take disciplinary action was September 10, 2019. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 4, 2021, one year, eight months, and 25 days after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?***

The deadline to take disciplinary action was September 10, 2019. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 4, 2021, one year, eight months, and 25 days after the deadline to take disciplinary action had expired.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was September 10, 2019. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 4, 2021, one year, eight months, and 25 days after the deadline to take disciplinary action had expired.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was September 10, 2019. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 4, 2021, one year, eight months, and 25 days after the deadline to take disciplinary action had expired.

In the OIG's opinion, did the department handle the case with due diligence?

The department learned of the staff misconduct allegation on September 10, 2018. The deadline to take disciplinary action was September 10, 2019. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 4, 2021, one year, eight months, and 25 days after the deadline to take disciplinary action had expired.

Case Type

Departmental
Inquiry

Incident Date

September 11,
2018

Allegations

Retaliation
Discrimination/Harassment

Overall Rating

Poor

OIG Case Number

20-0035999-IQ

Incident Summary

On September 11, 2018, an officer allegedly harassed an incarcerated person in retaliation for filing complaints and staff misconduct grievances against staff. On September 25, 2018, a counselor allegedly arranged for the incarcerated person to be transferred to another prison in retaliation for filing complaints and staff misconduct grievances against staff.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The Office of Internal Affairs poorly conducted the inquiry. The investigator failed to ask relevant questions and failed to use effective interviewing techniques during interviews. Due to the poor quality of the Office of Internal Affairs' inquiry work, the OIG did not reach a conclusion regarding whether there was a reasonable belief of staff misconduct. However, the deadline to take disciplinary action had expired and, therefore, the OIG agreed that a referral to the Office of Internal Affairs for an investigation was not necessary.

Overall Assessment

Overall, the department poorly conducted the inquiry because the Office of Internal Affairs began and completed its inquiry after the deadline to take disciplinary action expired. The Office of Internal Affairs did not assign an investigator to conduct an inquiry until one year, 10 months, and 13 days after the department learned of the staff misconduct allegation. Also, the investigator failed to ask relevant questions during interviews, failed to use effective interviewing techniques, and failed to capture information obtained from an off-the-record conversation.

Questions***In the OIG's opinion, did the investigator ask all relevant questions during interviews?***

The investigator did not ask the incarcerated person who submitted the complaint for additional details when the incarcerated person stated that a sergeant "brushed (him) off" when he complained and that officers referred to the sergeant as "bad news" and that he should not be working there. The investigator also failed to ask the incarcerated person for additional details when the incarcerated person stated that a captain told him he came to the prison because staff were "doing stuff illegal."

In the OIG's opinion, did the investigator use effective interviewing techniques when conducting interviews?

The investigator asked leading questions during an interview of a sergeant such that the sergeant could have inferred the expected responses to questions.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

The Office of Internal Affairs began and concluded its inquiry after the deadline to take disciplinary action had expired. The deadline to take disciplinary action was September 14, 2019. On July 27, 2020, the Office of Internal Affairs assigned an investigator to conduct the inquiry and, on March 5, 2021, submitted its final inquiry report to the hiring authority, one year, five months, and 19 days after the deadline to take disciplinary action.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was September 14, 2019, but the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until March 5, 2021, one year, five months, and 19 days after the deadline to take disciplinary action.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The department received the incarcerated person's complaint on September 14, 2018, and the deadline to take

disciplinary action was September 14, 2019. The Office of Internal Affairs began the department's second inquiry into the allegations on July 27, 2020, 10 months and 13 days after the deadline to take disciplinary action. The Office of Internal Affairs submitted its final inquiry report to the hiring authority on March 5, 2021, one year, five months, and 19 days after the deadline to take disciplinary action.

In the OIG's opinion, did the department handle the case with due diligence?

On September 14, 2018, the department first learned of a staff misconduct allegation submitted by the incarcerated person when he submitted a complaint alleging that an officer spoke rudely to him. On September 25, 2018, the incarcerated person submitted a staff misconduct grievance which repeated the allegation. On September 27, 2018, the incarcerated person submitted a complaint alleging that a counselor denied him a transfer for a retaliatory reason. The department assigned a sergeant to conduct an inquiry. On October 13, 2018, the sergeant interviewed the incarcerated person and the officer alleged to have committed misconduct, but the sergeant did not address the second allegation concerning the counselor. On October 13, 2018, at the completion of the inquiry, the hiring authority determined staff did not violate departmental policy. On February 4, 2020, the incarcerated person subsequently submitted a declaration setting forth the same allegations of staff misconduct to the department. On July 27, 2020, the Office of Internal Affairs assigned an investigator to conduct a second inquiry into the allegations, five months and 23 days after receiving the declaration. The investigator conducted the final interview on December 7, 2020, but the Office of Internal Affairs did not submit the final inquiry report to the hiring authority until March 5, 2021, two months and 26 days after the last interview. The deadline to take disciplinary action was September 14, 2019. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until March 5, 2021, one year, five months, and 19 days after the deadline to take disciplinary action. The Office of Internal Affairs began and completed its inquiry after the deadline to take disciplinary action had expired.

Case Type

Departmental
Inquiry

Incident Date

September 28,
2018

Allegations

Assault

Overall Rating

Poor

OIG Case Number

20-0036617-IQ

Incident Summary

On September 28, 2018, an officer allegedly pushed an incarcerated person face-first against a wall and then to the ground, which aggravated a previous injury suffered by the incarcerated person and which resulted in a permanent change to the mobility and disability status of the incarcerated person.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The Office of Internal Affairs poorly conducted the inquiry. The investigator did not ask all relevant questions and did not use effective interviewing techniques during interviews. Due to the poor quality of the Office of Internal Affairs' inquiry work, the OIG did not reach a conclusion regarding whether there was a reasonable belief of staff misconduct. However, the deadline to take disciplinary action had expired and, therefore, the OIG agreed that a referral to the Office of Internal Affairs for an investigation was not necessary.

Overall Assessment

Overall, the department poorly conducted the inquiry. The investigator did not ask all relevant questions and did not use effective interviewing techniques when conducting interviews. In addition, the Office of Internal Affairs did not assign an investigator to conduct an inquiry into the staff misconduct allegation until after the deadline to take disciplinary action had expired. Finally, the Office of Internal Affairs submitted its final inquiry report to the hiring authority after the deadline to take disciplinary action expired.

Questions***In the OIG's opinion, did the investigator ask all relevant questions during interviews?***

During an interview of the officer who was the subject of the inquiry, the investigator did not continue to probe the statements and test the memory of the officer when the officer claimed not to remember the incident in question. The investigator should have further questioned the officer.

In the OIG's opinion, did the investigator use effective interviewing techniques when conducting interviews?

The investigator did not use effective interviewing techniques. The investigator expressed her opinion to the staff witnesses that they probably will not remember the incident because it occurred a long time ago. This encouraged staff witnesses to feign a lack of recollection of the incident.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was October 23, 2019. However, the Office of Internal Affairs submitted its final inquiry report to the hiring authority on May 14, 2021, one year, six months, and 21 days after the deadline to take disciplinary action had expired.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was October 23, 2019. However, the Office of Internal Affairs submitted its final inquiry report to the hiring authority on May 14, 2021, one year, six months and 21 days after the deadline to take disciplinary action had expired.

In the OIG's opinion, did the department handle the case with due diligence?

On October 23, 2018, the department received a staff misconduct grievance from the incarcerated person. Thereafter, an associate warden conducted a cursory inquiry into the allegations of excessive use of force. On August 30, 2019, after completion of the inquiry, the hiring authority found staff did not violate departmental policy. On February 4, 2020, the incarcerated person submitted a declaration describing the same staff misconduct allegations. On June 16, 2020, the Office of Internal Affairs assigned an investigator to conduct a second inquiry into the allegations, four months and twelve days after receiving the declaration. The deadline

to take disciplinary action was October 23, 2019, but the Office of Internal Affairs did not provide its final inquiry report to the hiring authority until May 14, 2021, one year, six months and 21 days after the deadline to take disciplinary action. The department began and concluded its inquiry after the deadline to take disciplinary action had expired.

Case Type

Departmental
Inquiry

Incident Date

September 30,
2018

Allegations

Battery

Overall Rating

Poor

OIG Case Number

21-0037856-IQ

Incident Summary

On September 30, 2018, an officer allegedly shoved an incarcerated person in the chest and knocked him over, causing the incarcerated person to fall backwards and on to the ground.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs.

Overall Assessment

The department poorly conducted the inquiry. The department allowed the deadline to take disciplinary action to expire before the completion of the inquiry. The deadline to take disciplinary action was March 17, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until May 10, 2021, one month and 23 days after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?***

The deadline to take disciplinary action was March 17, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until May 10, 2021, one month and 23 days after the deadline to take disciplinary action had expired.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was March 17, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until May 10, 2021, one month and 23 days after the deadline to take disciplinary action had expired.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was March 17, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until May 10, 2021, one month and 23 days after the deadline to take disciplinary action had expired.

In the OIG's opinion, did the department handle the case with due diligence?

The department learned of the staff misconduct allegation on February 11, 2020. The deadline to take disciplinary action was March 17, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until May 10, 2021, one month and 23 days after the deadline to take disciplinary action had expired.

Case Type

Departmental
Inquiry

Incident Date

October 01, 2018

Allegations

Discourteous
Treatment
Neglect of Duty

Overall Rating

Satisfactory

OIG Case Number

20-0034830-IQ

Incident Summary

Between October 1, 2018, and July 31, 2020, officers allegedly failed, on multiple occasions, to timely release an incarcerated person to receive medication, and the incarcerated person yelled and kicked a cell door in order to be released from a cell.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The OIG agreed with the hiring authority's decisions.

Overall Assessment

Overall, the department conducted the inquiry in a satisfactory manner.

Questions***In the OIG's opinion, did the department handle the case with due diligence?***

The investigator conducted the final interview on October 8, 2020. However, the investigator did not complete the inquiry report until April 21, 2021, six months and 13 days after the last interview was completed.

Case Type

Departmental
Inquiry

Incident Date

October 03, 2018

Allegations

Threat/Intimidation

Overall Rating

Poor

OIG Case Number

20-0035222-IQ

Incident Summary

On October 3, 2018, an officer allegedly gestured for an incarcerated person to enter a sally port, an area incarcerated persons are not permitted to enter, for the purpose of intimidating the incarcerated person.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. However, the deadline to take disciplinary action had expired and, therefore, the OIG agreed that a referral to the Office of Internal Affairs for an investigation was not necessary.

Overall Assessment

Overall, the department poorly handled the inquiry. The department did not assign an investigator to conduct an inquiry until six months and 14 days after it learned of the staff misconduct allegation. Also, the investigator did not use effective interviewing techniques. Finally, the Office of Internal Affairs did not complete the inquiry until after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator use effective interviewing techniques when conducting interviews?***

In the OIG's opinion, the investigator did not use effective interviewing techniques when conducting the interview of the incarcerated person who made the allegation. During the interview, the incarcerated person gestured to describe the length of an officer's baton as "about this long," but the investigator failed to establish on the record a quantifiable length.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

The deadline to take disciplinary action was January 13, 2021, but the Office of Internal Affairs did not submit its inquiry report to the hiring authority until March 17, 2021, two months and four days after the deadline.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was January 13, 2021, but the Office of Internal Affairs did not submit its inquiry report to the hiring authority until March 17, 2021, two months and four days after the deadline.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was January 13, 2021, but the Office of Internal Affairs did not submit its inquiry report to the hiring authority until March 17, 2021, two months and four days after the deadline.

In the OIG's opinion, did the department handle the case with due diligence?

In the OIG's opinion, the department did not handle the case with due diligence. On January 13, 2020, the incarcerated person submitted a declaration containing a staff misconduct allegation. However, the department did not assign an investigator to conduct an inquiry into the allegation until July 27, 2020, six months and 14 days thereafter. Also, the deadline to take disciplinary action was January 13, 2021, but the Office of Internal Affairs did not submit its inquiry report to the hiring authority until March 17, 2021, two months and four days after the deadline.

Case Type

Departmental
Inquiry

Incident Date

October 04, 2018

Allegations

Threat/Intimidation

Overall Rating

Poor

OIG Case Number

20-0035223-IQ

Incident Summary

On October 4, 2018, an officer allegedly threatened to cause an incarcerated person to become blind.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The OIG agreed with the hiring authority's decisions.

Overall Assessment

Overall, the department poorly handled the inquiry. The department did not assign an investigator to conduct an inquiry until six months and 14 days after it learned of the staff misconduct allegation. Also, the Office of Internal Affairs did not complete the inquiry until after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?***

The Office of Internal Affairs completed its inquiry after the deadline to take disciplinary action had expired. The deadline to take disciplinary action was January 13, 2021, but the Office of Internal Affairs completed and submitted its inquiry report to the hiring authority on March 17, 2021, two months and four days after the deadline to take disciplinary action.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was January 13, 2021, but the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until March 17, 2021, two months and four days after the deadline for taking disciplinary action.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was January 13, 2021, but the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until March 17, 2021, two months and four days after the deadline for taking disciplinary action.

In the OIG's opinion, did the department handle the case with due diligence?

In the OIG's opinion, the department did not handle the case with due diligence. On January 13, 2020, the incarcerated person submitted a declaration containing a staff misconduct allegation. However, the department did not assign an investigator to conduct an inquiry into the allegation until July 27, 2020, six months and 14 days thereafter. Also, the deadline to take disciplinary action was January 13, 2021, but the Office of Internal Affairs did not provide its inquiry report to the hiring authority until March 17, 2021, two months and four days after the deadline for taking disciplinary action.

Case Type

Departmental
Inquiry

Incident Date

October 14, 2018

Allegations

Battery
Contraband

Overall Rating

Poor

OIG Case Number

21-0037869-IQ

Incident Summary

On October 14, 2018, an officer allegedly provided a mobile phone to an incarcerated person as payment to assault another incarcerated person, after which the assault occurred, causing the injured incarcerated person to spend twelve days at an outside hospital.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs.

Overall Assessment

The department poorly conducted the inquiry. The department allowed the deadline to take disciplinary action to expire before completion of the inquiry. The deadline to take disciplinary action was February 16, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 7, 2021, four months and 21 days after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?***

The deadline to take disciplinary action was February 16, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 7, 2021, four months and 21 days after the deadline to take disciplinary action had expired.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was February 16, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 7, 2021, four months and 21 days after the deadline to take disciplinary action had expired.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was February 16, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 7, 2021, four months and 21 days after the deadline to take disciplinary action had expired.

In the OIG's opinion, did the department handle the case with due diligence?

The department learned of the staff misconduct allegation on January 13, 2020. The deadline to take disciplinary action was February 16, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 7, 2021, four months and 21 days after the deadline to take disciplinary action had expired.

Case Type

Departmental
Inquiry

Incident Date

October 24, 2018

Allegations

Battery

Overall Rating

Poor

OIG Case Number

21-0037860-IQ

Incident Summary

On October 24, 2018, an officer allegedly pushed an incarcerated person to the ground and kicked him twice in the head.

Disposition

The hiring authority decided not to refer the matter to the Office of Internal Affairs for an investigation. The hiring authority had previously submitted the case to the Office of Internal Affairs' Central Intake Unit, but the Office of Internal Affairs' Central Intake Unit rejected the case on April 17, 2019.

Overall Assessment

The department poorly conducted the inquiry. The department allowed the deadline to take disciplinary action to expire before completion of the inquiry. The deadline to take disciplinary action was January 26, 2020. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until May 10, 2021, one year, three months, and 14 days after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?***

The deadline to take disciplinary action was January 26, 2020. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until May 10, 2021, one year, three months, and 14 days after the deadline to take disciplinary action had expired.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was January 26, 2020. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until May 10, 2021, one year, three months, and 14 days after the deadline to take disciplinary action had expired.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was January 26, 2020. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until May 10, 2021, one year, three months, and 14 days after the deadline to take disciplinary action had expired.

In the OIG's opinion, did the department handle the case with due diligence?

The department learned of the staff misconduct allegation on January 26, 2019. The deadline to take disciplinary action was January 26, 2020. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until May 10, 2021, one year, three months, and 14 days after the deadline to take disciplinary action had expired.

Case Type

Departmental
Inquiry

Incident Date

October 24, 2018

Allegations

Battery

Overall Rating

Poor

OIG Case Number

21-0037908-IQ

Incident Summary

On October 24, 2018, an officer allegedly closed a cell door on an incarcerated person, pinning the incarcerated person in the doorway for thirty seconds.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs.

Overall Assessment

The department poorly conducted the inquiry. The department allowed the deadline to take disciplinary action to expire before completion of the inquiry. The deadline to take disciplinary action was February 16, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 6, 2021, four months and 20 days after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?***

The deadline to take disciplinary action was February 16, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 6, 2021, four months and 20 days after the deadline to take disciplinary action had expired.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was February 16, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 6, 2021, four months and 20 days after the deadline to take disciplinary action had expired.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was February 16, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 6, 2021, four months and 20 days after the deadline to take disciplinary action had expired.

In the OIG's opinion, did the department handle the case with due diligence?

The department learned of the staff misconduct allegation on January 13, 2020. The deadline to take disciplinary action was February 16, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 6, 2021, four months and 21 days after the deadline to take disciplinary action had expired.

Case Type

Departmental
Inquiry

Incident Date

October 28, 2018

Allegations

Use of Force

Overall Rating

Poor

OIG Case Number

20-0036217-IQ

Incident Summary

On October 28, 2018, an officer allegedly discharged a can of pepper spray onto an incarcerated person without justification.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The OIG agreed with the hiring authority's decisions.

Overall Assessment

Overall, the department poorly conducted the inquiry. The department began and completed the inquiry into the allegation of staff misconduct after the deadline to take disciplinary action had expired. The department did not assign an investigator to conduct an inquiry until one year, one month, and five days after learning of the staff misconduct allegation. The Office of Internal Affairs completed and submitted its final inquiry report to the hiring authority after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator adequately confer with the OIG upon case initiation and prior to finalizing the inquiry plan?***

The investigator did not confer with the OIG to discuss the inquiry plan.

In the OIG's opinion, did the investigator ask all relevant questions during interviews?

In an interview on January 12, 2021, the investigator failed to have an incarcerated person whom he was interviewing identify himself for the interview recording.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

The Office of Internal Affairs began and concluded its inquiry after the deadline to take disciplinary action expired. The deadline to take disciplinary action was December 10, 2019. On January 15, 2020, the Office of Internal Affairs assigned an investigator to conduct the inquiry, and, on April 21, 2021, submitted its final inquiry report to the hiring authority.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was December 10, 2019. The Office of Internal Affairs submitted its final inquiry report to the hiring authority on April 21, 2021, one year, four months, and 11 days after the deadline to take disciplinary action had expired.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was December 10, 2019. The Office of Internal Affairs submitted its final inquiry report to the hiring authority on April 21, 2021, one year, four months, and 11 days after the deadline to take disciplinary action had expired.

In the OIG's opinion, did the department handle the case with due diligence?

On December 10, 2018, the department learned of the staff misconduct allegation at issue in this inquiry. The department issued a rules violation report against an incarcerated person concerning the events that took place on October 28, 2018. During a rules violation report hearing on December 10, 2018, the incarcerated person reported to a lieutenant that an officer discharged a can of pepper spray onto him during the incident of October 28, 2018. On January 13, 2020, the department received a declaration from a second incarcerated person, a witness to the incident of October 28, 2018, setting forth the same allegation. On January 15, 2020, the department assigned an investigator to conduct an inquiry into the staff misconduct allegation, one year, one month, and five days after it learned of the allegation. Although the Office of Internal Affairs assigned an

investigator to conduct the inquiry on January 15, 2020, the investigator did not conduct the first interview until June 29, 2020, five months and 14 days thereafter. The Office of Internal Affairs subsequently assigned another investigator to complete the inquiry. The second investigator conducted the next interview on January 12, 2021, six months and 14 days after the first interview. On January 12, 2021, and on January 13, 2021, the second investigator completed eight of the nine total interviews for the inquiry. The Office of Internal Affairs completed three days of interviews in eleven months and 29 days from the date it first assigned an investigator to conduct the inquiry. Also, the second investigator conducted the final interview on January 13, 2021, but the Office of Internal Affairs did not submit the final inquiry report to the hiring authority until April 21, 2021, three months and eight days thereafter. Finally, the Office of Internal Affairs submitted its final inquiry report to the hiring authority on April 21, 2021, one year, four months, and 11 days after the deadline to take disciplinary action had expired.

Case Type

Departmental
Inquiry

Incident Date

November 05,
2018

Allegations

Battery
CONDUCT OR
INEFFICIENCY

Overall Rating

Poor

OIG Case Number

21-0037705-IQ

Incident Summary

On November 5, 2018, officers allegedly tackled an incarcerated person, kicked him in the face, and dragged him to the mental health building. One of the officers called the incarcerated person derogatory names.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs.

Overall Assessment

The department poorly conducted the inquiry. The department allowed the deadline to take disciplinary action to expire before the completion of the inquiry. The deadline to take disciplinary action was February 16, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 6, 2021, four months and 20 days after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?***

The deadline to take disciplinary action was February 16, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 6, 2021, four months and 20 days after the deadline to take disciplinary action had expired.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was February 16, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 6, 2021, four months and 20 days after the deadline to take disciplinary action had expired.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was February 16, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 6, 2021, four months and 20 days after the deadline to take disciplinary action had expired.

In the OIG's opinion, did the department handle the case with due diligence?

The department learned of the staff misconduct allegation on January 13, 2020. The deadline to take disciplinary action was February 16, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 6, 2021, four months and 20 days after the deadline to take disciplinary action had expired.

Case Type

Departmental
Inquiry

Incident Date

November 10,
2018

Allegations

Neglect of Duty

Overall Rating

Poor

OIG Case Number

20-0035294-IQ

Incident Summary

On November 10, 2018, two officers allegedly failed to respond and assist an incarcerated person after the incarcerated person intentionally cut himself.

Disposition

The hiring authority reviewed the inquiry report and determined that the Office of Internal Affairs had previously conducted a full investigation concerning the allegations and, therefore, decided not to refer the allegations to the Office of Internal Affairs again. The Office of Internal Affairs poorly conducted the inquiry. The investigator failed to ask relevant questions, failed to complete thorough interviews, did not use effective interviewing techniques when conducting interviews, and engaged in off-the-record conversations. Due to the poor quality of the Office of Internal Affairs' inquiry work, the OIG did not reach a conclusion regarding whether there was a reasonable belief of staff misconduct. However, because the Office of Internal Affairs had previously conducted an investigation concerning the allegations, the OIG agreed that another referral for an investigation was not necessary. On September 23, 2019, the hiring authority decided not to sustain any allegations.

Overall Assessment

Overall, the department poorly conducted the inquiry. The department assigned an investigator to conduct an inquiry into allegations for which the Office of Internal Affairs had already conducted an investigation and for which the hiring authority had already decided not to sustain allegations. During the inquiry, the investigator failed to ask relevant questions, failed to complete thorough interviews, did not use effective interviewing techniques when conducting interviews, and engaged in off-the-record conversations. The Office of Internal Affairs completed and submitted its final inquiry report to the hiring authority after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator adequately confer with the OIG upon case initiation and prior to finalizing the inquiry plan?***

The investigator did not confer with the OIG to discuss the inquiry plan.

In the OIG's opinion, did the investigator ask all relevant questions during interviews?

In three interviews on September 8, 2020, the investigator failed to ask multiple relevant questions during witness interviews. The investigator also failed to ask appropriate follow-up questions and failed to seek clarification to the answers given by the witnesses.

In the OIG's opinion, did the investigator use effective interviewing techniques when conducting interviews?

Prior to witness interviews on September 8, 2020, and off-the-record, the investigator engaged in conversations with two incarcerated persons during which the investigator told the first incarcerated person that he should not have to worry about retaliation and asked the second incarcerated person if he was familiar with the incarcerated person whose death was the focus of the investigation. After interviewing the second incarcerated person, and also off-the-record, the investigator engaged in a further conversation with the incarcerated person during which he and the incarcerated person discussed the possibility of retaliation and briefly discussed the death of another unknown incarcerated person. However, the investigator failed to follow-up and did not inquire further of the second incarcerated person to ascertain the name and circumstances of his death. In addition, the investigator failed to complete thorough interviews of three incarcerated persons on September 8, 2020, when he conducted superficial interviews, did not ask detail-oriented questions, and did not clarify witness responses to questions.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

Prior to witness interviews on September 8, 2020, and off-the-record, the investigator engaged in conversations with two incarcerated persons during which the investigator told the first incarcerated person that he should not have to worry about retaliation and asked the second incarcerated person if he was familiar with the incarcerated person whose death was the focus of the investigation. After the interview of the second incarcerated person, and also off-the-record, the investigator engaged in a further conversation with the incarcerated person during which he and the second incarcerated person discussed the possibility of retaliation and briefly discussed the death of another unknown incarcerated person. However, the investigator failed to follow-up and did not inquire further of the second incarcerated person to ascertain the name and circumstances of an incarcerated person's death. In addition, the investigator failed to complete thorough interviews with three incarcerated persons on September 8, 2020, when he conducted superficial interviews, did not ask detail oriented questions, and did not clarify witness responses to questions.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was November 10, 2019. However, the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until March 23, 2021, one year, four months, and five days after the deadline to take disciplinary action.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was November 10, 2019. However, the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until March 23, 2021, one year, four months, and five days after the deadline to take disciplinary action.

In the OIG's opinion, did the department handle the case with due diligence?

On November 10, 2018, the department learned of the staff misconduct allegations at issue in this inquiry. On January 25, 2019, the hiring authority referred the allegations to the Office of Internal Affairs for an investigation. The Office of Internal Affairs conducted an administrative investigation, and the hiring authority, on September 23, 2019, decided not to sustain the allegations. On January 13, 2020, an incarcerated person submitted to the department a declaration setting forth the same staff misconduct allegations. Despite the prior Office of Internal Affairs investigation and prior findings by the hiring authority, the Office of Internal Affairs assigned an investigator on July 30, 2020, to conduct an inquiry into the same allegations, six months and 17 days after receiving the declaration. The investigator completed the final interview on September 8, 2020, but the Office of Internal Affairs did not complete its final inquiry report until March 23, 2021, six months and 15 days after the last interview. Also, the deadline to take disciplinary action was November 10, 2019, but the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until March 23, 2021, one year, four months, and five days after the deadline to take disciplinary action.

Case Type

Departmental
Inquiry

Incident Date

November 18,
2018

Allegations

Use of Force

Overall Rating

Poor

OIG Case Number

20-0036618-IQ

Incident Summary

On November 18, 2018, an officer allegedly punched an incarcerated person in the face and tackled him to the ground. Other officers also allegedly assaulted the incarcerated person.

Disposition

The hiring authority did not take action concerning the inquiry report because the Office of Internal Affairs reported that the department had referred the allegations to an outside law enforcement agency. As of the date of this writing, the outside law enforcement agency is reviewing or investigating the allegations.

Overall Assessment

The department poorly conducted the inquiry. The department assigned an investigator to conduct an administrative inquiry while an outside law enforcement agency either reviewed the case for a criminal investigation or conducted a criminal investigation. In addition, on February 18, 2020, the Office of Internal Affairs assigned an investigator to conduct an inquiry, and she conducted inquiry activities, but once the Office of Internal Affairs understood the outside law enforcement's role in the case, it truncated its inquiry and provided a report concerning its incomplete inquiry to the hiring authority on May 14, 2021, one year, two months, and 26 days later.

Questions***In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?***

The investigator did not thoroughly and appropriately conduct the inquiry. The investigator did not finish the inquiry because the investigator recognized during the course of the inquiry that an outside law enforcement agency was either reviewing the case or conducting an investigation of the same incident.

In the OIG's opinion, did the investigator address material contradictions in the final inquiry report?

The investigator did not address any material contradictions because the investigator did not complete the inquiry.

In the OIG's opinion, did the investigator address all appropriate allegations as discovered during the inquiry in the final inquiry report?

The investigator did not address all appropriate allegations because the investigator did not complete the inquiry.

In the OIG's opinion, did the investigator include all relevant policies and procedures in the final inquiry report?

The investigator did not address all relevant policies and procedures because the investigator did not complete the inquiry.

In the OIG's opinion, did the department handle the case with due diligence?

The department did not handle the case with due diligence. The department failed to recognize that an outside law enforcement agency was already reviewing the allegations or conducting an investigation and, therefore, the department should not have assigned an investigator to conduct this inquiry as it could have compromised the outside law enforcement's criminal investigation. It was a waste of resources to begin this inquiry before the outside law enforcement agency completed its work on the allegations. In addition, on February 18, 2020, the Office of Internal Affairs assigned an investigator to conduct an inquiry, and she conducted inquiry activities, but once the Office of Internal Affairs recognized the outside law enforcement's role in the case, it truncated its inquiry and provided a report concerning its incomplete inquiry to the hiring authority on May 14, 2021, one year, two months, and 26 days later.

Case Type

Departmental
Inquiry

Incident Date

December 16,
2018

Allegations

Threat/Intimidation
Discourteous
Treatment
Discrimination/Harassment

Overall Rating

Poor

OIG Case Number

21-0038977-IQ

Incident Summary

On December 16, 2018, an officer allegedly told a disabled incarcerated person, "Shut the [expletive] up," when the disabled incarcerated person requested to take a shower. The officer allegedly told the disabled incarcerated person that, if he filed a complaint, the officer would have other incarcerated persons "[Expletive] you up." On January 26, 2019, the officer allegedly directed his flashlight at the disabled incarcerated person's genitals while the disabled incarcerated person showered. The officer allegedly arranged for two incarcerated persons to threaten the disabled incarcerated person if the incarcerated person did not withdraw his written complaint against the officer. On April 18, 2019, an incarcerated person allegedly stabbed the disabled incarcerated person in the back as retaliation for his complaint against the officer.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The Office of Internal Affairs poorly conducted the inquiry. The investigator did not ask all relevant questions during interviews, did not use effective interviewing techniques, did not address all the allegations, and did not include all relevant facts in the final inquiry report. Due to the poor quality of the Office of Internal Affairs' inquiry work, the OIG did not reach a conclusion regarding whether there was a reasonable belief of staff misconduct. However, the deadline to take disciplinary action had expired and, therefore, the OIG agreed that a referral to the Office of Internal Affairs for an investigation was not necessary.

Overall Assessment

Overall, the department poorly conducted the inquiry. The department did not assign an investigator to conduct an inquiry until one year, one month, and 25 days after it received a declaration from an incarcerated person containing staff misconduct allegations. The investigator did not ask all relevant questions during interviews, did not use effective interviewing techniques, did not address all the allegations, and did not include all relevant facts in the final inquiry report. The Office of Internal Affairs submitted its final inquiry report to the hiring authority after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator ask all relevant questions during interviews?***

The investigator did not ask any questions of an incarcerated person about the sexual harassment allegation against the officer. The investigator did not ask for any examples when an incarcerated person said he had observed the officer engage in multiple acts of misconduct. Finally, the investigator ended an interview when an incarcerated person began to volunteer examples of the officer committing misconduct.

In the OIG's opinion, did the investigator use effective interviewing techniques when conducting interviews?

The investigator did not ask all relevant questions during interviews and did not ask appropriate follow-up questions.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

The Office of Internal Affairs did not assign an investigator to conduct an inquiry into the allegations until two years, two months, and 22 days after discovery of the first allegation, and one year, one month, and 25 days after receipt of a declaration from an incarcerated person containing allegations of staff misconduct. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 11, 2021, one year, five months, and three days after the deadline to take disciplinary action for the earliest allegation and four months and seven days after the deadline to take disciplinary action for the latter allegations. Also, the investigator failed to ask an incarcerated person any questions about one of the allegations.

In the OIG's opinion, did the investigator prepare a final inquiry report that included all relevant facts and evidence?

The investigator did not include in the final inquiry report information that an incarcerated person said he had observed the officer generally commit numerous acts of misconduct and had heard the officer say to another incarcerated person, "Shut the [expletive] up." Also, the investigator included in the final inquiry report the statement that two of the witnesses felt the allegations were out of character for the officer. However, the investigator did not clearly report that one witness said the allegations were in character for the officer.

In the OIG's opinion, did the investigator address material contradictions in the final inquiry report?

The investigator omitted material contradictions by not including all relevant facts from witness interviews. The investigator did not include in the final inquiry report that an incarcerated person said he had observed the officer generally commit numerous acts of misconduct and had heard the officer say to another incarcerated person, "Shut the [expletive] up," which contradicts statements in the report by other witnesses that the officer conducted himself appropriately. Also, the investigator included in the final inquiry report that two of the witnesses felt the allegations were out of character for the officer. However, the investigator did not clearly report that one witness said the allegations were in character for the officer.

In the OIG's opinion, did the investigator address all appropriate allegations as discovered during the inquiry in the final inquiry report?

The investigator did not ask the incarcerated person who submitted the allegations any questions about the allegation of sexual misconduct by an officer.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline for taking disciplinary action for the latest allegations was February 4, 2021. The Office of Internal Affairs submitted its final inquiry report to the hiring authority on June 11, 2021, four months and seven days after the deadline to take disciplinary action.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline for taking disciplinary action for the latest allegations was February 4, 2021. The Office of Internal Affairs submitted its final inquiry report to the hiring authority on June 11, 2021, four months and seven days after the deadline to take disciplinary action.

In the OIG's opinion, did the department handle the case with due diligence?

On January 8, 2019, the incarcerated person filed a complaint concerning the allegation that, on December 16, 2018, the officer made a discourteous statement and threatened him. On January 29, 2019, the incarcerated person reported to the department that the officer had directed his flashlight onto the incarcerated person's genitals while he showered. On February 4, 2020, the department received a declaration from the incarcerated person containing the allegations that the officer allegedly arranged for other incarcerated persons to threaten the incarcerated person and that the officer allegedly stabbed the incarcerated person. The Office of Internal Affairs assigned an investigator to conduct an inquiry into the allegations two years, two months, and 22 days after discovery of the first allegation, and one year, one month, and 25 days after receipt of the declaration. The Office of Internal Affairs did not submit its final inquiry report until June 11, 2021, one year, five months, and three days after the deadline to take disciplinary action for the earliest allegation and four months and seven days after the deadline to take disciplinary action for the latter allegations.

Case Type

Departmental
Inquiry

Incident Date

January 01, 2019

Allegations

Discrimination/Harassment

Overall Rating

Poor

OIG Case Number

20-0035234-IQ

Incident Summary

Between January 1, 2019, and December 31, 2019, an officer allegedly told other incarcerated persons that a certain incarcerated person was a child molester, thereby placing the incarcerated person's safety in jeopardy.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The OIG agreed with the hiring authority's decisions.

Overall Assessment

Overall, the department poorly conducted the inquiry. The department did not assign an investigator to conduct an inquiry until seven months and four days after it learned of the staff misconduct allegation. Also, the Office of Internal Affairs completed and submitted its inquiry report to the hiring authority after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?***

The Office of Internal Affairs concluded its inquiry after the deadline to take disciplinary action had expired. The deadline to take disciplinary action was January 13, 2021, but the Office of Internal Affairs did not complete the inquiry until April 30, 2021, three months and 17 days after the deadline for taking disciplinary action had expired.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was January 13, 2021, but the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until April 30, 2021, three months and 17 days after the deadline to take disciplinary action.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was January 13, 2021, but the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until April 30, 2021, three months and 17 days after the deadline to take disciplinary action.

In the OIG's opinion, did the department handle the case with due diligence?

In the OIG's opinion, the department did not handle the case with due diligence. On January 13, 2020, the incarcerated person submitted a declaration containing a staff misconduct allegation. However, the Office of Internal Affairs did not assign an investigator to conduct an inquiry into the allegation until August 17, 2020, seven months and four days thereafter. Also, the deadline to take disciplinary action was January 13, 2021, but the Office of Internal Affairs did not provide its final inquiry report to the hiring authority until April 30, 2021, three months and 17 days after the deadline for taking disciplinary action.

Case Type

Departmental
Inquiry

Incident Date

January 01, 2019

Allegations

Threat/Intimidation

Overall Rating

Poor

OIG Case Number

20-0034789-IQ

Incident Summary

Between January 1, 2019, and March 31, 2019, officers allegedly discussed harming an incarcerated person.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The Office of Internal Affairs poorly conducted the inquiry. The investigator failed to use effective interviewing techniques when conducting an interview, did not prepare a final inquiry report that included all relevant facts and evidence, did not include all relevant documentary evidence in the final inquiry report, and had an off-the-record conversation during an interview. Due to the poor quality of the Office of Internal Affairs' inquiry work, the OIG did not reach a conclusion regarding whether there was a reasonable belief of staff misconduct.

Overall Assessment

Overall, the department poorly conducted the inquiry because the investigator failed to use effective interviewing techniques when conducting an interview, did not prepare a final inquiry report that included all relevant facts and evidence, did not include all relevant documentary evidence in the final inquiry report, had an off-the-record conversation during an interview, and did not provide an admonishment concerning confidentiality at the end of each interview.

Questions

In the OIG's opinion, did the investigator adequately confer with the OIG upon case initiation and prior to finalizing the inquiry plan?

The department did not confer with OIG upon case initiation and prior to finalizing the inquiry plan.

In the OIG's opinion, did the investigator use effective interviewing techniques when conducting interviews?

The investigator used leading questions during an interview and, therefore, failed to establish whether the witness had an independent recollection of the events in question.

In the OIG's opinion, did the investigator prepare a final inquiry report that included all relevant facts and evidence?

The report incorrectly states that the department first assigned an investigator on September 1, 2020. However, the department assigned the initial investigator on August 27, 2020. The investigator failed to include in his report a summary of the incarcerated person's statement that the incarcerated person wrote a letter to the warden informing the warden of the alleged misconduct and that an associate warden responded to the letter and failed to address the incarcerated person's safety concerns. The investigator did not attach either the letter or the response as exhibits.

In the OIG's opinion, did the investigator include all relevant documentary evidence in the final inquiry report?

The investigator failed to include a copy of the letter that the incarcerated person wrote to the warden informing him of his safety concerns and a letter in response written by the associate warden both of which the investigator had obtained during the course of his investigation.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was April 13, 2021. However, the Office of Internal Affairs did not complete and submit the final inquiry report to the hiring authority until March 24, 2021, 62 days before the deadline to take disciplinary action.

Case Type

Departmental
Inquiry

Incident Date

January 01, 2019

Allegations

Discourteous
Treatment

Overall Rating

Poor

OIG Case Number

20-0035209-IQ

Incident Summary

Between January 1, 2019, and December 12, 2019, an officer allegedly told an incarcerated person, "Don't you die on my shift. Why don't you go down a different time?"

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The Office of Internal Affairs poorly conducted the inquiry. The investigator failed to prepare for all aspects of the inquiry and failed to use effective interviewing techniques during interviews. Due to the poor quality of the Office of Internal Affairs' inquiry work, the OIG did not reach a conclusion regarding whether there was a reasonable belief of staff misconduct. However, the deadline to take disciplinary action had expired and, therefore, the OIG agreed that a referral to the Office of Internal Affairs for an investigation was not necessary.

Overall Assessment

Overall, the department poorly conducted the inquiry. The department did not assign an investigator to conduct an inquiry until six months and 14 days after it learned of the staff misconduct allegation. Also, the investigator failed to prepare for all aspects of the inquiry and failed to use effective interviewing techniques during interviews. In addition, the Office of Internal Affairs completed and submitted its inquiry report to the hiring authority after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator adequately prepare for all aspects of the inquiry?***

During an interview of the incarcerated person who submitted the complaint, the investigator did not obtain or make use of a diagram of the housing unit where the incident allegedly occurred or photographs of the staff members allegedly involved in the incident to help refresh the recollection of the incarcerated person.

In the OIG's opinion, did the investigator use effective interviewing techniques when conducting interviews?

The investigator disclosed to the incarcerated person who made the allegation that the investigator had not located any of his appellate paperwork and that a staff member told the investigator that none had been filed. Also, the investigator repeatedly asked compound questions during the interview of the officer who was the subject of the inquiry.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

The investigator conducted the interview of the incarcerated person who made the allegation in an office located in the same housing unit where the incident allegedly occurred. During the interview, staff congregated in the area, looked inside the office through a window, and even opened the door of the office during the interview, which significantly compromised the confidentiality and privacy of the interview. Also, during an interview on August 12, 2020, of the incarcerated person who submitted the declaration containing the staff misconduct allegation, one of two investigators acted in a dual role, not only as an investigator, asking questions during the interview, but also as a staff assistant for the disabled incarcerated person.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was January 13, 2021. However, the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until March 5, 2021, one month and 20 days after the deadline to take disciplinary action.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

On January 13, 2020, the incarcerated person submitted a declaration containing a staff misconduct allegation.

The Office of Internal Affairs submitted its inquiry report to the hiring authority on March 5, 2021, one month and 20 days after the deadline for taking disciplinary action.

In the OIG's opinion, did the department handle the case with due diligence?

In the OIG's opinion, the department did not handle the case with due diligence. On January 13, 2020, the incarcerated person submitted a declaration containing a staff misconduct allegation. However, the Office of Internal Affairs did not assign an investigator to conduct an inquiry into the allegation until July 27, 2020, six months and 14 days thereafter. Also, the deadline to take disciplinary action was January 13, 2021, but the Office of Internal Affairs did not provide its inquiry report to the hiring authority until March 5, 2021, one month and 20 days after the deadline for taking disciplinary action.

Case Type

Departmental
Inquiry

Incident Date

January 01, 2019

Allegations

Misuse of Authority

Overall Rating

Poor

OIG Case Number

20-0035228-IQ

Incident Summary

From January 1, 2019, through December 31, 2019, officers allegedly misappropriated the property of incarcerated persons sent to mental health crisis beds by throwing the property away or giving it to other, favored, incarcerated persons.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The Office of Internal Affairs poorly conducted the inquiry. The investigator failed to ask relevant questions during interviews, did not use effective interviewing techniques, and lied to a witness. Due to the poor quality of the Office of Internal Affairs' inquiry work, the OIG did not reach a conclusion regarding whether there was a reasonable belief of staff misconduct. However, the deadline to take disciplinary action had expired and, therefore, the OIG agreed that a referral to the Office of Internal Affairs for an investigation was not necessary.

Overall Assessment

Overall, the department poorly conducted the inquiry. The department did not assign an investigator to conduct the inquiry until seven months and four days after it learned of the staff misconduct allegation. Also, the investigator failed to ask relevant questions during interviews, did not use effective interviewing techniques, and lied to a witness. In addition, the Office of Internal Affairs completed its inquiry after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator ask all relevant questions during interviews?***

During the interview of the incarcerated person who made the allegations, the incarcerated person reported several allegations of staff misconduct other than the subject matter of the inquiry. However, the investigator did not ask the incarcerated person sufficiently detailed follow-up questions to determine the extent of his knowledge about those allegations, even though some of them pertained to allegations the department was investigating in other inquiries. Also, the incarcerated person who made the allegations described the incarcerated person who was the victim of the alleged misconduct as "about [his] height." However, the incarcerated person was not asked, nor was it otherwise established for the record, how tall the incarcerated person was.

In the OIG's opinion, did the investigator use effective interviewing techniques when conducting interviews?

In the OIG's opinion, the investigator did not use effective interviewing techniques when conducting interviews. While off-the-record, the investigator informed a witness's representative that other witnesses were interviewed without representation and that the interviewer intended to advise other witnesses to bring a representative to their interviews.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

In the OIG's opinion, the investigator did not thoroughly and appropriately conduct the inquiry. During an interview of an incarcerated person who asked for the identity of the incarcerated person who complained of alleged misconduct, rather than answer truthfully or refuse to answer at all, the investigator provided the incarcerated person with a false name.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was January 13, 2021. However the Office of Internal Affairs did not submit the inquiry report to the hiring authority until April 19, 2021, three months and six days thereafter.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a

request for additional inquiry if necessary?

The deadline to take disciplinary action was January 13, 2021. However the Office of Internal Affairs did not submit the inquiry report to the hiring authority until April 19, 2021, three months and six days thereafter.

In the OIG's opinion, did the department handle the case with due diligence?

In the OIG's opinion, the department did not handle the case with due diligence. On January 13, 2020, the department learned of the staff misconduct allegation submitted by the incarcerated person. However, the department did not assign an investigator to conduct an inquiry into the allegation until August 17, 2020, seven months and four days thereafter. Also, the deadline to take disciplinary action was January 13, 2021. However, the Office of Internal Affairs did not provide its final inquiry report to the hiring authority until April 19, 2021, three months and six days after the deadline for taking disciplinary action.

Case Type

Departmental
Inquiry

Incident Date

January 01, 2019

Allegations

Neglect of Duty

Overall Rating

Poor

OIG Case Number

20-0035235-IQ

Incident Summary

Between January 1, 2019, and December 31, 2019, multiple officers allegedly failed to intervene in fights between incarcerated persons.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The Office of Internal Affairs poorly conducted the inquiry. The investigator did not complete all necessary and relevant interviews and did not include all relevant facts in the final inquiry report. Due to the poor quality of the Office of Internal Affairs' inquiry work, the OIG did not reach a conclusion regarding whether there was a reasonable belief of staff misconduct. However, the deadline to take disciplinary action had expired and, therefore, the OIG agreed that a referral to the Office of Internal Affairs for an investigation was not necessary.

Overall Assessment

Overall, the department poorly conducted the inquiry. The department did not assign an investigator to conduct an inquiry until seven months and four days after it learned of the staff misconduct allegation. Also, the investigator did not complete all necessary and relevant interviews and did not include all relevant facts in the final inquiry report. In addition, the Office of Internal Affairs completed and submitted its final inquiry report to the hiring authority after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator complete all necessary and relevant interviews?***

The incarcerated person who made the allegation of staff misconduct specifically identified another incarcerated person whom other incarcerated persons assaulted and knocked unconscious and also that an officer was in the vicinity of the fight but did nothing about it. In the OIG's opinion, the investigator should have made efforts to locate and interview the other incarcerated person.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

The Office of Internal Affairs concluded its inquiry after the deadline to take disciplinary action had expired. The deadline to take disciplinary action was January 13, 2021, but the Office of Internal Affairs did not complete the inquiry until April 30, 2021, three months and 17 days after the deadline for taking disciplinary action had expired.

In the OIG's opinion, did the investigator prepare a final inquiry report that included all relevant facts and evidence?

The inquiry report states that the the incarcerated person who made the allegation of staff misconduct "provided no offender witnesses." However, the incarcerated person specifically identified another incarcerated person whom other incarcerated persons allegedly knocked unconscious during a fight and also indicated that an officer was in the vicinity of the fight but did nothing about it.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was January 13, 2021, but the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until April 30, 2021, three months and 17 days after the deadline to take disciplinary action.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was January 13, 2021, but the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until April 30, 2021, three months and 17 days after the deadline to take disciplinary action.

In the OIG's opinion, did the department handle the case with due diligence?

In the OIG's opinion, the department did not handle the case with due diligence. On January 13, 2020, the incarcerated person submitted a declaration containing a staff misconduct allegation. However, the Office of Internal Affairs did not assign an investigator to conduct an inquiry into the allegation until August 17, 2020, seven months and four days thereafter. Also, the deadline to take disciplinary action was January 13, 2021, but the Office of Internal Affairs did not provide its final inquiry report to the hiring authority until April 30, 2021, three months and 17 days after the deadline for taking disciplinary action.

Case Type

Departmental
Inquiry

Incident Date

February 01, 2019

Allegations

Discrimination/Harassment
Use of Force
Discourteous
Treatment

Overall Rating

Poor

OIG Case Number

20-0034908-IQ

Incident Summary

Between February 1, 2019, and June 30, 2019, an officer in the administrative segregation unit allegedly removed an incarcerated person from his cell; placed the incarcerated person in a holding cell; did not remove his handcuffs; and did not allow him to use a restroom for eight hours, which resulted in the incarcerated person's urinating on himself. The officer allegedly placed other incarcerated persons from the administrative segregation unit in holding cells without justification and called them derogatory names.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The Office of Internal Affairs poorly conducted the inquiry. The investigator did not adequately prepare for all aspects of the inquiry, did not ask all relevant questions during interviews, did not use effective interviewing techniques, did not complete all necessary and relevant interviews, did not thoroughly conduct the inquiry, did not properly search for and collect relevant documentary and other forensic evidence, and did not include all relevant policies in the final inquiry report. Due to the poor quality of the Office of Internal Affairs' inquiry work, the OIG did not reach a conclusion regarding whether there was a reasonable belief of staff misconduct.

Overall Assessment

Overall, the department poorly conducted the inquiry. The department did not assign an investigator to conduct an inquiry into the allegations until five months and nine days after it learned of the staff misconduct allegations. Also, the investigator did not adequately prepare for all aspects of the inquiry, did not ask all relevant questions during interviews, did not use effective interviewing techniques, did not complete all necessary and relevant interviews, did not properly search for and collect relevant documentary and other forensic evidence, did not include all relevant policies in the final report, did not provide an advisement or admonishment at the beginning of each interview, and did not provide an admonishment concerning confidentiality at the end of each interview.

Questions***In the OIG's opinion, did the investigator adequately prepare for all aspects of the inquiry?***

The investigator did not obtain a diagram of the housing unit where the incidents allegedly occurred to use during witness interviews as an aid to help witnesses recall facts, but the investigator should have done so. The investigator did not obtain a copy of the operating policy for the administrative segregation unit, the area where the incidents in question allegedly occurred, but the investigator should have done so.

In the OIG's opinion, did the investigator ask all relevant questions during interviews?

The investigator asked leading questions during interviews. In addition, the investigator did not continue to probe and test witnesses and subjects of the inquiry who alleged a lack of recollection of the incidents, but the investigator should have done so.

In the OIG's opinion, did the investigator use effective interviewing techniques when conducting interviews?

The investigator used leading and conclusory questions during interviews of staff members, including officers, resulting in extremely short and conclusory interviews.

In the OIG's opinion, did the investigator complete all necessary and relevant interviews?

The incarcerated person who submitted the complaint identified a particular officer as being involved in the alleged incidents. The investigator did not interview the officer, but the investigator should have done so.

In the OIG's opinion, did the investigator properly search for and collect relevant documentary and other forensic evidence?

This prison's administrative segregation units have video recording capabilities. However, the report does not

reflect whether the investigator attempted to obtain any potential video recordings, whether the investigator secured them, or whether the investigator viewed them. In addition, the investigator did not contact medical staff to determine whether any incarcerated persons were seen by medical staff for dehydration or urinary tract infections due to being denied water or a restroom for the time period in question, but the investigator should have done so.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

The investigator did not obtain a diagram of the housing unit where the incidents allegedly occurred to use during witness interviews as an aid to help witnesses recall facts, but the investigator should have done so. The investigator asked leading questions during interviews. The investigator did not continue to probe and test witnesses and subjects of the inquiry who alleged a lack of recollection of the incidents, but the investigator should have done so. The investigator used leading and conclusory questions during interviews of staff members, including officers, resulting in extremely short and conclusory interviews.

In the OIG's opinion, did the investigator include all relevant policies and procedures in the final inquiry report?

The investigator failed to include the operating policy for the administrative segregation unit, which is where the alleged incidents occurred, as an exhibit to the final inquiry report.

In the OIG's opinion, did the department handle the case with due diligence?

On February 4, 2020, the department learned of the staff misconduct allegations submitted by the incarcerated person. However, the department did not assign an investigator to conduct an inquiry into the allegations until July 13, 2020, five months and nine days thereafter. The investigator conducted the final interview on August 18, 2020, but the Office of Internal Affairs did not complete its final inquiry report until December 17, 2020, three months and 29 days after the last interview.

Case Type

Departmental
Inquiry

Incident Date

February 01, 2019

Allegations

Use of Force

Overall Rating

Poor

OIG Case Number

20-0035158-IQ

Incident Summary

Between February 1, 2019, and March 31, 2019, an officer allegedly pushed an incarcerated person to the ground and applied his body weight to hold the incarcerated person down, although the incarcerated person was not resisting. A second officer allegedly struck the incarcerated person on the neck and head with a baton as the first officer held the incarcerated person down. Six more officers responded and allegedly kicked the incarcerated person and struck him with their batons while the incarcerated person was on the ground, causing the incarcerated person to suffer a fracture to his left eye socket, a laceration to his face requiring sutures, and bruising to his face, forehead, and chin.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The OIG agreed with the hiring authority's determinations.

Overall Assessment

Overall, the department poorly conducted the inquiry. The department did not assign an investigator to conduct an inquiry until five months and 16 days after it learned of the staff misconduct allegation. In addition, the deadline for taking disciplinary action was January 14, 2021, but the Office of Internal Affairs did not submit its report to the hiring authority until April 21, 2021, three months and seven days after the deadline had expired.

Questions

In the OIG's opinion, did the investigator adequately confer with the OIG upon case initiation and prior to finalizing the inquiry plan?

The investigator did not confer with the OIG to discuss the inquiry plan.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

The Office of Internal Affairs did not conclude its inquiry until after the deadline to take disciplinary action had expired. The deadline to take disciplinary action was January 14, 2021. On June 29, 2020, the Office of Internal Affairs assigned an investigator to conduct the inquiry and, on April 21, 2021, submitted its inquiry report to the hiring authority.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline for taking disciplinary action was January 14, 2021. The Office of Internal Affairs did not provide its inquiry report to the hiring authority until April 21, 2021, three months and seven days after the deadline had expired.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was January 14, 2021. The hiring authority did not have sufficient time to request additional inquiry, if necessary, because the Office of Internal Affairs did not provide its inquiry report to the hiring authority until April 21, 2021, three months and seven days after the deadline had expired.

In the OIG's opinion, did the department handle the case with due diligence?

The department received the incarcerated person's declaration alleging staff misconduct on January 13, 2020. However, the Office of Internal Affairs did not assign an investigator to conduct an inquiry until June 29, 2020, five months and 16 days thereafter. Also, the deadline for taking disciplinary action was January 14, 2021, but the Office of Internal Affairs did not complete its report until April 21, 2021, three months and seven days after the deadline expired.

Case Type

Departmental
Inquiry

Incident Date

February 01, 2019

Allegations

Threat/Intimidation

Overall Rating

Poor

OIG Case Number

21-0038978-IQ

Incident Summary

Between February 1, 2019, and February 28, 2019, an officer allegedly threatened a disabled incarcerated person by saying, "You like writing us up? We're going to [expletive] your [expletive] up. We're part of the Green Wall."

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The Office of Internal Affairs poorly conducted the inquiry. The investigator did not ask all relevant questions during interviews, did not use effective interviewing techniques, and did not appropriately conduct interviews. Due to the poor quality of the Office of Internal Affairs' inquiry work, the OIG did not reach a conclusion regarding whether there was a reasonable belief of staff misconduct.

Overall Assessment

Overall, the department poorly conducted the inquiry because, although the department learned of the staff misconduct allegation on February 4, 2020, it did not assign an investigator to conduct an inquiry concerning the allegation until March 29, 2021, one year, one month, and 26 days thereafter. Also, the investigator did not ask all relevant questions during interviews, did not use effective interviewing techniques, did not address additional allegations of misconduct that arose during the inquiry, and did not include all relevant facts in the final inquiry report.

Questions***In the OIG's opinion, did the investigator ask all relevant questions during interviews?***

The investigator did not ask logical follow-up questions during an interview on May 19, 2021, when an incarcerated person gave several examples of other misconduct committed by the officer who was the subject of the inquiry.

In the OIG's opinion, did the investigator use effective interviewing techniques when conducting interviews?

The investigator did not ask logical follow-up questions during an interview on May 19, 2021, when an incarcerated person gave several examples of other misconduct by the officer who was the subject of the inquiry.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

On February 4, 2020, the department learned of the staff misconduct submitted by the incarcerated person. However, the department did not assign an investigator to conduct the inquiry into the allegation until March 29, 2021, one year, one month, and 26 days thereafter. Also, the investigator did not follow up on information concerning further allegations of staff misconduct provided by an incarcerated person during an interview.

In the OIG's opinion, did the investigator prepare a final inquiry report that included all relevant facts and evidence?

The investigator did not include in the final inquiry report additional allegations of staff misconduct that the investigator learned about during an interview of an incarcerated person on May 19, 2021.

In the OIG's opinion, did the investigator address material contradictions in the final inquiry report?

In the final inquiry report, the investigator reported that an incarcerated person heard the officer who is the subject of the inquiry say he was part of the *Green Wall*, but in a joking manner. (The *Green Wall* is a purported gang of departmental officers, the color green referencing the color of their uniforms.) The investigator failed to report contradictory statements the same incarcerated person made later in the interview. The investigator did not include in the report that the incarcerated person said the officer "always had a green flag with him." Also, when the investigator asked the incarcerated person if he believed the officer was serious

about being part of the *Green Wall*, the incarcerated person answered, “To me it was always in a joking manner, but you see [officers] like that and you know of Green Wall...I don’t believe, I believe he really probably was, or is.” In the final inquiry report, the investigator failed to report this statement, which contradicts the previous statement by the incarcerated person that the officer’s claim to be part of the *Green Wall* was just a joke.

In the OIG’s opinion, did the investigator address all appropriate allegations as discovered during the inquiry in the final inquiry report?

The investigator did not include in the final inquiry report additional allegations of staff misconduct that the investigator learned about during a witness interview on May 19, 2021.

In the OIG’s opinion, did the department handle the case with due diligence?

On February 4, 2020, the department learned of the staff misconduct allegation submitted by the incarcerated person. However, the department did not assign an investigator to conduct the inquiry into the allegation until March 29, 2021, one year, one month, and 26 days thereafter.

Case Type

Departmental
Inquiry

Incident Date

February 04, 2019

Allegations

CONDUCT OR
INEFFICIENCY
Threat/Intimidation

Overall Rating

Poor

OIG Case Number

21-0037863-IQ

Incident Summary

On February 4, 2019, an officer allegedly failed to address an incarcerated person's safety concerns that security threat group members threatened the incarcerated person, failed to address the incarcerated person's medical concerns, and told the incarcerated person "I don't give a [expletive]. Go handle your business," in response to the incarcerated person's statement that the incarcerated person was suicidal. On February 12, 2019, the officer allegedly again failed to address the incarcerated person's medical concerns and, after the incarcerated person filed a staff misconduct grievance against the officer, the officer said, "Am I supposed to give a [expletive] if you kill yourself? If you don't already have a razor I would have given you one to kill yourself. You didn't really want to hurt yourself." On February 20, 2019, after the incarcerated person's cellmate told the officer he intended to hurt the incarcerated person, the officer allegedly failed to address the threat. On February 23, 2019, the officer allegedly tried to hire another incarcerated person to attack the first incarcerated person.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs.

Overall Assessment

The department poorly conducted the inquiry. The department allowed the deadlines to take disciplinary action to expire before completion of the inquiry. The deadlines to take disciplinary action were February 13, 2020, and February 16, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 2, 2021, one year, four months, and 19 days after the first deadline, and four months and 16 days after the second deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?***

The deadlines to take disciplinary action were February 13, 2020, and February 16, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 2, 2021, one year, four months, and 19 days after the first deadline, and four months and 16 days after the second deadline to take disciplinary action had expired.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadlines to take disciplinary action were February 13, 2020, and February 16, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 2, 2021, one year, four months, and 19 days after the first deadline, and four months and 16 days after the second deadline to take disciplinary action had expired.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadlines to take disciplinary action were February 13, 2020, and February 16, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 2, 2021, one year, four months, and 19 days after the first deadline, and four months and 16 days after the second deadline to take disciplinary action had expired.

In the OIG's opinion, did the department handle the case with due diligence?

The department learned of the first set of staff misconduct allegations on February 13, 2019, and the remaining allegations on January 13, 2020. The deadlines to take disciplinary action were February 13, 2020, and February 16, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority

until July 2, 2021, one year, four months, and 19 days after the first deadline, and four months and 16 days after the second deadline to take disciplinary action had expired.

Case Type

Departmental
Inquiry

Incident Date

February 11, 2019

Allegations

Discrimination/Harassment
Assault

Overall Rating

Satisfactory

OIG Case Number

21-0037861-IQ

Incident Summary

On February 11, 2019, an officer allegedly intimidated an incarcerated person by asking him questions that included, "How was your attorney visit?"; "We already know that you weren't out there talking to your attorney. You were talking to OIA [the Office of Internal Affairs]"; "Did you spell my name right?"; and "What did they want to know?" On February 12, 2019, the officer and a second officer allegedly arranged for another incarcerated person to assault the first incarcerated person.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The OIG agreed with the hiring authority's decisions.

Overall Assessment

Overall, the department handled the inquiry in a satisfactory manner.

Questions***In the OIG's opinion, did the department handle the case with due diligence?***

On February 19, 2019, the department learned of the staff misconduct allegations when the incarcerated person reported the allegations to a clinical psychologist. On March 5, 2019, the incarcerated person submitted a staff misconduct grievance repeating the allegations. The department assigned a lieutenant to conduct an inquiry. On April 23, 2019, the lieutenant interviewed the incarcerated person and five officers, but did not interview other incarcerated persons. On May 28, 2019, at the completion of the inquiry, the hiring authority determined staff did not violate departmental policy. On February 11, 2020, the incarcerated person subsequently submitted a declaration to the department setting forth the same allegations of staff misconduct. On January 27, 2021, the Office of Internal Affairs assigned an investigator to conduct a second inquiry into the allegations, 11 months and 16 days after receiving the declaration. The investigator conducted the final interview on May 11, 2021, but the Office of Internal Affairs did not submit the final inquiry report to the hiring authority until June 18, 2021, one month and seven days after the last interview. The deadline to take disciplinary was tolled while the allegations were under review by an outside law enforcement agency and, as of July 15, 2021, continues to toll due to pending related civil litigation.

Case Type

Departmental
Inquiry

Incident Date

February 14, 2019

Allegations

Assault
Use of Force

Overall Rating

Poor

OIG Case Number

20-0034508-IQ

Incident Summary

On February 14, 2019, as three sergeants escorted an incarcerated person, the incarcerated person allegedly turned around and attempted to leave the escort and one of the sergeants allegedly rushed toward the incarcerated person and threw him to the ground. The three sergeants then allegedly encouraged the incarcerated person to kill himself and picked the incarcerated person off the ground by the incarcerated person's clothing and slammed him onto the folding shelf of a golf cart. Officers and sergeants then allegedly dragged the incarcerated person into a sally port, jumped on him, and punched and kicked him on his legs and upper body area. An officer and one of the sergeants allegedly jumped on the side of the incarcerated person's body, causing one of the incarcerated person's ribs to break. A fourth sergeant who witnessed the assault told the officers and sergeants to stop the assault. After the assault, the three sergeants and the officer who jumped on the incarcerated person's side, allegedly dragged the incarcerated person out of the sally port and shoved him into an emergency transport vehicle. The first sergeant allegedly threw the incarcerated person's walker into the emergency transport vehicle, striking the incarcerated person in the torso and chest. A nurse subsequently allegedly failed to document all of the incarcerated person's injuries. On February 15, 2019, during a medical examination, the incarcerated person pushed a nurse's arm away and a second officer allegedly grabbed the incarcerated person by the throat and attempted to strangle him for ten seconds. The second officer and a third officer took the incarcerated person to a holding cell. The second officer allegedly took off the incarcerated person's handcuffs and the third officer allegedly shoved his fingers into the incarcerated person's throat area. The incarcerated person reported the incident and a fifth sergeant allegedly told the incarcerated person that, if he did not report the incident involving the second and third officer, the fifth sergeant would provide the incarcerated person with the names of the first, second, and third sergeants who assaulted him on February 14, 2019, and would assist the incarcerated person with filing a complaint against the three sergeants.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The Office of Internal Affairs poorly conducted the inquiry. The investigator did not adequately prepare for all aspects of the inquiry, did not ask all relevant questions during interviews, did not use effective interviewing techniques, did not complete all necessary and relevant interviews, did not address all material contradictions in the final report, and did not include all relevant documentary evidence in the final report. Due to the poor quality of the Office of Internal Affairs inquiry work, the OIG did not reach a conclusion regarding whether there was a reasonable belief of staff misconduct. However, the deadline to take disciplinary action had expired and, therefore, the OIG agreed that a referral to the Office of Internal Affairs for an investigation was not necessary.

Overall Assessment

Overall, the department poorly conducted the inquiry. The investigator did not adequately prepare for all aspects of the inquiry, did not ask all relevant questions during interviews, did not use effective interviewing techniques, did not complete all necessary and relevant interviews, did not address all material contradictions in the final report, did not include all relevant documentary evidence in the final report, did not provide an advisement or admonishment at the beginning of each interview, and did not provide an admonishment concerning confidentiality at the end of each interview. Additionally, the Office of Internal Affairs completed and submitted its inquiry report to the hiring authority after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator adequately prepare for all aspects of the inquiry?***

The investigator did not obtain a mental health assessment form completed by a psychiatrist who evaluated the incarcerated person on the day of the first incident; a memorandum prepared shortly after the alleged incidents by a psychology practicum student who submitted it to the chief deputy warden on March 8, 2019;

and a copy of the housing unit log that contained an entry for the alleged incidents involving the incarcerated person. To prepare for the interview of a nurse who no longer worked at the prison, the investigator did not obtain the nurse's notes and medical entries to assist in refreshing the nurse's recollection, but the investigator should have done so.

In the OIG's opinion, did the investigator ask all relevant questions during interviews?

The investigator asked leading questions during interviews. In addition, the investigator did not continue to probe and test witnesses and subjects of the inquiry who alleged a lack of recollection of the incidents, but the investigator should have done so.

In the OIG's opinion, did the investigator use effective interviewing techniques when conducting interviews?

The investigator used leading and conclusory questioning for staff member interviews, resulting in extremely short and conclusory interviews.

In the OIG's opinion, did the investigator complete all necessary and relevant interviews?

The investigator did not interview a psychiatrist who evaluated the incarcerated person on the day of the incident nor a psychology practicum student who submitted a written memorandum regarding the incarcerated person shortly after the alleged incidents.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

The investigator did not ask the incarcerated person who submitted the complaint for a description of the officers who allegedly assaulted him. The investigator asked leading and conclusory questions during staff member interviews, which resulted in extremely short and conclusory interviews. The investigator did not obtain a mental health assessment form completed by the psychiatrist who evaluated the incarcerated person on the day of the incident; nor a memorandum prepared shortly after the alleged incidents by a psychology practicum student who submitted it to the chief deputy warden on March 8, 2019; nor a copy of the housing unit log that contained an entry for the alleged incidents involving the incarcerated person. For the interview of a nurse who no longer worked at the prison, the investigator did not obtain and have available the nurse's notes and medical entries as a tool to refresh the nurse's recollection, but the investigator should have done so.

In the OIG's opinion, did the investigator prepare a final inquiry report that included all relevant facts and evidence?

The investigator's summary of the incarcerated person's statement only notes the discrepancies or contradictions in the incarcerated person's statement. However, the investigator's summary does not include the consistencies in the incarcerated person's account, such as the fact that the officers he identified as participating in the alleged incident were on duty that day according to department documents, the fact that the incarcerated person had injuries consistent with his account of the alleged assault, and the fact that these injuries were later documented on a medical form completed by medical staff two days after the alleged assault. The investigator's report fails to note that the investigator completed a second interview of the incarcerated person. The investigator's summary of the incarcerated person's interviews fails to note the descriptions of the sergeants involved in the alleged assault. The investigator's report incorrectly states that a nurse stated she was present in the exam room when the incarcerated person allegedly assaulted another nurse, yet the nurse actually said the opposite, that she was not present.

In the OIG's opinion, did the investigator address material contradictions in the final inquiry report?

In the final inquiry report, the investigator failed to address the contradiction between the incarcerated person's statements and injuries, which were consistent with an assault, and the denial by the sergeants that they did not assault the incarcerated person.

In the OIG's opinion, did the investigator include all relevant documentary evidence in the final inquiry report?

The investigator did not obtain the medical documents completed by a nurse who allegedly witnessed one of the incidents. The investigator did not obtain a copy of the mental health assessment made by a psychiatrist

who spoke with the incarcerated person after the alleged incidents. The investigator did not obtain a copy of a memorandum regarding the incarcerated person and the alleged incidents that a psychology practicum student prepared and submitted to the chief deputy warden on March 8, 2019. The investigator did not obtain a copy of the housing unit log book entries for February 14, 2019, to review for any notes concerning incidents that may have transpired that day. According to the staff misconduct grievance inquiry report, there was an entry in the log pertaining to the incarcerated person dated February 14, 2019, the date of one of the incidents.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was February 15, 2020. However the Office of Internal Affairs did not complete and submit the final inquiry report to the hiring authority until December 17, 2020, 10 months and two days after the deadline to take disciplinary action.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was February 15, 2020. However the Office of Internal Affairs did not complete and submit the final inquiry report to the hiring authority until December 17, 2020, 10 months and two days after the deadline to take disciplinary action.

In the OIG's opinion, did the department handle the case with due diligence?

On March 1, 2019, the department received a staff misconduct grievance from the incarcerated person and assigned a lieutenant from the prison to conduct an inquiry. The lieutenant conducted a cursory inquiry into the allegations of excessive use of force. On November 13, 2019, after completion of the inquiry, the hiring authority found staff did not violate departmental policy. Thereafter, on February 4, 2020, the incarcerated person submitted a declaration describing the same staff misconduct allegations. On July 13, 2020, the Office of Internal Affairs assigned an investigator to conduct a second inquiry into the allegations, five months and nine days after receiving the declaration. The deadline to take disciplinary action was February 15, 2020, but the Office of Internal Affairs did not provide its final inquiry report to the hiring authority until December 17, 2020, 10 months and two days after the deadline to take disciplinary action.

Case Type

Departmental
Inquiry

Incident Date

February 19, 2019

Allegations**Overall Rating**

Poor

OIG Case Number

20-0034677-IQ

Incident Summary

On February 19, 2019, an officer allegedly refused an incarcerated person's request for reasonable accommodations, including the request for another incarcerated person to assist the incarcerated person in traveling to a dining room for a meal and also a request to use a shower for persons with disabilities.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The Office of Internal Affairs poorly conducted the inquiry. The investigator did not adequately prepare for all aspects of the inquiry, did not ask all relevant questions during interviews, did not use effective interviewing techniques, did not complete all necessary and relevant interviews, and did not provide the relevant policies and procedures as attachments to the final inquiry report. Due to the poor quality of the Office of Internal Affairs' inquiry work, the OIG did not reach a conclusion regarding whether there was a reasonable belief of staff misconduct. However, the deadline to take disciplinary action had expired and, therefore, the OIG agreed that a referral to the Office of Internal Affairs for an investigation was not necessary.

Overall Assessment

Overall, the department poorly conducted the inquiry. The investigator did not adequately prepare for all aspects of the inquiry, did not ask all relevant questions during interviews, did not use effective interviewing techniques, did not complete all necessary and relevant interviews, did not provide the relevant policies and procedures as attachments to the final inquiry report, did not provide an advisement at the beginning of each interview, and did not provide an admonishment concerning confidentiality at the end of each interview. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator adequately prepare for all aspects of the inquiry?***

The investigator did not obtain a photograph of the incarcerated person involved in this case for use during interviews. The investigator did not search for other requests for reasonable accommodations from incarcerated persons in the same housing unit as the incarcerated person who submitted the allegation. The investigator did not attempt to locate complaints or staff misconduct grievances filed by incarcerated persons in the same housing unit with the incarcerated person who submitted the allegation. The investigator did not obtain a list of the incarcerated persons who worked as American with Disabilities Act assistants in the buildings, who may have been potential witnesses.

In the OIG's opinion, did the investigator ask all relevant questions during interviews?

The investigator failed to follow up with an officer who indicated he was unsure if he remembered the incarcerated person involved in the allegations; failed to ask witnesses the identities of officers or staff who were working on the day in question and could be potential witnesses; failed to ask any witness which incarcerated persons were that worked as American with Disabilities Act assistants in the housing unit; and failed to ask staff witnesses whether they saw any interactions between the officer and the incarcerated person on the day of the alleged incidents.

In the OIG's opinion, did the investigator use effective interviewing techniques when conducting interviews?

The investigator did not use a photograph of the incarcerated person who submitted the allegations to refresh the recollection of an officer who was unsure whether he remembered the incarcerated person. The investigator used leading and conclusory questioning during the interviews of staff members, resulting in extremely short and conclusory interviews.

In the OIG's opinion, did the investigator complete all necessary and relevant interviews?

The investigator did not interview additional incarcerated persons from the same housing unit in order to seek out additional potential witnesses. The investigator did not interview incarcerated persons who worked as American with Disabilities Act assistants in the building, as they may have been potential witnesses. The investigator did not interview other incarcerated persons from the same unit who also had disabilities to determine whether the officer in question also refused to provide assistance to them.

In the OIG's opinion, did the investigator properly search for and collect relevant documentary and other forensic evidence?

The investigator did not search for other requests for reasonable accommodations from incarcerated persons in the same housing unit as the incarcerated person who made the allegation in this case. In addition, the investigator did not attempt to locate complaints or staff misconduct grievances filed by incarcerated persons in the same housing unit as the incarcerated person who made the allegation in this case.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

The investigator did not follow up with an officer who indicated he was unsure if he remembered the incarcerated person involved in the allegations; failed to ask officers whom the investigator interviewed as witnesses the identities of other staff who worked on the day in question and could be potential witnesses; and failed to ask staff witnesses if they saw any interactions on the day of the alleged incidents between the officer and the incarcerated person. The investigator should have interviewed additional incarcerated persons from the same housing unit in order to attempt to identify additional witnesses. The investigator should have searched for other requests for reasonable accommodations from incarcerated persons in the same housing unit as the incarcerated person who made this allegation. In addition, the investigator should have attempted to locate complaints or staff grievances filed by incarcerated persons in the same housing unit as the incarcerated person who made this allegation.

In the OIG's opinion, did the investigator include all relevant policies and procedures in the final inquiry report?

The investigator did not include in the final inquiry report the policies and procedures for incarcerated persons with disabilities.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was February 22, 2020. However the Office of Internal Affairs did not complete and submit the final inquiry report to the hiring authority until December 17, 2020, nine months and 25 days after the deadline had expired.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was February 22, 2020. However the Office of Internal Affairs did not complete and submit the final inquiry report to the hiring authority until December 17, 2020, nine months and 25 days after the deadline had expired.

In the OIG's opinion, did the department handle the case with due diligence?

On February 22, 2019, the department learned of the incarcerated person's allegation from a written complaint he filed with the department. The deadline to take disciplinary action was February 22, 2020. A prison lieutenant conducted a cursory inquiry into the allegations of staff non-compliance with the disability placement program policy. The department found no misconduct. On January 13, 2020, the department received a declaration from the incarcerated person concerning the same alleged misconduct. On July 13, 2020, the Office of Internal Affairs assigned an investigator to conduct an inquiry into the allegation, six months after receipt of the declaration. The investigator conducted his final interview on July 22, 2020. However, the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until December 17, 2020, nine months and 25 days after the deadline to take disciplinary action.

Case Type

Departmental
Inquiry

Incident Date

February 21, 2019

Allegations**Overall Rating**

Poor

OIG Case Number

20-0035236-IQ

Incident Summary

On February 21, 2019, an officer allegedly yelled at an incarcerated person and said that the incarcerated person did not need a wheelchair even though the incarcerated person did, in fact, require the use of a wheelchair.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The Office of Internal Affairs poorly conducted the inquiry. The investigator did not adequately prepare for all aspects of the inquiry, did not ask all relevant questions during interviews, did not use effective interviewing techniques, did not complete all necessary and relevant interviews, and did not provide the relevant policies and procedures. Due to the poor quality of the Office of Internal Affairs' inquiry work, the OIG did not reach a conclusion regarding whether there was a reasonable belief of staff misconduct. However, the deadline to take disciplinary action had expired and, therefore, the OIG agreed that a referral to the Office of Internal Affairs for an investigation was not necessary.

Overall Assessment

Overall, the department poorly conducted the inquiry. The investigator did not adequately prepare for all aspects of the inquiry, did not ask all relevant questions during interviews, did not use effective interviewing techniques, did not complete all necessary and relevant interviews, did not provide the relevant policies and procedures, did not provide an advisement at the beginning of each interview, and did not provide an admonishment concerning confidentiality at the end of each interview. In addition, the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator adequately prepare for all aspects of the inquiry?***

The investigator did not search for other requests for reasonable accommodations from incarcerated persons in the same housing unit as the incarcerated person who made the allegation. In addition, the investigator did not attempt to locate staff misconduct grievances filed by incarcerated persons in the same housing unit as the incarcerated person who made the allegation.

In the OIG's opinion, did the investigator ask all relevant questions during interviews?

The investigator failed to ask witnesses the identities of officers or other staff who were working the day of the alleged incident and could be potential witnesses. The investigator did not ask the staff witnesses if they saw any interactions on the day of the alleged incidents between the officer and the incarcerated person.

In the OIG's opinion, did the investigator use effective interviewing techniques when conducting interviews?

The investigator used leading and conclusory questioning for the sole officer interview, resulting in an extremely short and conclusory interview.

In the OIG's opinion, did the investigator complete all necessary and relevant interviews?

The investigator did not interview additional incarcerated persons from the same housing unit in order to seek out additional witnesses. The investigator did not interview other incarcerated persons from the same unit who also had disabilities to determine whether they were treated discourteously by the officer who was the subject of the inquiry.

In the OIG's opinion, did the investigator properly search for and collect relevant documentary and other forensic evidence?

The investigator did not search for other requests for reasonable accommodations from incarcerated persons who lived in the same housing unit as the incarcerated person who made the allegation. In addition, the

investigator did not attempt to locate staff misconduct grievances filed by incarcerated persons who lived in the same housing unit as the incarcerated person who made the allegation.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

The investigator failed to ask an officer whom he interviewed the identities of other staff who worked on the day in question and could be potential witnesses, and the investigator failed to ask the officer if the officer saw any interactions on the day in question between the officer who was the subject of the inquiry and the incarcerated person. The investigator should have interviewed additional incarcerated persons who lived in the same housing unit as the incarcerated person who made the allegation in order to attempt to identify additional witnesses. The investigator should have searched for other requests for reasonable accommodations from incarcerated persons in the same housing unit as the incarcerated person who made this allegation. In addition, the investigator should have attempted to locate staff misconduct grievances filed by incarcerated persons who lived in the same housing unit as the incarcerated person who made this allegation.

In the OIG's opinion, did the investigator include all relevant policies and procedures in the final inquiry report?

The investigator did not include in the final inquiry report the policies and procedures for incarcerated persons with disabilities. In addition, the investigator failed to include the code of conduct for officers in the final inquiry report.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary was on February 22, 2020. However, the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until December 17, 2020, nine months and 25 days after the deadline to take disciplinary action had expired.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was February 22, 2020. However the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until December 17, 2020, nine months and 25 days after the deadline to take disciplinary action had expired.

In the OIG's opinion, did the department handle the case with due diligence?

On February 22, 2019, the department learned of the incarcerated person's allegation from a written complaint he filed with the department. The deadline to take disciplinary action was February 22, 2020. A prison lieutenant conducted a cursory inquiry into the allegations of staff non-compliance with the disability placement program policy. The department found no misconduct. On January 13, 2020, the department received a declaration from the incarcerated person concerning the same alleged misconduct. On July 13, 2020, the Office of Internal Affairs assigned an investigator to conduct an inquiry into the allegation, six months after receipt of the declaration. The investigator conducted his final interview on July 22, 2020. However, the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until December 17, 2020, nine months and 25 days after the deadline to take disciplinary action had expired.

Case Type

Departmental
Inquiry

Incident Date

March 01, 2019

Allegations

Neglect of Duty

Overall Rating

Poor

OIG Case Number

20-0035303-IQ

Incident Summary

Between March 1, 2019, and May 31, 2019, an officer allegedly closed a cell door on an incarcerated person after the incarcerated person exited a cell and attempted to return to the cell, causing the cell door to hit the incarcerated person on a shoulder and propel him to the ground.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The OIG agreed with the hiring authority's decisions.

Overall Assessment

Overall, the department poorly conducted the inquiry. The department did not assign an investigator to conduct an inquiry until six months and 19 days after it learned of the staff misconduct allegation. In addition, the Office of Internal Affairs completed and submitted its inquiry report to the hiring authority after the deadline to take disciplinary action had expired.

Questions

In the OIG's opinion, did the investigator adequately confer with the OIG upon case initiation and prior to finalizing the inquiry plan?

The investigator did not confer with the OIG to discuss the inquiry plan.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was January 13, 2021. However, the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until February 17, 2021, one month and four days after the deadline to take disciplinary action.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was January 13, 2021. However, the Office of Internal Affairs submitted its inquiry report to the hiring authority on February 17, 2021, one month and four days after the deadline to take disciplinary action.

In the OIG's opinion, did the department handle the case with due diligence?

In the OIG's opinion, the department did not handle the case with due diligence. On January 13, 2020, the department learned of the staff misconduct allegation submitted by the incarcerated person. However, the department did not assign an investigator to conduct an inquiry into the allegation until August 1, 2020, six months and 19 days thereafter. Also, the deadline to take disciplinary action was January 13, 2021, but the Office of Internal Affairs did not provide its final inquiry report to the hiring authority until February 17, 2021, one month and four days after the deadline for taking disciplinary action.

Case Type

Departmental
Inquiry

Incident Date

March 01, 2019

Allegations

Assault

Overall Rating

Poor

OIG Case Number

20-0034907-IQ

Incident Summary

Between March 1, 2019, and April 30, 2019, officers allegedly entered the cell of an incarcerated person in the administrative segregation unit, after which others heard the incarcerated person yelling and screaming. After the incident, the incarcerated person required the use of a wheelchair and received medical treatment, including the placement of a cast on one of his arms.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The Office of Internal Affairs poorly conducted the inquiry. The investigator did not adequately prepare for all aspects of the inquiry, did not ask all relevant questions during interviews, did not use effective interviewing techniques, did not complete all necessary and relevant interviews, and did not include all relevant policies in the final inquiry report. Due to the poor quality of the Office of Internal Affairs' inquiry work, the OIG did not reach a conclusion regarding whether there was a reasonable belief of staff misconduct.

Overall Assessment

Overall, the department poorly conducted the inquiry. The department did not assign an investigator to conduct an inquiry until five months and nine days after it learned of the staff misconduct allegation. The investigator did not adequately prepare for all aspects of the inquiry, did not ask all relevant questions during interviews, did not use effective interviewing techniques, did not complete all necessary and relevant interviews, did not include all relevant policies in the final report, did not provide an advisement or admonishment at the beginning of each interview, and did not provide an admonishment concerning confidentiality at the end of each interview.

Questions***In the OIG's opinion, did the investigator adequately prepare for all aspects of the inquiry?***

The investigator did not obtain a diagram of the housing unit where this incident allegedly occurred to use during witness interviews as an aid to help witnesses recall facts, but the investigator should have done so. The investigator did not obtain the operating policy for the administrative segregation unit, the location of the incident, but the investigator should have done so.

In the OIG's opinion, did the investigator ask all relevant questions during interviews?

The investigator asked leading questions during interviews. In addition, the investigator did not continue to probe and test witnesses and subjects of the inquiry who alleged a lack of recollection of the incidents, but the investigator should have done so.

In the OIG's opinion, did the investigator use effective interviewing techniques when conducting interviews?

The investigator used leading and conclusory questioning for all staff member and officer interviews, resulting in extremely short and conclusory interviews.

In the OIG's opinion, did the investigator complete all necessary and relevant interviews?

The investigator did not interview an incarcerated person who suffered an injury to his left arm and left wrist during a cell extraction that occurred between March 13, 2019, and March 14, 2019, but the investigator should have done so. This incident is very similar to the incident described in this allegation and it occurred during the relevant time period.

In the OIG's opinion, did the investigator properly search for and collect relevant documentary and other forensic evidence?

This prison's administrative segregation units have video recording capabilities. However, the report does not reflect whether the investigator attempted to obtain any potential video recordings, nor whether the investigator secured them or viewed them.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

The investigator did not obtain a diagram of the housing unit where the incident allegedly occurred to use during witness interviews as an aid to help witnesses recall facts, but the investigator should have done so. The investigator asked leading questions during interviews. In addition, the investigator did not continue to probe and test witnesses and subjects of the inquiry who alleged a lack of recollection of the incidents, but the investigator should have done so. The investigator used leading and conclusory questioning for staff members and officer interviews, resulting in extremely short and conclusory interviews. The investigator did not interview an incarcerated person who suffered an injury to his left arm and left wrist during a cell extraction that occurred between March 13, 2019, and March 14, 2019, but the investigator should have done so. This incident is very similar to the incident described in this case and occurred during the relevant time period.

In the OIG's opinion, did the investigator prepare a final inquiry report that included all relevant facts and evidence?

The final inquiry report does not include an interview with an incarcerated person who suffered an injury to his left arm and left wrist during a cell extraction between March 13, 2019, and March 14, 2019, which is very similar to the incident described in this case and occurred during the relevant time period.

In the OIG's opinion, did the investigator include all relevant policies and procedures in the final inquiry report?

The investigator failed to include the operating policy for the administrative segregation unit, the location of the incident.

In the OIG's opinion, did the department handle the case with due diligence?

On February 4, 2020, the department learned of the staff misconduct allegation submitted by an incarcerated person. However, the department did not assign an investigator to conduct an inquiry into the allegation until July 13, 2020, five months and five days thereafter. The investigator conducted the final interview on August 18, 2020, but the Office of Internal Affairs did not complete its final inquiry report and submit it to the hiring authority until December 17, 2020, three months and 29 days after the last interview.

Case Type

Departmental
Inquiry

Incident Date

March 01, 2019

Allegations

Discourteous
Treatment
Retaliation

Overall Rating

Poor

OIG Case Number

21-0038979-IQ

Incident Summary

Between March 1, 2019, and March 31, 2019, an officer allegedly taunted a disabled incarcerated person by stating, "Write me up and be sure you spell my name right." Between April 1, 2019, and April 30, 2019, the officer allegedly arranged for two incarcerated persons to threaten the disabled incarcerated person in an attempt to dissuade the disabled incarcerated person from pursuing a complaint he filed against the officer.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The OIG agreed with the hiring authority's decisions.

Overall Assessment

Overall, the department poorly conducted the inquiry. The department did not assign an investigator to conduct an inquiry into alleged staff misconduct until two years and 22 days after it learned of the staff misconduct allegations. Also, the investigator did not use effective interviewing techniques during an interview of an incarcerated person and did not provide an admonishment concerning confidentiality at the end of each interview. The Office of Internal Affairs submitted its final inquiry report to the hiring authority after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator use effective interviewing techniques when conducting interviews?***

The investigator did not use effective interviewing techniques during an interview of an incarcerated person on April 19, 2021, when the investigator presented several documents to the incarcerated person during the interview without identifying the documents for the record.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

The department did not appropriately conduct the inquiry. Although the department learned of the staff misconduct allegations on March 8, 2019, it did not assign an investigator to complete an inquiry concerning the allegations of staff misconduct until March 29, 2021, two years and 22 days thereafter. Also, the deadline to take disciplinary action was March 8, 2020. However, the Office of Internal Affairs did not complete the inquiry report until June 18, 2021, one year, three months, and 11 days after the deadline to take disciplinary action had expired.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was March 8, 2020. The Office of Internal Affairs did not complete its final inquiry report until June 18, 2021, one year, three months, and 11 days after the deadline had expired.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was March 8, 2020. The Office of Internal Affairs did not complete its final inquiry report until June 18, 2021, one year, three months, and 11 days after the deadline had expired.

In the OIG's opinion, did the department handle the case with due diligence?

The department learned of the incarcerated person's complaint on March 8, 2019, but the department did not assign an investigator to conduct an inquiry concerning the staff misconduct allegations until March 29, 2021, two years and 22 days thereafter. Also, although the deadline to take disciplinary action was March 8, 2020, the Office of Internal Affairs did not complete the final inquiry report and submit it to the hiring authority until June 18, 2021, one year, three months, and 11 days after the deadline to take disciplinary action had expired.

Case Type

Departmental
Inquiry

Incident Date

March 18, 2019

Allegations

Assault
Other Failure of
Good Behavior
Neglect of Duty
Use of Force

Overall Rating

Poor

OIG Case Number

21-0037883-IQ

Incident Summary

On March 18, 2019, an officer allegedly punched an incarcerated person in the face. The officer and a second officer allegedly took the incarcerated person to the ground, while the first officer placed his hands around the incarcerated person's neck, attempting to cause the incarcerated person to lose consciousness. The second officer allegedly punched the incarcerated person in the face and kicked him in the ribs. Four additional officers allegedly held the incarcerated person down and kicked the incarcerated person. The first officer then allegedly released the incarcerated person's neck and smashed the incarcerated person's face onto the ground. Other officers allegedly watched the assault on the incarcerated person, but did not intervene. The following day, the second officer allegedly high-fived another officer and bragged about assaulting the incarcerated person.

Disposition

The hiring authority identified staff misconduct and referred the matter to the Office of Internal Affairs. The deadline to take disciplinary action expired. Therefore, the OIG did not agree with the hiring authority's decision to refer the case to the Office of Internal Affairs for an investigation.

Overall Assessment

The department's handling of the case was poor. Although the department first learned of the alleged misconduct on March 19, 2019, the Office of Internal Affairs did not assign an investigator to conduct an inquiry into the allegations until January 25, 2021, one year, ten months, and six days after the department first learned of the alleged misconduct. The Office of Internal Affairs did not complete its inquiry and submit its final inquiry report to the hiring authority until after the deadline to take disciplinary action had expired.

Questions***Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?***

The deadline to take disciplinary action was March 19, 2020. However, the Office of Internal Affairs submitted its final inquiry report to the hiring authority on June 25, 2021, one year, three months, and six days after the deadline to take disciplinary action had expired.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was March 19, 2020. However, the Office of Internal Affairs submitted its final inquiry report to the hiring authority on June 25, 2021, one year, three months, and six days after the deadline to take disciplinary action had expired.

In the OIG's opinion, did the department handle the case with due diligence?

On March 19, 2019, the department first learned of the alleged misconduct in this case. On April 3, 2019, the hiring authority instructed an associate warden to refer the matter to the Office of Internal Affairs, but he did not do so. On May 27, 2019, the incarcerated person filed a staff misconduct grievance which included an allegation of excessive use of force. The department did not acknowledge or address the excessive use of force allegation. On November 20, 2019, the incarcerated person filed another staff misconduct grievance, referencing the staff misconduct grievance filed on May 27, 2019. On July 24, 2020, the department received a declaration from a second incarcerated person concerning the allegation of excessive force against the incarcerated person who filed the staff misconduct grievances. On January 25, 2021, the Office of Internal Affairs assigned an investigator to conduct an inquiry into the alleged staff misconduct, one year, ten months, and six days after the department first learned of the alleged misconduct. The deadline to take disciplinary action was March 19, 2020. The Office of Internal Affairs did not complete and submit its final inquiry report to the hiring authority until June 25, 2021, one year, three months, and six days after the deadline to take disciplinary action expired.

Case Type

Departmental
Inquiry

Incident Date

March 27, 2019

Allegations**Overall Rating**

Poor

OIG Case Number

20-0035237-IQ

Incident Summary

On March 27, 2019, a lieutenant allegedly directed an incarcerated person to sign a form indicating that the incarcerated person's reasonable accommodation request was resolved despite the issue not being resolved, after which the incarcerated person signed the form because he was afraid of retaliation.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The Office of Internal Affairs poorly conducted the inquiry. The investigator did not adequately prepare for all aspects of the inquiry, did not ask all relevant questions during interviews, did not use effective interviewing techniques, did not complete all necessary and relevant interviews, and did not provide the relevant policy and procedures. Due to the poor quality of the Office of Internal Affairs' inquiry work, the OIG did not reach a conclusion regarding whether there was a reasonable belief of staff misconduct.

Overall Assessment

Overall, the department poorly conducted the inquiry. The department did not assign an investigator to conduct an inquiry until six months after learning of the staff misconduct allegation. The investigator did not adequately prepare for all aspects of the inquiry, conducted only one interview, did not ask all relevant questions during the interview, did not use effective interviewing techniques, did not complete all necessary and relevant interviews, did not provide the relevant policy and procedures, did not provide an advisement or admonishment at the beginning of the interview, and did not provide an admonishment concerning confidentiality at the end of the interview.

Questions***In the OIG's opinion, did the investigator adequately prepare for all aspects of the inquiry?***

The investigator did not search for other requests for reasonable accommodations or staff misconduct grievances from incarcerated persons in the same housing unit as the incarcerated person who made the allegation to determine whether other incarcerated persons faced retaliation after filing reasonable accommodations requests or staff misconduct grievances related to issues of disabilities.

In the OIG's opinion, did the investigator ask all relevant questions during interviews?

The investigator conducted one interview. The investigator did not ask the incarcerated person whom he interviewed why the incarcerated person was concerned about retaliation. The investigator failed to ask the incarcerated person if he had witnessed acts of retaliation against incarcerated persons who suffered from disabilities. The investigator also failed to ask the incarcerated person if he had ever been retaliated against in the past after filing requests for reasonable accommodations or staff misconduct grievances, which may have caused him to be concerned about the incident in question.

In the OIG's opinion, did the investigator complete all necessary and relevant interviews?

The investigator did not attempt to locate other incarcerated persons in the same housing unit who may have experienced retaliation after filing requests for reasonable accommodations during the same general time frame.

In the OIG's opinion, did the investigator properly search for and collect relevant documentary and other forensic evidence?

The investigator did not search for other requests for reasonable accommodations from incarcerated persons in the same housing unit as the incarcerated person who made the allegation. In addition, the investigator did not attempt to locate staff misconduct grievances filed by incarcerated persons in the same housing unit as the incarcerated person involved in the allegation.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

The investigator did not search for other requests for reasonable accommodations or staff misconduct

grievances from incarcerated persons in the same housing unit as the incarcerated person who made the allegation to determine whether other incarcerated persons faced retaliation after filing reasonable accommodations requests or staff misconduct grievances related to issues of disabilities during the same time frame. The investigators failed to ask the incarcerated person why he was concerned about retaliation; failed to ask the incarcerated person if he had witnessed acts of retaliation against incarcerated persons who suffered from disabilities; and failed to ask the incarcerated person if he had ever been retaliated against in the past after filing requests for reasonable accommodations or staff misconduct grievances, which may have caused him to be concerned about the incident in question.

In the OIG's opinion, did the investigator include all relevant policies and procedures in the final inquiry report?

The investigator did not include in the final inquiry report the policies and procedures for incarcerated persons with disabilities.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was January 13, 2021. However the Office of Internal Affairs did not complete and submit the final inquiry report to the hiring authority until December 17, 2020, 27 days before the deadline to take disciplinary action.

In the OIG's opinion, did the department handle the case with due diligence?

The department learned of the staff misconduct allegation on January 13, 2020, but did not assign an investigator to conduct an inquiry into the allegation until July 13, 2020, six months thereafter. The investigator conducted one interview only on July 16, 2020, but the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until December 17, 2020, five months and one day after the last interview, and 27 days before the deadline to take disciplinary action.

Case Type

Departmental
Inquiry

Incident Date

April 06, 2019

Allegations

Battery
Medical

Overall Rating

Poor

OIG Case Number

21-0037909-IQ

Incident Summary

On April 6, 2019, an officer allegedly closed a cell door and struck an incarcerated person with the door, and a second and third officer allegedly denied medical care to the incarcerated person.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs.

Overall Assessment

The department poorly conducted the inquiry. The department allowed the deadline to take disciplinary action to expire before completion of the inquiry. The deadline to take disciplinary action was May 2, 2020. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 6, 2021, one year, two months, and four days after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?***

The deadline to take disciplinary action was May 2, 2020. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 6, 2021, one year, two months, and four days after the deadline to take disciplinary action had expired.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was May 2, 2020. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 6, 2021, one year, two months, and four days after the deadline to take disciplinary action had expired.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was May 2, 2020. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 6, 2021, one year, two months, and four days after the deadline to take disciplinary action had expired.

In the OIG's opinion, did the department handle the case with due diligence?

The department learned of the staff misconduct allegation on May, 2, 2019. The deadline to take disciplinary action was May 2, 2020. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 6, 2021, one year, two months, and four days after the deadline to take disciplinary action had expired.

Case Type

Departmental
Inquiry

Incident Date

April 23, 2019

Allegations

Battery
Use of Force

Overall Rating

Poor

OIG Case Number

21-0037823-IQ

Incident Summary

On April 23, 2019, an officer allegedly unnecessarily deployed pepper spray on an incarcerated person who required the use of a wheelchair and hearing aids. Another officer allegedly punched the incarcerated person in the face, and multiple officers kicked the incarcerated person while he was on the ground. Multiple officers then allegedly dragged the incarcerated person, without his wheelchair and hearing aids, to a holding cell and left him there for more than half an hour without performing the required decontamination process for those who have been exposed to pepper spray, after which the incarcerated person became unconscious. When the incarcerated person later informed a sergeant he intended to report the officers' misconduct, the sergeant responded with an expletive and referred to the incarcerated person with a pejorative term used for those who report the misconduct of others.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs.

Overall Assessment

The department poorly conducted the inquiry. The department allowed the deadline to take disciplinary action to expire before completion of the inquiry. The deadline to take disciplinary action was May 1, 2020. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 6, 2021, one year, two months, and five days after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator adequately confer with the OIG upon case initiation and prior to finalizing the inquiry plan?***

The investigator failed to confer with the OIG upon case initiation, did not notify the OIG concerning the interview of the incarcerated person who submitted the complaint, and did not hold an initial case conference with the OIG prior to conducting his first inquiry interview.

In the OIG's opinion, did the investigator use effective interviewing techniques when conducting interviews?

During the interview of the incarcerated person who submitted the complaint, the investigator asked numerous leading questions and supplemented the incarceration person's answers with information the investigator had adduced from the declaration submitted by the incarcerated person and from information gleaned from a rules violation report issued to the incarcerated person after the incident in question.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

The deadline to take disciplinary action was May 1, 2020. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 6, 2021, one year, two months, and five days after the deadline to take disciplinary action had expired.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was May 1, 2020. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 6, 2021, one year, two months, and five days after the deadline to take disciplinary action had expired.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was May 1, 2020. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 6, 2021, one year, two months, and five days after the deadline to take disciplinary action had expired.

In the OIG's opinion, did the department handle the case with due diligence?

The department learned of the staff misconduct allegation on May 1, 2019. The deadline to take disciplinary action was May 1, 2020. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 6, 2021, one year, two months, and five days after the deadline to take disciplinary action had expired.

Did the department timely transmit documents or items of evidentiary value to the OIG?

Prior to the commencement of the first interview, the investigator did not provide the OIG with a copy of the written inquiry plan nor his conflict-of-interest statement, as required.

Case Type

Departmental
Inquiry

Incident Date

April 24, 2019

Allegations

Assault
Use of Force
Threat/Intimidation

Overall Rating

Poor

OIG Case Number

20-0036619-IQ

Incident Summary

On April 24, 2019, officers allegedly assaulted an incarcerated person after which the incarcerated person suffered a broken arm, bruises, knots on his head, and bleeding from his mouth. A control booth officer allegedly pointed a firearm at the incarcerated person as he sought medical assistance for his injuries.

Disposition

The hiring authority did not take action concerning the inquiry report because the Office of Internal Affairs reported that the department had referred the allegations to an outside law enforcement agency. As of the date of this writing, the outside law enforcement agency is reviewing or investigating the allegations.

Overall Assessment

The department poorly conducted the inquiry. The department assigned an investigator to conduct an administrative inquiry after the Office of Internal Affairs had already initiated administrative and criminal investigations and after the Office of Internal Affairs referred the criminal allegations to an outside law enforcement agency to review the case or conduct a criminal investigation. In addition, on September 28, 2020, the Office of Internal Affairs assigned an investigator to conduct an inquiry, and she conducted inquiry activities, but once the Office of Internal Affairs realized outside law enforcement's role in the case, it truncated its inquiry and provided a report concerning its incomplete inquiry to the hiring authority on May 14, 2021, seven months and 16 days later.

Questions***In the OIG's opinion, did the investigator adequately prepare for all aspects of the inquiry?***

The investigator should have noted in the allegation that multiple officers allegedly assaulted the incarcerated person and that the incarcerated allegedly suffered a broken arm as a results of the assault.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

The investigator did not thoroughly and appropriately conduct the inquiry. The investigator did not finish the inquiry because the investigator determined during the course of the inquiry that the Office of Internal Affairs had already initiated an administrative and criminal investigation and that the criminal investigation was referred to an outside law enforcement agency that was either reviewing the case or conducting an investigation of the same incident.

In the OIG's opinion, did the investigator address material contradictions in the final inquiry report?

The investigator did not address any material contradictions. The investigator did not complete the inquiry.

In the OIG's opinion, did the investigator address all appropriate allegations as discovered during the inquiry in the final inquiry report?

The investigator did not address all appropriate allegations. The investigator did not complete the inquiry.

In the OIG's opinion, did the investigator include all relevant policies and procedures in the final inquiry report?

The investigator did not address all relevant policies and procedures. The investigator did not complete the inquiry.

In the OIG's opinion, did the department handle the case with due diligence?

The department did not handle the case with due diligence. The department failed to recognize that the Office of Internal Affairs had already initiated administrative and criminal investigations into the incident, and that an outside law enforcement agency was already reviewing the allegations or conducting an investigation and, therefore, the department should not have assigned an investigator to conduct this inquiry as it could have compromised the outside law enforcement's criminal investigation. It was a waste of resources to begin this

inquiry before the outside law enforcement agency completed its work on the allegations. On September 28, 2020, the Office of Internal Affairs assigned an investigator to conduct an inquiry, and she conducted inquiry activities, but once the Office of Internal Affairs realized the outside law enforcement's role in the case, it truncated its inquiry and provided a report concerning its incomplete inquiry to the hiring authority on May 14, 2021, seven months and 16 days later.

Case Type

Departmental
Inquiry

Incident Date

May 01, 2019

Allegations

Discourteous
Treatment

Overall Rating

Poor

OIG Case Number

20-0035208-IQ

Incident Summary

Between May 1, 2019, and May 30, 2019, on multiple occasions, an officer allegedly closed a cell door on an incarcerated person, causing the incarcerated person to fall during each instance.

Disposition

The hiring authority identified staff misconduct and referred the matter to the Office of Internal Affairs. The Office of Internal Affairs poorly conducted the inquiry because the investigator failed to prepare for all aspects of the inquiry and did not use effective interviewing techniques when conducting interviews. Despite the poor quality of the inquiry, the OIG agreed with the hiring authority's decision that there was a reasonable belief that misconduct had occurred. However, the deadline to take disciplinary action had already expired by the time the hiring authority made the decision.

Overall Assessment

Overall, the department poorly conducted the inquiry. The department did not assign an investigator to conduct an inquiry until six months and 14 days after it learned of the staff misconduct allegation and it allowed the deadline to take disciplinary action to expire. Also, the investigator failed to prepare for all aspects of the inquiry and did not use effective interviewing techniques when conducting interviews. In addition, the Office of Internal Affairs completed and submitted its inquiry report to the hiring authority after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator adequately prepare for all aspects of the inquiry?***

The investigator did not obtain and use a diagram of the housing unit where the incident allegedly occurred or photographs of staff to use during the interview of the incarcerated person who made the allegation to refresh the recollection of the incarcerated person.

In the OIG's opinion, did the investigator use effective interviewing techniques when conducting interviews?

The investigator disclosed to the incarcerated person who made the allegation that the investigator had not located any of staff misconduct grievance paperwork pertaining to the allegation, and that staff told the investigator that none had been filed. Also, the investigator repeatedly asked compound questions during the interview of the officer who was the subject of the inquiry.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

The investigator conducted the interview of the incarcerated person who made the allegation in an office located in the same housing unit where the incident allegedly occurred. During the interview, staff congregated in the area, looked inside the office through a window, and even opened the door of the office during the interview, which significantly compromised the confidentiality and privacy of the interview. Also, during an August 12, 2020, interview of the incarcerated person who submitted the declaration containing staff misconduct allegations, one of two investigators acted in a dual role, not only as an investigator, asking questions during the interview, but also as a staff assistant for the disabled incarcerated person.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was January 13, 2021. However, the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until March 5, 2021, one month and 20 days after the deadline to take disciplinary action.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

On January 13, 2020, the incarcerated person submitted a declaration containing a staff misconduct allegation.

The Office of Internal Affairs submitted its inquiry report to the hiring authority on March 5, 2021, one month and 20 days after the deadline for taking disciplinary action.

In the OIG's opinion, did the department handle the case with due diligence?

In the OIG's opinion, the department did not handle the case with due diligence. On January 13, 2020, the incarcerated person submitted a declaration containing a staff misconduct allegation. However, the Office of Internal Affairs did not assign an investigator to conduct an inquiry into the allegation until July 27, 2020, six months and 14 days thereafter. Also, the deadline to take disciplinary action was January 13, 2021, but the Office of Internal Affairs did not provide its inquiry report to the hiring authority until March 5, 2021, one month and 20 days after the deadline for taking disciplinary action. The hiring authority did not refer the case to the Office of Internal Affairs for an investigation until after the deadline to take disciplinary action expired.

Case Type

Departmental
Inquiry

Incident Date

May 01, 2019

Allegations

Assault

Overall Rating

Poor

OIG Case Number

21-0037632-IQ

Incident Summary

Between May 1, 2019, and August 31, 2019, an officer allegedly performed a search of an incarcerated person and slammed his hands into the incarcerated person's genitals, causing the incarcerated person pain for two days.

Disposition

The hiring authority did not identify misconduct and did not refer the matter to the Office of Internal Affairs. The OIG agreed with the hiring authority's decisions.

Overall Assessment

The department poorly conducted the inquiry. The department allowed the deadline to take disciplinary action to expire before completion of the inquiry. The investigator interviewed a witness in Spanish and did not translate for the record the questions and answers from Spanish to English, nor did he secure a translator for the interview. The investigator did not attach a transcript of the interview to the final inquiry report with a translation from Spanish to English so that reviewers of the report, including the hiring authority, could independently review and evaluate the interview. In addition, the investigator failed to provide an admonishment regarding confidentiality at the end of two separate witness interviews

Questions***In the OIG's opinion, did the investigator use effective interviewing techniques when conducting interviews?***

On March 16, 2021, the investigator interviewed a witness whose primary language is Spanish. The investigator, who was fluent in Spanish, interviewed the witness in Spanish and did not have the questions and answers translated from Spanish to English for the record.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

The department poorly conducted the inquiry. The department allowed the deadline to take disciplinary action to expire before completion of the inquiry. The deadline to take disciplinary action was February 16, 2021. However, the Office of Internal Affairs did not submit its inquiry to the hiring authority until May 3, 2021, two months and 17 days after the deadline to take disciplinary action had expired. Also, on March 16, 2021, the investigator interviewed a witness whose primary language is Spanish. The investigator, who was fluent in Spanish, interviewed the witness in Spanish and did not have the questions and answers translated from Spanish to English for the record.

In the OIG's opinion, did the investigator include all relevant documentary evidence in the final inquiry report?

On March 16, 2021, the investigator interviewed a witness in Spanish and did not translate for the record the questions and answers from Spanish to English, nor did he secure a translator for the interview. The investigator did not attach a transcript of the interview to the final inquiry report with a translation from Spanish to English so that reviewers of the report, including the hiring authority, could independently review and evaluate the interview.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was February 16, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until May 3, 2021, two months and 17 days after the deadline to take disciplinary action had expired.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was February 16, 2021. The Office of Internal Affairs did not submit its

final inquiry report to the hiring authority until May 3, 2021, two months and 17 days after the deadline to take disciplinary action had expired.

In the OIG's opinion, did the department handle the case with due diligence?

The department learned of the staff misconduct allegation on January 13, 2020. The deadline to take disciplinary action was February 16, 2021. However, the Office of Internal Affairs did not submit its inquiry to the hiring authority until May 3, 2021, two months and 17 days after the deadline to take disciplinary action had expired.

Case Type

Departmental
Inquiry

Incident Date

May 01, 2019

Allegations

Discourteous
Treatment

Overall Rating

Poor

OIG Case Number

21-0037910-IQ

Incident Summary

Between May 1, 2019, and May 31, 2019, an officer allegedly made a derogatory comment to an incarcerated person and called the incarcerated person a “snitch.”

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs.

Overall Assessment

The department poorly conducted the inquiry. The department allowed the deadline to take disciplinary action to expire before completion of the inquiry. The deadline to take disciplinary action was February 16, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 6, 2021, four months and 20 days after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?***

The deadline to take disciplinary action was February 16, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 6, 2021, four months and 20 days after the deadline to take disciplinary action had expired.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was February 16, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 6, 2021, four months and 20 days after the deadline to take disciplinary action had expired.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was February 16, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 6, 2021, four months and 20 days after the deadline to take disciplinary action had expired.

In the OIG's opinion, did the department handle the case with due diligence?

The department learned of the staff misconduct allegation on January 13, 2020. The deadline to take disciplinary action was February 16, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 6, 2021, four months and 20 days after the deadline to take disciplinary action had expired.

Case Type

Departmental
Inquiry

Incident Date

May 14, 2019

Allegations

Neglect of Duty

Overall Rating

Poor

OIG Case Number

20-0035274-IQ

Incident Summary

On May 14, 2019, an officer allegedly allowed an incarcerated person to assault a second incarcerated person because of the nature of the second incarcerated person's commitment offense.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The OIG agreed with the hiring authority's decisions.

Overall Assessment

Overall, the department poorly conducted the inquiry. The department did not assign an investigator to conduct an inquiry until eight months and 15 days after it learned of the staff misconduct allegation and it allowed the deadline to take disciplinary action to expire.

Questions***In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?***

The Office of Internal Affairs completed its inquiry after the deadline to take disciplinary action had expired. The deadline to take disciplinary action was January 13, 2021. The Office of Internal Affairs completed and submitted its inquiry report to the hiring authority on March 24, 2021.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was January 13, 2021, but the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until March 24, 2021, two months and 11 days after the deadline for taking disciplinary action.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was January 13, 2021, but the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until March 24, 2021, two months and 11 days after the deadline for taking disciplinary action.

In the OIG's opinion, did the department handle the case with due diligence?

In the OIG's opinion, the department did not handle the case with due diligence. On January 13, 2020, the incarcerated person submitted a declaration containing the staff misconduct allegations. However, the department did not assign an investigator to conduct an inquiry into the allegation until September 28, 2020, eight months and 15 days thereafter. Also, the deadline to take disciplinary action was January 13, 2021, but the Office of Internal Affairs did not provide its inquiry report to the hiring authority until March 24, 2021, two months and 11 days after the deadline for taking disciplinary action.

Case Type

Departmental
Inquiry

Incident Date

May 30, 2019

Allegations

Use of Force

Overall Rating

Poor

OIG Case Number

20-0034514-IQ

Incident Summary

On May 30, 2019, two officers allegedly grabbed an incarcerated person's hands from behind while the incarcerated person obtained a food tray, pulled both of his hands and arms high behind his back, and then forcefully escorted the incarcerated person out of the dining hall. While exiting the dining hall, the officers allegedly slammed the incarcerated person's head against the side of a door frame and then lifted the incarcerated person off the ground, and one officer twisted the incarcerated person's left arm until it broke.

Disposition

After reviewing the inquiry report received on March 5, 2021, the hiring authority decided to take no further action because, on August 20, 2019, the hiring authority had referred the same allegations to the Office of Internal Affairs' Central Intake Unit. On September 18, 2019, the Office of Internal Affairs' Central Intake Unit approved an investigation. An Office of Internal Affairs special agent then conducted a full investigation. On June 12, 2020, the hiring authority reviewed the investigation and decided to dismiss an officer involved in the incident. The State Personnel Board revoked the dismissal of the officer.

Overall Assessment

Overall, the department poorly conducted the inquiry. An investigator conducted an interview, collected evidence, and produced an inquiry report even though an Office of Internal Affairs special agent had previously conducted a full investigation concerning the allegation and the hiring authority had imposed discipline on an involved officer. In addition to the inquiry for this case and the prior full investigation, the department also conducted one additional inquiry concerning the same incident. The Office of Internal Affairs submitted its final inquiry report to the hiring authority after the deadline to take disciplinary action had expired. Furthermore, the investigator did not employ effective interviewing techniques, produced an inquiry report that omitted relevant information, and did not timely transmit items of evidentiary value to the OIG.

Questions***In the OIG's opinion, did the investigator adequately prepare for all aspects of the inquiry?***

In an August 19, 2020, interview of an incarcerated person, the investigator did not have available a photograph of one of the officers who allegedly committed misconduct to present to the incarcerated person for identification of the subject.

In the OIG's opinion, did the investigator use effective interviewing techniques when conducting interviews?

In an August 19, 2020, interview of an incarcerated person, the investigator did not have available a photograph of one of the officers who allegedly committed misconduct to present to the incarcerated person for identification of the subject.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

The investigator conducted interviews, collected evidence, and produced a report concerning the allegation even though an Office of Internal Affairs special agent had previously conducted a full investigation concerning the incident, and the hiring authority had imposed discipline on an involved officer. In addition to conducting the inquiry for this case and the prior full investigation, the department also conducted one additional inquiry concerning the same incident.

In the OIG's opinion, did the investigator prepare a final inquiry report that included all relevant facts and evidence?

The investigator did not include in the final inquiry report a summary of a witness interview conducted on August 13, 2020. Also, the investigator did not attach as an exhibit to the final inquiry report a photograph the investigator presented to an incarcerated person during an interview on August 19, 2020.

Did the investigator complete and submit the final inquiry report before the deadline to take

disciplinary action?

The deadline to take disciplinary action was May 30, 2020. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until February 17, 2021, eight months and 18 days after the deadline to take disciplinary action expired. However, the Office of Internal Affairs had previously assigned a special agent to conduct a full investigation concerning the incident and, on June 12, 2020, the hiring authority decided to impose discipline on an involved officer.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was May 30, 2020. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until February 17, 2021, eight months and 18 days after the deadline to take disciplinary action expired. However, the Office of Internal Affairs had previously assigned a special agent to conduct a full investigation concerning the incident and, on June 12, 2020, the hiring authority decided to impose discipline on an involved officer.

In the OIG's opinion, did the department handle the case with due diligence?

On May 30, 2019, the department learned of the alleged staff misconduct at issue in this inquiry. On September 18, 2019, the Office of Internal Affairs approved the hiring authority's request for an investigation. On September 20, 2019, the Office of Internal Affairs assigned a special agent to conduct the investigation. On January 13, 2020, the department received a declaration from an incarcerated person setting forth the same staff misconduct allegation. On April 9, 2020, the Office of Internal Affairs special agent completed his investigation and submitted its report to the hiring authority. On June 12, 2020, the hiring authority, after reviewing the investigation, decided to dismiss an officer involved in this incident. Even though an Office of Internal Affairs special agent had previously conducted an investigation concerning the incident and the hiring authority had already imposed discipline, the Office of Internal Affairs on July 27, 2020, assigned another investigator, a lieutenant, to conduct an inquiry into the allegation, one year, one month, and 27 days after the department learned of the staff misconduct allegation. The Office of Internal Affairs did not exercise due diligence in determining that departmental staff had previously conducted a full investigation concerning the incident and instead expended time and resources in having an investigator conduct another inquiry, including producing an inquiry report, despite the prior full investigation and the imposition of discipline. In addition to conducting the inquiry for this case and the prior full investigation, the department also conducted one additional inquiry concerning the same incident. The deadline to take disciplinary action was May 30, 2020. The Office of Internal Affairs did not submit the final inquiry report for this case until March 5, 2021, nine months and five days after the deadline to take disciplinary action.

Did the department timely transmit documents or items of evidentiary value to the OIG?

The OIG requested a copy of the interview recordings from the Office of Internal Affairs on January 28, 2021, but the Office of Internal Affairs did not provide the recordings until February 5, 2021, eight days thereafter.

Case Type

Departmental
Inquiry

Incident Date

May 30, 2019

Allegations

Use of Force

Overall Rating

Poor

OIG Case Number

20-0034515-IQ

Incident Summary

On May 30, 2019, two officers allegedly grabbed an incarcerated person's hands from behind while the incarcerated person obtained a food tray, pulled both of his hands and arms high behind his back, and then forcefully escorted the incarcerated person out of the dining hall. While exiting the dining hall, the incarcerated person asked for the first officer's name and the first officer allegedly slammed the incarcerated person's head against the side of a door frame and then lifted the incarcerated person off the ground, and the officer twisted the incarcerated person's left arm until it broke.

Disposition

After reviewing the inquiry report received on February 17, 2021, the hiring authority decided to take no further action because the hiring authority had referred the same allegations to the Office of Internal Affairs Central Intake Unit on August 20, 2019. On September 18, 2019, the Office of Internal Affairs' Central Intake Unit approved an investigation. An Office of Internal Affairs special agent then conducted a full investigation. On June 12, 2020, the hiring authority reviewed the investigation and decided to dismiss an officer involved in the incident. The State Personnel Board revoked the dismissal of the officer.

Overall Assessment

Overall, the department poorly conducted the inquiry. An investigator conducted an interview, collected evidence, and produced an inquiry report even though an Office of Internal Affairs special agent had previously conducted a full investigation concerning the allegation and the hiring authority had imposed discipline on an involved officer. In addition to conducting the inquiry for this case and the prior full investigation, the department also conducted one additional inquiry concerning the same incident. The Office of Internal Affairs submitted its final inquiry report to the hiring authority after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?***

The investigator conducted interviews, collected evidence, and produced a report concerning the allegation even though an Office of Internal Affairs special agent had previously conducted a full investigation concerning the incident and the hiring authority had imposed discipline on an involved officer. In addition to the inquiry for this case and the prior full investigation, the department also conducted one additional inquiry concerning the same incident.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was May 30, 2020. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until February 17, 2021, eight months and 18 days after the deadline to take disciplinary action had expired. However, the Office of Internal Affairs had previously assigned a special agent to conduct a full investigation concerning the incident and, on June 12, 2020, the hiring authority decided to impose discipline on an involved officer.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was May 30, 2020. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until February 17, 2021, six months and 19 days after the deadline to take disciplinary action had expired. However, the Office of Internal Affairs had previously assigned a special agent to conduct a full investigation concerning the incident and, on June 12, 2020, the hiring authority decided to impose discipline on an involved officer.

In the OIG's opinion, did the department handle the case with due diligence?

On May 30, 2019, the department learned of the alleged staff misconduct at issue in this inquiry. On September 18, 2019, the Office of Internal Affairs approved the hiring authority's request for an investigation. On September 20, 2019, the Office of Internal Affairs assigned a special agent to conduct the investigation. On January 13, 2020, the department received a declaration from an incarcerated person setting forth the same staff misconduct allegation. On April 9, 2020, the Office of Internal Affairs special agent completed his investigation and submitted its report to the hiring authority. On June 12, 2020, the hiring authority, after reviewing the investigation, decided to dismiss an officer involved in this incident. Even though an Office of Internal Affairs special agent had previously conducted an investigation concerning the incident and the hiring authority had already imposed discipline, on August 3, 2020, the Office of Internal Affairs assigned another investigator, a lieutenant, to conduct an inquiry, one year, two months, and four days after the department learned of the staff misconduct allegation. The Office of Internal Affairs did not exercise due diligence in determining that departmental staff had previously conducted a full investigation concerning the incident and instead expended time and resources in having an investigator conduct another inquiry, including producing an inquiry report, despite the prior full investigation and the imposition of discipline. In addition to conducting the inquiry for this case and the prior full investigation, the department also conducted one additional inquiry concerning the same incident.

Did the department timely transmit documents or items of evidentiary value to the OIG?

The OIG requested a copy of the interview recordings from the Office of Internal Affairs on January 28, 2021, but the Office of Internal Affairs did not provide the recordings until February 5, 2021, eight days thereafter.

Case Type

Departmental
Inquiry

Incident Date

May 30, 2019

Allegations

Discourteous
Treatment

Overall Rating

Poor

OIG Case Number

20-0036007-IQ

Incident Summary

Between May 30, 2019, and January 8, 2020, an officer allegedly harassed an incarcerated person by making sarcastic statements while smiling, such as, "Oh, your arm is still broke [sic]?"

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The OIG agreed with the hiring authority's decisions.

Overall Assessment

Overall, the department poorly handled the inquiry. The Office of Internal Affairs did not assign an investigator to conduct the inquiry until six months and 14 days after it learned of the staff misconduct allegations. The investigator did not use effective interviewing techniques when conducting a witness interview. The department did not timely transmit items of evidentiary value to the OIG. Finally, the Office of Internal Affairs completed its final inquiry report and submitted it to the hiring authority after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator use effective interviewing techniques when conducting interviews?***

In an interview on August 27, 2020, the investigator allowed a witness's representative to intimidate him. The investigator unnecessarily apologized and provided justifications regarding why he had to ask questions that were within the scope of the the inquiry.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

In an interview on August 27, 2020, the investigator allowed a witness' representative to intimidate him. The investigator unnecessarily apologized and provided justifications as to why he had to ask questions which were within the scope of the the inquiry.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was January 13, 2021. The Office of Internal Affairs did not submit the inquiry report for this case until March 5, 2021, one month and 20 days after the deadline to take disciplinary action.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was January 13, 2021. The Office of Internal Affairs did not submit the inquiry report for this case until March 5, 2021, one month and 20 days after the deadline to take disciplinary action.

In the OIG's opinion, did the department handle the case with due diligence?

On January 13, 2020, the department received a declaration from an incarcerated person setting forth staff misconduct allegations at issue in this inquiry. The Office of Internal Affairs did not assign an investigator to conduct an inquiry until July 27, 2020, six months and 14 days thereafter. The deadline to take disciplinary action was January 13, 2021. The Office of Internal Affairs did not submit the final inquiry report to the hiring authority until March 5, 2021, one month and 20 days after the deadline to take disciplinary action.

Did the department timely transmit documents or items of evidentiary value to the OIG?

The OIG requested a copy of the interview recordings from the Office of Internal Affairs on January 28, 2021, but the Office of Internal Affairs did not provide the recordings until February 5, 2021, eight days later.

Case Type

Departmental
Inquiry

Incident Date

June 01, 2019

Allegations

Controlled
Substances

Overall Rating

Poor

OIG Case Number

20-0035988-IQ

Incident Summary

Between June 1, 2019, and September 25, 2019, officers allegedly conspired with incarcerated persons and introduced methamphetamine and heroin into a prison.

Disposition

The hiring authority identified potential staff misconduct and referred the matter to the Office of Internal Affairs for a criminal investigation. The OIG agreed with the hiring authority's determinations. The Office of Internal Affairs' Central Intake Unit rejected the hiring authority's request for an investigation.

Overall Assessment

Overall, the department poorly conducted the inquiry. The department did not assign an investigator to conduct an inquiry until six months and 14 days after it learned of the staff misconduct allegation. Also, the Office of Internal Affairs did not timely complete the inquiry report, as it allowed the deadline to take disciplinary action to expire. The hiring authority did not use due diligence in reviewing the case materials and initially decided not to refer the matter to the Office of Internal Affairs' Central Intake Unit, but then changed his mind after considering the purported recommendation of the Office of Internal Affairs to refer the matter to the Office of Internal Affairs' Central Intake Unit for a criminal investigation. The Office of Internal Affairs later reported that the investigator included incorrect information in the final inquiry report regarding the recommendation and that it was not the recommendation of the Office of Internal Affairs that the hiring authority refer the case for an investigation. Lastly, the department did not timely provide the OIG with requested case materials.

Questions***In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?***

The investigator did not conduct an appropriate inquiry. The investigator submitted a report that contained incorrect information. The investigator submitted a final inquiry report that included a recommendation to the hiring authority that the hiring authority submit the case to the Office of Internal Affairs' Central Intake Unit for an investigation. At first, the hiring authority declined to refer the case to the Office of Internal Affairs' Central Intake Unit but, upon reflecting on the investigator's recommendation for an investigation, the hiring authority changed his mind and decided to submit a referral to the Office of Internal Affairs' Central Intake Unit. The Office of Internal Affairs later informed the OIG that the investigator's recommendation was erroneous and that it was not the recommendation of the Office of Internal Affairs that the hiring authority refer the case to the Office of Internal Affairs' Central Intake Unit.

In the OIG's opinion, did the investigator prepare a final inquiry report that included all relevant facts and evidence?

The investigator submitted a final inquiry report that included a recommendation to the hiring authority that the hiring authority submit the case to the Office of Internal Affairs' Central Intake Unit for an investigation. At first, the hiring authority declined to refer the case to the Office of Internal Affairs' Central Intake Unit but, upon reflecting on the investigator's recommendation for an investigation, the hiring authority changed his mind and decided to submit a referral to the Office of Internal Affairs' Central Intake Unit for an investigation. The Office of Internal Affairs later informed the OIG that the investigator's recommendation included in the report was erroneous and that it was not the recommendation of the Office of Internal Affairs that the hiring authority refer the case to the Office of Internal Affairs Central Intake Unit.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was January 13, 2021, but the Office of Internal Affairs did not complete its final inquiry report until February 2, 2021, 20 days after the deadline to take disciplinary action.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was January 13, 2021, but the Office of Internal Affairs did not complete its final inquiry report until February 2, 2021, 20 days after the deadline to take disciplinary action. However, although the deadline to take disciplinary action had expired, there still existed time for the department to conduct a criminal investigation.

In the OIG's opinion, did the department handle the case with due diligence?

On January 13, 2020, the department received the incarcerated person's declaration containing allegations of staff misconduct. However, the Office of Internal Affairs did not assign an investigator to conduct an inquiry until July 27, 2020, six months and 14 days thereafter. The deadline for the department to take disciplinary action was January 13, 2021, but the Office of Internal Affairs did not complete its final inquiry report and submit it to the hiring authority until February 2, 2021, 20 days after the deadline for taking disciplinary action. Also, in the OIG's opinion, the hiring authority did not use due diligence. The hiring authority received five cases related to the incarcerated person on the same day, February 2, 2021, consisting of approximately nine hours of recorded interviews, 157 pages of exhibits, and 49 pages of inquiry reports. The hiring authority admitted in one case that he did not review all of the interview recordings. In addition, the hiring authority made decisions on the dispositions of all five cases on the same day he received the case materials.

Did the department timely transmit documents or items of evidentiary value to the OIG?

The OIG requested the exhibits and interview recordings on January 26, 2021, but the Office of Internal Affairs did not provide the items until February 3, 2021, eight days thereafter.

Case Type

Departmental
Inquiry

Incident Date

June 01, 2019

Allegations

Discourteous
Treatment
Discrimination/Harassment
Neglect of Duty

Overall Rating

Poor

OIG Case Number

20-0035271-IQ

Incident Summary

Between June 1, 2019, and August 31, 2019, an officer allegedly nearly closed a sally port door on an incarcerated person, laughed at the incarcerated person, and denied the incarcerated person extra toilet paper as a reasonable accommodation.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The Office of Internal Affairs poorly conducted the inquiry. The investigator failed to follow up and clarify answers given by the incarcerated person who made the allegations, inappropriately revealed information to the officer who was the subject of the inquiry, and did not complete all necessary and relevant interviews. Due to the poor quality of the Office of Internal Affairs' inquiry work, the OIG did not reach a conclusion regarding whether there was a reasonable belief of staff misconduct. However, the deadline to take disciplinary action had expired and, therefore, the OIG agreed that a referral to the Office of Internal Affairs for an investigation was not necessary.

Overall Assessment

Overall, the department poorly conducted the inquiry. The department did not assign an investigator to conduct an inquiry until eight months and 15 days after it learned of the staff misconduct allegation. Also, the investigator failed to follow up and clarify answers given by the incarcerated person who made the allegations, inappropriately revealed information to the officer who was the subject of the inquiry, and did not complete all necessary and relevant interviews. In addition, the Office of Internal Affairs completed and submitted its inquiry report to the hiring authority after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator ask all relevant questions during interviews?***

In the OIG's opinion, during the interview of the incarcerated person who made the allegations, the investigator failed to ask follow-up questions to explain or clarify an apparent contradiction in the incarcerated person's statement that an officer witnessed the incident yet simultaneously looked away.

In the OIG's opinion, did the investigator use effective interviewing techniques when conducting interviews?

Before asking substantive questions of the officer who was the subject of the inquiry, the investigator disclosed to the officer that the incarcerated person previously stated that he had filed a complaint concerning the officer's alleged misconduct, but that the investigator could not locate any such complaint; thereby, the investigator needlessly disclosed to the officer that the investigator did not have certain documentary evidence, and potentially gave rise to an inference that the incarcerated person may not be credible.

In the OIG's opinion, did the investigator complete all necessary and relevant interviews?

In the OIG's opinion, the investigator should have interviewed a sergeant to whom the incarcerated person who made the allegations claimed to have reported one of the allegations.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

The Office of Internal Affairs completed its inquiry after the deadline to take disciplinary action expired. The deadline to take disciplinary action was January 13, 2021. The Office of Internal Affairs completed and submitted its inquiry report to the hiring authority on March 24, 2021, two months and 11 days after the deadline.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was January 13, 2021, but the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until March 24, 2021, two months and 11 days after the deadline.

to take disciplinary action.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was January 13, 2021, but the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until March 24, 2021, two months and 11 days after the deadline to take disciplinary action.

In the OIG's opinion, did the department handle the case with due diligence?

In the OIG's opinion, the department did not handle the case with due diligence. On January 13, 2020, an incarcerated person submitted a declaration containing staff misconduct allegations. However, the department did not assign an investigator to conduct an inquiry into the allegations until September 28, 2020, eight months and 15 days thereafter. Also, the deadline to take disciplinary action was January 13, 2021, but the Office of Internal Affairs did not provide its inquiry report to the hiring authority until March 24, 2021, two months and 11 days after the deadline for taking disciplinary action.

Case Type

Departmental
Inquiry

Incident Date

June 01, 2019

Allegations

Use of Force

Overall Rating

Poor

OIG Case Number

21-0037916-IQ

Incident Summary

Between June 1, 2019, and August 31, 2019, an officer allegedly threw a handcuffed incarcerated person to the ground and put his knee on the incarcerated person's back. Seven additional officers allegedly placed their knees onto the restrained incarcerated person's back and forced his head on the ground with their fists.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs.

Overall Assessment

The department poorly conducted the inquiry. The department allowed the deadline to take disciplinary action to expire before completion of the inquiry. The deadline to take disciplinary action was March 11, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 16, 2021, four months and five days after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?***

The deadline to take disciplinary action was March 11, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 16, 2021, four months and five days after the deadline to take disciplinary action had expired.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was March 11, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 16, 2021, four months and five days after the deadline to take disciplinary action had expired.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was March 11, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 16, 2021, four months and five days after the deadline to take disciplinary action had expired.

In the OIG's opinion, did the department handle the case with due diligence?

The department learned of the staff misconduct allegation on February 5, 2020. The deadline to take disciplinary action was March 11, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 16, 2021, four months and five days after the deadline to take disciplinary action had expired.

Case Type

Departmental
Inquiry

Incident Date

June 02, 2019

Allegations

Neglect of Duty

Overall Rating

Poor

OIG Case Number

20-0036003-IQ

Incident Summary

Between June 2, 2019, and June 4, 2019, as an incarcerated person attempted to receive medical help near a medication distribution line on a yard, an officer allegedly told the incarcerated person that the incarcerated person could not get help because the incarcerated person did not have a medical emergency. When medical staff tried to examine the incarcerated person, the officer allegedly ordered them not to check on the incarcerated person and that the incarcerated person was feigning an illness.

Disposition

The hiring authority identified staff misconduct and referred the matter to the Office of Internal Affairs. The Office of Internal Affairs poorly conducted the inquiry because the investigator did not use effective interviewing techniques and did not ask all relevant questions. Despite the poor quality of the inquiry, the OIG agreed with the hiring authority's decision that there was a reasonable belief that misconduct had occurred. However, the deadline to take disciplinary action had already expired by the time the hiring authority made the decision. On August 31, 2021, the hiring authority made no findings as to whether misconduct occurred and did not impose corrective action or discipline against the officer.

Overall Assessment

Overall, the department poorly handled the inquiry. The Office of Internal Affairs did not assign an investigator to conduct the inquiry until six months and 14 days after it received the staff misconduct allegation from the incarcerated person. The investigator did not use effective interviewing techniques when conducting interviews, did not ask all relevant questions during interviews, engaged in off-the-record conversations, and did not include all relevant facts and evidence in the final inquiry report. The department did not timely transmit items of evidentiary value to the OIG. In addition, the Office of Internal Affairs completed its inquiry report and submitted it to the hiring authority after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator adequately prepare for all aspects of the inquiry?***

In an interview of an incarcerated person on August 26, 2020, the investigator showed the incarcerated person several photographs of officers to assist in identification purposes. However, none of the officers depicted in the photographs resembled the officer in question.

In the OIG's opinion, did the investigator ask all relevant questions during interviews?

In the OIG's opinion, the investigator did not ask all relevant questions during a witness interview of an incarcerated person on September 9, 2020. The investigator did not ask all relevant questions concerning the relationship between the incarcerated person who submitted the complaint and officer who was the subject of the inquiry.

In the OIG's opinion, did the investigator use effective interviewing techniques when conducting interviews?

In the OIG's opinion, the investigator did not use proper interviewing techniques when the investigator did not set a clear record regarding photograph exhibits and did not clarify for the record which exhibits a witness referred to in multiple interviews on December 2, 2020.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

In an interview of an incarcerated person on August 26, 2020, the investigator showed the incarcerated person several photographs of officers. However, none of the officers depicted in the photographs resembled the officer in question. Furthermore, the investigator only asked the incarcerated person whether the incarcerated person recognized the officer, not whether the photograph actually depicted the officer in question.

In the OIG's opinion, did the investigator prepare a final inquiry report that included all relevant facts and evidence?

In the final inquiry report, the investigator failed to document that during an interview of the incarcerated person who submitted the misconduct allegation, the investigator showed the incarcerated person six individual photographs of staff members. The investigator failed to document in the final inquiry report that the incarcerated person who submitted the misconduct allegation could not identify any of the individuals depicted in the photographs. In addition, the investigator failed to include the six individual photographs as exhibits to the final inquiry report.

In the OIG's opinion, did the investigator include all relevant documentary evidence in the final inquiry report?

In the final inquiry report, the investigator failed to document that during an interview of the incarcerated person who submitted the misconduct allegation, the investigator showed the incarcerated person six individual photographs of staff members. The investigator failed to document in the final inquiry report that the incarcerated person who submitted the misconduct allegation could not identify any of the individuals depicted in the photographs. Additionally, the investigator failed to include the six individual photographs as exhibits to the final inquiry report.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was January 13, 2021. The Office of Internal Affairs did not submit the inquiry report for this case until March 5, 2021, one month and 20 days thereafter.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was January 13, 2021. The Office of Internal Affairs did not submit the inquiry report for this case until March 5, 2021, one month and 20 days thereafter.

In the OIG's opinion, did the department handle the case with due diligence?

On January 13, 2020, the department received the incarcerated person's declaration setting forth staff misconduct allegations. The Office of Internal Affairs did not assign an investigator to conduct the inquiry until July 27, 2020, six months and 14 days thereafter. Also, the deadline to take disciplinary action was January 13, 2021. However, the Office of Internal Affairs did not provide the hiring authority with the final inquiry report until March 5, 2021, one month and 20 days after the deadline to take disciplinary action expired.

Did the department timely transmit documents or items of evidentiary value to the OIG?

The OIG requested a copy of the interview recordings from the Office of Internal Affairs on January 28, 2021, but the Office of Internal Affairs did not provide the recordings until February 5, 2021, eight days thereafter.

Case Type

Departmental
Inquiry

Incident Date

June 04, 2019

Allegations

Assault
Discrimination/Harassment
Neglect of Duty

Overall Rating

Poor

OIG Case Number

20-0036620-IQ

Incident Summary

On June 4, 2019, a control booth officer allegedly closed a cell door and struck an incarcerated person with the door.

Disposition

The hiring authority identified staff misconduct and referred the matter to the Office of Internal Affairs. Although the OIG agreed that a reasonable belief of staff misconduct existed, the OIG did not agree with the hiring authority's decision to refer the matter to the Office of Internal Affairs since the deadline to take disciplinary action had expired. On May 19, 2021, the Office of Internal Affairs Central Intake Unit approved an investigation. However, because the deadline to take disciplinary action had expired, the Office of Internal Affairs did not conduct an investigation. On August 2, 2021, the hiring authority made no findings regarding whether misconduct occurred and did not impose corrective action or discipline against the officer.

Overall Assessment

Overall, the department poorly handled the inquiry. Although the department learned of the staff misconduct allegation on July 12, 2019, the department did not assign an investigator to conduct an inquiry concerning the allegation until February 18, 2020, seven months and six days thereafter. The investigator did not provide an admonishment concerning confidentiality at the end of each interview. The Office of Internal Affairs completed and submitted its final inquiry report to the hiring authority after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?***

The deadline to take disciplinary action was June 13, 2020. However, the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until May 10, 2021, ten months and 27 days after the deadline to take disciplinary action had expired.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was June 13, 2020, but the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until May 10, 2021, ten months and 27 days after the deadline to take disciplinary action.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was June 13, 2020, but the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until May 10, 2021, ten months and 27 days after the deadline to take disciplinary action.

In the OIG's opinion, did the department handle the case with due diligence?

The department learned of the staff misconduct allegation on June 13, 2019. On February 4, 2020, the incarcerated person submitted a declaration containing the same staff misconduct allegation. The department did not assign an investigator to conduct an inquiry concerning the allegation until February 18, 2020, seven months and six days after learning of the allegation. Also, the deadline to take disciplinary action was June 13, 2020, but the Office of Internal Affairs did not submit its inquiry report to the hiring authority until May 10, 2021, ten months and 27 days after the deadline to take disciplinary action.

Case Type

Departmental
Inquiry

Incident Date

June 17, 2019

Allegations

Neglect of Duty

Overall Rating

Poor

OIG Case Number

20-0035985-IQ

Incident Summary

Between June 17, 2019, and July 27, 2019, an officer assigned to a housing unit allegedly departed the housing unit multiple times, but he left the housing unit locked, which caused incarcerated persons to be unable to take showers or to participate in dayroom activities during the officer's absence.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The OIG agreed with the hiring authority's decision.

Overall Assessment

Overall, the department poorly conducted the inquiry. The department did not assign an investigator to conduct an inquiry until six months and 14 days after it learned of the staff misconduct allegation. The investigator did not include all relevant facts in the final inquiry report. In addition, the Office of Internal Affairs completed and submitted its inquiry report to the hiring authority after the deadline to take disciplinary action had expired. The hiring authority did not use due diligence in reviewing the case materials. Finally, the department did not timely provide the OIG with requested case materials.

Questions***In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?***

The investigator completed the final interview on October 14, 2020, and the deadline for taking disciplinary action was not until January 13, 2021. However, the Office of Internal Affairs did not complete its final report until February 2, 2021, three months and 19 after the final interview, and 20 days after the deadline for taking disciplinary action had expired.

In the OIG's opinion, did the investigator prepare a final inquiry report that included all relevant facts and evidence?

In the OIG's opinion, the investigator did not include in the final inquiry report relevant facts from two incarcerated persons that confirmed that a group of disabled incarcerated persons routinely did not receive their scheduled showers because an officer left the housing unit, locked it down, and the disabled incarcerated persons were then "missed" for showers, not delayed, but denied showers. One incarcerated person noted in an interview on October 14, 2020, that he never knew whether he would get a shower or not and that he could never count on it. Also, the same witness told the investigator that the same officer left the housing unit two to three times a week, and disabled incarcerated persons did not receive their showers. A second incarcerated person interviewed on October 14, 2020, told the investigator, "We've all been denied for shower," that it's "just something that you live with," and that being denied showers was "just par for the course here." In addition, the second incarcerated person stated the officer socialized with other officers not assigned to the housing unit both inside and outside of the housing unit. These facts should have been included in the inquiry report because they corroborate the incarcerated person's allegation of potential staff misconduct by supporting his allegation that disabled incarcerated persons routinely did not receive their scheduled showers, and the officer involved did not always have justification for leaving the housing unit.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline for the department to take disciplinary action against the officer was January 13, 2021. The Office of Internal Affairs did not provide the hiring authority with the inquiry report, exhibits, and interview recordings until February 2, 2021, 20 days after the deadline for taking disciplinary action.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline for the department to take disciplinary action against the officer was January 13, 2021. The Office of Internal Affairs did not provide the hiring authority with the inquiry report, exhibits, and interview recordings until February 2, 2021, 20 days after the deadline for taking disciplinary action.

In the OIG's opinion, did the department handle the case with due diligence?

On January 13, 2020, the department received the incarcerated person's declaration containing allegations of staff misconduct. However, the Office of Internal Affairs did not assign an investigator to conduct an inquiry until July 27, 2020, six months and 14 days thereafter. The deadline for the department to take disciplinary action was January 13, 2021, but the Office of Internal Affairs did not complete its final inquiry report and submit it to the hiring authority until February 2, 2021, 20 days after the deadline for taking disciplinary action. Also, in the OIG's opinion, the hiring authority did not use due diligence. The hiring authority received five cases related to the incarcerated person on the same day, February 2, 2021. The case materials consisted of approximately nine hours of recorded interviews, 157 pages of exhibits, and 49 pages of inquiry reports. The hiring authority admitted in one case that he did not review all of the interview recordings. In addition, the hiring authority made decisions on the dispositions of all five cases on the same day he received the case materials.

Did the department timely transmit documents or items of evidentiary value to the OIG?

The OIG requested the exhibits and interview recordings from the Office of Internal Affairs on January 26, 2021, but the department did not provide the items until February 3, 2021, eight days thereafter.

Case Type

Departmental
Inquiry

Incident Date

June 21, 2019

Allegations

Dishonesty
Use of Force

Overall Rating

Poor

OIG Case Number

20-0034516-IQ

Incident Summary

On June 21, 2019, an officer allegedly threw an incarcerated person to the ground. A second, third, and fourth officer allegedly observed the first officer's use of force on the incarcerated person. All four officers allegedly failed to report the use of force and failed to secure medical attention for the incarcerated person. On August 27, 2020, the second and third officer allegedly lied about the incident during an interview. On September 2, 2020, the fourth officer allegedly lied about the incident during an interview.

Disposition

The Office of Internal Affairs assigned two different investigators to inquire into the allegations pursuant to two separate inquiries. The Office of Internal Affairs poorly conducted both inquiries because the investigators did not ask all relevant questions during interviews, did not use effective interviewing techniques, and did not include all relevant facts in the inquiry reports. On December 31, 2020, the hiring authority identified potential staff misconduct and referred allegations to the Office of Internal Affairs' Central Intake Unit for an investigation based on information both investigators gathered during both inquiries, but before the investigators submitted their inquiry reports. Despite the poor quality of the inquiries, the OIG agreed with the hiring authority's decision to refer the allegations to the Office of Internal Affairs Central Intake Unit for an investigation. On April 14, 2021, the Office of Internal Affairs Central Intake Unit approved an investigation. The investigator identified additional allegations in the inquiry report: that three of the officers were dishonest during their inquiry interviews on August 27, 2020, and September 2, 2020. However, because the investigator for this case did not submit the final inquiry report until February 2, 2021, those allegations were not included with the referral submitted on December 31, 2020, and were therefore never addressed by the hiring authority or by the Office of Internal Affairs' Central Intake Unit. On July 6, 2021, the hiring authority, after reviewing the evidence, decided not to impose discipline against any of the officers for any of the allegations.

Overall Assessment

Overall, the Office of Internal Affairs poorly conducted. The Office of Internal Affairs wasted resources by assigning two different investigators to inquire into the allegations. Also, the investigator for this case did not ask all relevant questions during interviews, did not use effective interviewing techniques, and did not include all relevant facts in the final inquiry reports. Additionally, the Office of Internal Affairs did not provide its final inquiry report to the hiring authority until after the deadline to take disciplinary action had expired as to the alleged misconduct that occurred on June 21, 2019. During this inquiry, the Office of Internal Affairs discovered additional dishonesty allegations which allegedly occurred on August 27, 2020, and September 2, 2020. The investigator added the allegations to the final inquiry report. However, before receiving the final inquiry report on February 2, 2021, the hiring authority referred the original allegations to Office of Internal Affairs' Central Intake Unit on December 31, 2020. After receiving the final inquiry report, the hiring authority did not address the dishonesty allegations or refer them to the Office of Internal Affairs' Central Intake Unit. Finally, the department did not timely provide the OIG with requested case materials.

Questions***In the OIG's opinion, did the investigator ask all relevant questions during interviews?***

The investigator did not ask all relevant questions during an interview on September 2, 2020. The investigator failed to lay a proper foundation with a witness to ensure they were discussing the same person.

In the OIG's opinion, did the investigator use effective interviewing techniques when conducting interviews?

The investigator did not use effective interviewing techniques. The investigator did not ask all relevant questions during an interview on September 2, 2020. Also, the investigator repeatedly asked the same witness irrelevant questions about an officer the witness stated he did not know.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

The Office of Internal Affairs submitted its final inquiry report after the deadline to take disciplinary action for the June 21, 2019, allegations had expired. Also, the Office of Internal Affairs wasted resources by assigning two different investigators to conduct inquiry work regarding the same allegations. The deadline to take disciplinary action for the initial set of allegations was January 13, 2021, but the Office of Internal Affairs did not complete the inquiry report until February 2, 2021, 20 days after the deadline for taking disciplinary action expired. The investigator added additional allegations to the final inquiry report, but the hiring authority did not address them. Finally, the department did not timely provide the OIG with requested case materials.

In the OIG's opinion, did the investigator prepare a final inquiry report that included all relevant facts and evidence?

The final inquiry report did not include a synopsis of an interview that another investigator conducted with the incarcerated person who was the victim of the alleged staff misconduct.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline for taking disciplinary action for the misconduct that allegedly occurred on June 21, 2019, was January 13, 2021. However, the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until February 2, 2021, 20 days after the deadline had expired. The Office of Internal Affairs submitted its final inquiry report to the hiring authority for the additionally discovered misconduct that allegedly occurred on August 27, 2020, and September 2, 2020. However, the hiring authority had already determined on December 30, 2020, that there was a reasonable belief of misconduct and had submitted the matter to the Office of Internal Affairs' Central Intake Unit. After receiving the final inquiry report, the hiring authority did not address the dishonesty allegations or refer them to the Office of Internal Affairs Central Intake Unit. Finally, the department did not timely provide the OIG with requested case materials.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline for taking disciplinary action for the misconduct which allegedly occurred on June 21, 2019, was January 13, 2021. However, the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until February 2, 2021, 20 days after the deadline expired. The Office of Internal Affairs submitted its final inquiry report to the hiring authority for the additionally discovered misconduct which allegedly occurred on August 27, 2020, and September 2, 2020. However, the hiring authority had already determined on December 30, 2020, that there was a reasonable belief of misconduct and submitted the matter to the Office of Internal Affairs Central Intake Unit. After receiving the final inquiry report, the hiring authority did not address the dishonesty allegations or refer them to the Office of Internal Affairs Central Intake Unit. Lastly, the department did not timely provide the OIG with requested case materials.

In the OIG's opinion, did the department handle the case with due diligence?

In the OIG's opinion, the department did not handle the case with due diligence. On January 13, 2020, the department learned of the staff misconduct allegations submitted by the incarcerated person. However, the Office of Internal Affairs did not assign an investigator to conduct an inquiry until July 27, 2020, six months and 14 days thereafter. The investigator completed the final interview on October 29, 2020. The deadline for taking disciplinary action for the first set of allegations was January 13, 2021, but the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until February 2, 2021, 20 days after the deadline had expired. However, the hiring authority had already determined on December 31, 2020, that there was a reasonable belief of misconduct and had submitted the matter to the Office of Internal Affairs' Central Intake Unit based on information investigators gathered during two different inquiries, but before the investigators submitted their inquiry reports. The investigator added additional allegations to the final inquiry report, but the hiring authority did not address them. Also, the hiring authority received five cases related to the one incarcerated person on the same day, February 2, 2021, which consisted of approximately nine hours of recorded interviews, 157 pages of exhibits, and 49 pages of inquiry reports. The hiring authority admitted in one case that he did not review all the interview recordings. In addition, the hiring authority made decisions on the dispositions of all five cases on the same day he received the case materials.

Did the department timely transmit documents or items of evidentiary value to the OIG?

The OIG requested the exhibits and interview recordings from the Office of Internal Affairs on January 26, 2021, but the Office of Internal Affairs did not provide the items until February 3, 2021, eight days thereafter.

Case Type

Departmental
Inquiry

Incident Date

June 21, 2019

Allegations

Use of Force
Neglect of Duty

Overall Rating

Poor

OIG Case Number

20-0035233-IQ

Incident Summary

On June 21, 2019, an officer allegedly threw an incarcerated person to the ground. A second officer allegedly observed the first officer's use of force on the incarcerated person. Both officers allegedly failed to report the use of force and failed to secure medical attention for the incarcerated person.

Disposition

The Office of Internal Affairs assigned two different investigators to inquire into the allegations pursuant to two separate inquiries. The Office of Internal Affairs poorly conducted both inquiries. The investigators did not ask all relevant questions during interviews, did not use effective interviewing techniques, and did not include all relevant facts in the inquiry reports. Despite the poor quality of the inquiry, the OIG agreed with the hiring authority's decision to refer the allegations to the Office of Internal Affairs' Central Intake Unit for an investigation. On December 31, 2020, the hiring authority identified potential staff misconduct and referred allegations to the Office of Internal Affairs' Central Intake Unit for an investigation based on information both investigators gathered during both inquiries, but before the investigators submitted their inquiry reports. On April 14, 2021, the Office of Internal Affairs Central Intake Unit approved an investigation. On May 3, 2021, the hiring authority reviewed the first investigator's inquiry report and determined that the hiring authority had previously identified potential staff misconduct. However, the deadline to impose disciplinary action for the June 21, 2019, allegations in both inquiries had already expired. Nevertheless, the Office of Internal Affairs subsequently conducted a full investigation. On July 6, 2021, the hiring authority, after reviewing the evidence, decided not to impose discipline against any of the officers for any of the allegations.

Overall Assessment

Overall, the Office of Internal Affairs poorly conducted the inquiry because the Office of Internal Affairs wasted resources by assigning two different investigators to inquire into the allegations. The investigator assigned to this inquiry did not ask all relevant questions during interviews, did not use effective interviewing techniques, and did not include all relevant facts in the final inquiry report. The Office of Internal Affairs submitted its report to the hiring authority on April 30, 2021. However, the hiring authority had already determined on December 31, 2020, that there was a reasonable belief of misconduct and had submitted the matter to the Office of Internal Affairs Central Intake Unit based on information both investigators gathered during both inquiries but before the investigators submitted their inquiry reports.

Questions***In the OIG's opinion, did the investigator ask all relevant questions during interviews?***

The incarcerated person who made the allegations told the investigator he witnessed other incidents involving the incarcerated person he identified as the victim of alleged staff misconduct that were not part of the inquiry. The investigator responded that she would discuss those incidents with the incarcerated person later in the interview, but she did not do so. Also, the incarcerated person stated that he discussed the incident with the victim of the alleged staff misconduct, but the investigator did not ask for any details about what the incarcerated persons actually discussed.

In the OIG's opinion, did the investigator use effective interviewing techniques when conducting interviews?

The investigator showed the incarcerated person who made the allegations a photograph of an officer who was a subject of the inquiry, but the investigator did not identify the photograph on the record, identify whom it depicted, or have it marked.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

The Office of Internal Affairs submitted its inquiry report after the deadline to take disciplinary action had expired. Also, the Office of Internal Affairs wasted resources by assigning two different investigators to conduct inquiry work regarding the same allegations. The deadline to take disciplinary action was January 13,

2021, but the Office of Internal Affairs did not complete the final inquiry report until April 30, 2021, three months and 17 days after the deadline for taking disciplinary action had expired. However, the hiring authority had already determined on December 31, 2020, that there was a reasonable belief of misconduct and submitted the matter to the Office of Internal Affairs' Central Intake Unit based on information both investigators gathered during both inquiries but before the investigators submitted their inquiry reports.

In the OIG's opinion, did the investigator prepare a final inquiry report that included all relevant facts and evidence?

The final inquiry report did not include a synopsis of the interview the investigator conducted with the incarcerated person who was the victim of the alleged staff misconduct.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was January 13, 2021, but the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until April 30, 2021, three months and 17 days after the deadline to take disciplinary action. However, the hiring authority had already determined on December 30, 2020 that there was a reasonable belief of misconduct and submitted the matter to the Office of Internal Affairs' Central Intake Unit.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was January 13, 2021, but the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until April 30, 2021, three months and 17 days after the deadline to take disciplinary action. However, the hiring authority had already determined on December 30, 2020 that there was a reasonable belief of misconduct and had submitted the matter to the Office of Internal Affairs Central Intake Unit.

In the OIG's opinion, did the department handle the case with due diligence?

On January 13, 2020, the department learned of the staff misconduct allegations submitted by the incarcerated person. However, the department did not assign an investigator to conduct an inquiry into the allegation until August 17, 2020, seven months and four days thereafter. The investigator completed the final interview on September 29, 2020. The deadline to take disciplinary action was January 13, 2021, but the Office of Internal Affairs did not provide its final inquiry report to the hiring authority until April 30, 2021, three months and 17 days after the deadline had expired. However, the hiring authority had already determined on December 31, 2020, that there was a reasonable belief of misconduct and had submitted the matter to the Office of Internal Affairs' Central Intake Unit based on information investigators gathered during two different inquiries, but before the investigators submitted their inquiry reports. Nevertheless, the first investigator submitted her final inquiry report three months and 30 days after the hiring authority had already submitted a referral to the Office of Internal Affairs' Central Intake Unit.

Case Type

Departmental
Inquiry

Incident Date

July 01, 2019

Allegations

Discourteous
Treatment

Overall Rating

Poor

OIG Case Number

20-0034509-IQ

Incident Summary

On July 1, 2019, an officer allegedly placed handcuffs tightly behind an incarcerated person's back despite a directive that the incarcerated person not be handcuffed from behind. A second officer allegedly assisted the first officer in placing the handcuffs behind the incarcerated person's back.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The OIG agreed with the hiring authority's decisions.

Overall Assessment

Overall, the department poorly conducted the inquiry. The investigator did not prepare for all aspects of the interviews, did not provide an admonishment concerning at the beginning of an interview of the requirement to be truthful during an official inquiry, and did not admonish a witness concerning confidentiality at the end of the interview. In addition, the Office of Internal Affairs completed and submitted its inquiry report to the hiring authority after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator adequately prepare for all aspects of the inquiry?***

The investigator did not obtain a diagram of the housing unit and yard area where the incident allegedly occurred to use during interviews as an aid to help witnesses recall facts.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

The investigator did not obtain a diagram of the housing unit and yard area where the incident allegedly occurred to use during interviews as an aid to help witnesses recall facts.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was November 7, 2020. The Office of Internal Affairs submitted its final inquiry report to the hiring authority on December 17, 2020, one month and 10 days after the deadline to take disciplinary action.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was November 7, 2020. The Office of Internal Affairs submitted its final inquiry report to the hiring authority on December 17, 2020, one month and 10 days after the deadline to take disciplinary action.

In the OIG's opinion, did the department handle the case with due diligence?

On November 7, 2019, the department learned of a staff misconduct grievance filed by the incarcerated person. The prison did not conduct an inquiry but found no violation of departmental policy. On January 13, 2020, the incarcerated person filed a declaration containing the same staff misconduct allegations. The Office of Internal Affairs assigned an investigator to conduct an inquiry into the allegations on July 27, 2020, six months and 14 days after receipt of the declaration. The deadline to take disciplinary action was November 7, 2020, but the Office of Internal Affairs did not complete and submit its report to the hiring authority until December 17, 2020, one month and 10 days after the deadline to take disciplinary action.

Case Type

Departmental
Inquiry

Incident Date

July 01, 2019

Allegations

Assault

Overall Rating

Poor

OIG Case Number

21-0037706-IQ

Incident Summary

Between July 1, 2019, and July 31, 2019, an officer allegedly arranged the assault of an incarcerated person by another incarcerated person and provided the other incarcerated person with extra food trays as payment for the assault.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs.

Overall Assessment

The department poorly conducted the inquiry. The department allowed the deadline to take disciplinary action to expire before completion of the inquiry. The deadline to take disciplinary action was February 16, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 11, 2021, three months and 26 days after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?***

The deadline to take disciplinary action was February, 16, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 11, 2021, three months and 26 days after the deadline to take disciplinary action had expired.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was February, 16, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 11, 2021, three months and 26 days after the deadline to take disciplinary action had expired.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was February, 16, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 11, 2021, three months and 26 days after the deadline to take disciplinary action had expired.

In the OIG's opinion, did the department handle the case with due diligence?

The department learned of the staff misconduct allegation on January 13, 2020. The deadline to take disciplinary action was February, 16, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 11, 2021, three months and 26 days after the deadline to take disciplinary action had expired.

Case Type

Departmental
Inquiry

Incident Date

July 14, 2019

Allegations

Discourteous
Treatment
Use of Force

Overall Rating

Poor

OIG Case Number

21-0037912-IQ

Incident Summary

On July 14, 2019, an officer and a second officer allegedly scattered the contents of an incarcerated person's cell during a cell search. The first officer allegedly grabbed one of the incarcerated person's arms and slammed the incarcerated person to the floor, after which the incarcerated person lost consciousness for several seconds. The first officer allegedly placed one of his knees on the incarcerated person's throat and used a knee to strike the incarcerated person in the face. A third officer allegedly smashed the incarcerated person's face onto a concrete floor. The first officer, a fourth officer, a sergeant, and a nurse allegedly made rude statements to the incarcerated person.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs.

Overall Assessment

The department poorly conducted the inquiry. The department allowed the deadline to take disciplinary action to expire before completion of the inquiry. The deadline to take disciplinary action was August 17, 2020. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 6, 2021, 10 months and 19 days after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?***

The deadline to take disciplinary action was August 17, 2020. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 6, 2021, 10 months and 19 days after the deadline to take disciplinary action had expired.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was August 17, 2020. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 6, 2021, 10 months and 19 days after the deadline to take disciplinary action had expired.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was August 17, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 6, 2021, 10 months and 19 days after the deadline to take disciplinary action had expired.

In the OIG's opinion, did the department handle the case with due diligence?

The department learned of the staff misconduct allegation on August 16, 2019. The deadline to take disciplinary action was August 17, 2020. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 6, 2021, 10 months and 19 days after the deadline to take disciplinary action had expired.

Case Type

Departmental
Inquiry

Incident Date

July 27, 2019

Allegations

Discourteous
Treatment
Threat/Intimidation

Overall Rating

Poor

OIG Case Number

20-0035986-IQ

Incident Summary

On July 27, 2019, an officer allegedly denied an incarcerated person a shower, threatened the incarcerated person, and directed the incarcerated person to return to his cell. The following day, the officer allegedly threatened the incarcerated person again.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The OIG agreed with the hiring authority's decisions.

Overall Assessment

Overall, the department poorly conducted the inquiry. The department did not assign an investigator to conduct an inquiry until six months and 14 days after it learned of the staff misconduct allegation. The investigator did not use effective interviewing techniques during interviews and did not include all relevant facts in the inquiry report. The Office of Internal Affairs completed and submitted its inquiry report to the hiring authority after the deadline to take disciplinary action had expired. The hiring authority did not use due diligence in reviewing the case materials. Finally, the department did not timely provide the OIG with requested case materials.

Questions***In the OIG's opinion, did the investigator use effective interviewing techniques when conducting interviews?***

In the OIG's opinion, an investigator who conducted an interview of a recently promoted sergeant on September 2, 2020, did not use effective interviewing techniques. The investigator gave the witness positive responses to his answers, such as, "And that's why you promoted to sergeant."

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

The investigator completed the final interview on October 14, 2020, and the deadline for taking disciplinary action was not until January 13, 2021. However, the Office of Internal Affairs did not complete its final report until February 2, 2021, three months and 19 days after the final interview, and 20 days after the deadline for taking disciplinary action expired.

In the OIG's opinion, did the investigator prepare a final inquiry report that included all relevant facts and evidence?

In the OIG's opinion, the investigator did not include in the final inquiry report relevant facts from two incarcerated persons that confirmed that a group of disabled incarcerated persons routinely did not receive their scheduled showers because an officer left the housing unit, locked it down, and the disabled incarcerated persons were then "missed" for showers, not delayed, but denied showers. One incarcerated person noted in an interview on October 14, 2020, that he never knew whether he would get a shower or not and that he could never count on it. Also, the same witness told the investigator that the same officer left the housing unit two to three times a week, and disabled incarcerated persons did not receive their showers. A second incarcerated person interviewed on October 14, 2020, told the investigator, "We've all been denied for shower," that it's "just something that you live with," and that being denied showers was "just par for the course here." In addition, the second incarcerated witness stated the officer socialized with other officers not assigned to the housing unit both inside and outside of the unit. These facts should have been included in the inquiry report because they support the general allegation that showers were routinely denied to disabled incarcerated persons; this circumstantially corroborates that an officer could have improperly denied the disabled incarcerated person of a shower on a specific date, July 27, 2019, in this case.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was January 13, 2021. However the Office of Internal Affairs submitted the inquiry report to the hiring authority on February 2, 2021, 20 days thereafter.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline for the department to take disciplinary action was January 13, 2021. However, the Office of Internal Affairs did not provide the hiring authority with the inquiry report, exhibits, and interview recordings until February 2, 2021, 20 days after the deadline for taking disciplinary action.

In the OIG's opinion, did the department handle the case with due diligence?

On January 13, 2020, the department received the incarcerated person's declaration containing allegations of staff misconduct. However, the Office of Internal Affairs did not assign an investigator to conduct an inquiry until July 27, 2020, six months and 14 days thereafter. The deadline for the department to take disciplinary action was January 13, 2021, but the Office of Internal Affairs did not complete its final inquiry report and submit it to the hiring authority until February 2, 2021, 20 days after the deadline for taking disciplinary action. Also, in the OIG's opinion, the hiring authority did not use due diligence. The hiring authority received five cases related to the incarcerated person on the same day, February 2, 2021. The case materials consisted of approximately nine hours of recorded interviews, 157 pages of exhibits, and 49 pages of inquiry reports. The hiring authority admitted in one case that he did not review all of the interview recordings. In addition, the hiring authority made decisions on the dispositions of all five cases on the same day he received the case materials.

Did the department timely transmit documents or items of evidentiary value to the OIG?

The OIG requested the exhibits and interview recordings from the Office of Internal Affairs on January 26, 2021, but the department did not provide the items until February 3, 2021, eight days thereafter.

Case Type

Departmental
Inquiry

Incident Date

August 03, 2019

Allegations

Discourteous
Treatment
Threat/Intimidation

Overall Rating

Poor

OIG Case Number

20-0034671-IQ

Incident Summary

On August 3, 2019, an officer allegedly failed to assist an incarcerated person in medical distress and stated that the incarcerated person was “crying like a [expletive].” He wants to start crying for help at six a.m.” The officer allegedly threatened a second incarcerated person who spoke out on the first incarcerated person's behalf. The officer allegedly said, “Come on out of your cell so I can beat your [expletive]” and instructed the second incarcerated person to meet him outside.

Disposition

The hiring authority identified staff misconduct. However, the hiring authority referred the matter to the Office of Internal Affairs the day after the deadline to take disciplinary action. The Office of Internal Affairs poorly conducted the inquiry. The investigator did not ask all relevant questions during interviews, did not use effective interviewing techniques, did not properly search for and collect relevant documentary and other forensic evidence, did not include all relevant policies in the final report, and completed and submitted the inquiry report to the hiring authority eleven days prior to the deadline to take disciplinary action. Despite the poor quality of the inquiry, the OIG agreed with the hiring authority's decision to refer the allegations to the Office of Internal Affairs' Central Intake Unit for an investigation. On April 14, 2021, the Office of Internal Affairs' Central Intake Unit subsequently approved an investigation. The Office of Internal Affairs conducted an investigation. On July 22, 2021, the hiring authority did not sustain allegations against the officer.

Overall Assessment

Overall, the department poorly conducted the inquiry. The department did not assign an investigator to conduct the inquiry until five months and 20 days after the department learned of the staff misconduct allegations and it allowed the deadline to take disciplinary action to expire. Also, the investigator did not ask all relevant questions during interviews, did not use effective interviewing techniques, did not properly search for and collect relevant documentary and other forensic evidence, did not include all relevant policies in the final inquiry report, did not provide an admonishment concerning confidentiality at the end of each interview, and completed and submitted the final inquiry report to the hiring authority 11 days prior to the deadline to take disciplinary action.

Questions***In the OIG's opinion, did the investigator ask all relevant questions during interviews?***

During a September 3, 2020, interview of the incarcerated person who submitted the declaration containing staff misconduct allegations, the investigator failed to ask logical questions to establish when a described event occurred and how it fit in the sequence of other events the incarcerated person described.

In the OIG's opinion, did the investigator use effective interviewing techniques when conducting interviews?

In the OIG's opinion, the investigator did not use effective interviewing techniques when conducting interviews. The investigator failed to state for the record that the investigator showed documents to an incarcerated person during an interview, disclosed excessive information about the inquiry to an officer during an interview without sufficiently confronting the officer about the answers with contradictory information, disclosed to a second officer during an interview that there were no reports of the incident, disclosed to a third officer during an interview the source of the investigator's information, and disclosed to a sergeant during an interview excessive information concerning the inquiry provided to the investigator by an incarcerated person.

In the OIG's opinion, did the investigator properly search for and collect relevant documentary and other forensic evidence?

In the OIG's opinion, the investigator did not properly search for and collect relevant documentary and other forensic evidence. The investigator did not obtain relevant legal paperwork an incarcerated person stated he filed against the department concerning the incident.

In the OIG's opinion, did the investigator include all relevant policies and procedures in the final inquiry report?

In the OIG's opinion, the investigator did not include all relevant policies and procedures in the final inquiry report because the investigator did not include policies relevant to incarcerated persons who request medical assistance.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was February 28, 2021. The Office of Internal Affairs provided its final inquiry report to the hiring authority on February 17, 2021, leaving only 11 days for the hiring authority to submit a request for additional inquiry before the deadline to take disciplinary action.

In the OIG's opinion, did the department handle the case with due diligence?

On February 28, 2020, the department received the incarcerated person's declaration setting forth staff misconduct allegations. However, the Office of Internal Affairs did not assign an investigator to conduct an inquiry until August 17, 2020, five months and 20 days thereafter. Also, the deadline for the department to take disciplinary action against the officer was February 28, 2021. However, the Office of Internal Affairs did not provide the hiring authority with the inquiry report, exhibits, and interview recordings until February 17, 2021, only 11 days before the deadline to take disciplinary action. In the OIG's opinion, this is not a sufficient amount of time for the hiring authority to review the case materials and then request additional inquiry, if necessary, before the deadline for taking disciplinary action, nor is it a sufficient amount of time for the hiring authority to take disciplinary action. The hiring authority referred the case to the Office of Internal Affairs for an investigation after the deadline to take disciplinary action had expired.

Case Type

Departmental
Inquiry

Incident Date

August 05, 2019

Allegations

Neglect of Duty
Threat/Intimidation

Overall Rating

Poor

OIG Case Number

21-0037630-IQ

Incident Summary

On August 5, 2019, an officer allegedly failed to stop an attack on an incarcerated person by a second incarcerated person. On the same day, after the second incarcerated person allegedly attacked the incarcerated person again, a sergeant allegedly forced the attacked incarcerated person to sign a form indicating he agreed to be placed on the same yard with the incarcerated person who attacked him.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The OIG agreed with the hiring authority's decisions.

Overall Assessment

The department poorly conducted the inquiry. The department allowed the deadline to take disciplinary action to expire before completion of the inquiry. In addition, the investigator failed to provide an admonishment regarding confidentiality at the end of two separate witness interviews.

Questions***In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?***

The department poorly conducted the inquiry. The department allowed the deadline to take disciplinary action to expire before completion of the inquiry. The department learned of the staff misconduct allegation on September 24, 2019. The deadline to take disciplinary action was October 28, 2020. However, the Office of Internal Affairs did not submit its inquiry to the hiring authority until May 3, 2021, six months and five days after the deadline to take disciplinary action had expired.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was October 28, 2020, but the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until May 3, 2021, six months and five days after the deadline to take disciplinary action had expired.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was October 28, 2020, but the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until May 3, 2021, six months and five days after the deadline to take disciplinary action had expired.

In the OIG's opinion, did the department handle the case with due diligence?

The department did not handle the case with due diligence because it allowed the deadline to take disciplinary action to expire before completion of the inquiry. The department learned of the staff misconduct allegation on September 24, 2019, when the incarcerated person filed a staff misconduct grievance. The department assigned a lieutenant from the prison to conduct an inquiry. The lieutenant conducted a cursory inquiry. On October 7, 2019, after completion of the inquiry, the hiring authority found staff did not violate departmental policy. Thereafter, on January 13, 2020, the incarcerated person submitted a declaration describing staff misconduct allegations concerning the same incident. The deadline to take disciplinary action was October 28, 2020. However, the Office of Internal Affairs did not submit its inquiry to the hiring authority until May 3, 2021, six months and five days after the deadline to take disciplinary action had expired.

Case Type

Departmental
Inquiry

Incident Date

August 06, 2019

Allegations

Discourteous
Treatment
Use of Force
Other

Overall Rating

Poor

OIG Case Number

20-0034572-IQ

Incident Summary

On August 6, 2019, an officer allegedly pushed an incarcerated person's wheelchair into a hole and continued pushing until the incarcerated person fell out of his wheelchair, injured his right knee, and hit his head on the pavement. The officer and another officer allegedly picked up the incarcerated person and, when the incarcerated person requested medical attention, they delayed securing medical attention for the incarcerated person. After the incarcerated person requested the name of one of the officers, the officer allegedly refused to provide it.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The Office of Internal Affairs poorly conducted the inquiry. The investigator did not adequately prepare for all aspects of the inquiry, did not ask all relevant questions during interviews, and did not use effective interviewing techniques. Due to the poor quality of the Office of Internal Affairs' work, the OIG did not reach a conclusion regarding whether there was a reasonable belief of staff misconduct. However, the deadline to take disciplinary action had expired, and, therefore, the OIG agreed that a referral to the Office of Internal Affairs for an investigation was not necessary.

Overall Assessment

Overall, the department poorly conducted the inquiry. The investigator did not adequately prepare for all aspects of the inquiry, did not ask all relevant questions during interviews, did not use effective interviewing techniques, did not provide an admonishment to witnesses concerning confidentiality at the end of each interview, and did not timely transmit items of evidentiary value to the OIG. Also, the Office of Internal Affairs did not complete and submit its final inquiry report to the hiring authority until after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator adequately prepare for all aspects of the inquiry?***

The investigator did not adequately prepare for all aspects of the inquiry because the investigator did not collect and have available photographs or diagrams of the scene of the incident for the August 5, 2020, interview of the incarcerated person who submitted the staff misconduct allegations.

In the OIG's opinion, did the investigator ask all relevant questions during interviews?

The investigator did not ask all relevant questions. The investigator did not clarify for the record the manner in which an officer allegedly restrained an incarcerated person.

In the OIG's opinion, did the investigator use effective interviewing techniques when conducting interviews?

During an interview on December 2, 2020, the investigator did not appropriately present exhibits to a witness and did not make a clear record regarding the exhibits discussed during the interview.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

During an interview on August 5, 2020, the investigator did not appropriately present exhibits to the incarcerated person who submitted the staff misconduct allegations, and did not clarify for the record if the incarcerated person was handcuffed from the front or from the back before he fell. Also, in an interview on August 18, 2020, the investigator did not make a clear record when using exhibits in an interview of an officer. Finally, at the close of interviews conducted on August 18 and 19, 2020, the investigator failed to admonish two witnesses of the need to maintain the confidentiality of the interviews.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was August 17, 2020. The Office of Internal Affairs submitted its final

inquiry report to the hiring authority on February 2, 2021, five months and 16 days after the deadline to take disciplinary action.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was August 17, 2020. The Office of Internal Affairs submitted its final inquiry report to the hiring authority on February 2, 2021, five months and 16 days after the deadline to take disciplinary action.

In the OIG's opinion, did the department handle the case with due diligence?

On August 17, 2019, the department received a staff misconduct grievance from an incarcerated person. The department assigned a lieutenant to conduct an inquiry. The lieutenant interviewed the incarcerated person who submitted the grievance, another incarcerated person, and two officers. On October 9, 2019, at the conclusion of the inquiry, the hiring authority found that staff did not violate departmental policy. On January 13, 2020, the department received a declaration from the incarcerated person setting forth the same staff misconduct allegations. On July 27, 2020, the Office of Internal Affairs assigned an investigator to conduct a second inquiry, six months and 14 days after the department received the declaration. The deadline to take disciplinary action was August 17, 2020. However, the Office of Internal Affairs did not provide its final inquiry report to the hiring authority until February 2, 2021, five months and 16 days after the deadline for taking disciplinary action had expired.

Did the department timely transmit documents or items of evidentiary value to the OIG?

The OIG requested the exhibits and interview recordings of interviews from the Office of Internal Affairs on January 26, 2021, but the Office of Internal Affairs did not provide all of the exhibits and interview recordings until February 22, 2021, 27 days thereafter. The department did not provide its final inquiry report to the OIG until February 3, 2021, one day after the hiring authority made his decision concerning the disposition of the inquiry.

Case Type

Departmental
Inquiry

Incident Date

August 31, 2019

Allegations

Threat/Intimidation

Overall Rating

Poor

OIG Case Number

21-0037932-IQ

Incident Summary

Between August 31, 2019, and September 6, 2019, an officer allegedly threatened to physically harm an incarcerated person.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs.

Overall Assessment

The department poorly conducted the inquiry. The department allowed the deadline to take disciplinary action to expire before completion of the inquiry. The deadline to take disciplinary action was March 10, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 16, 2021, four months and six days after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?***

The deadline to take disciplinary action was March 10, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 16, 2021, four months and six days after the deadline to take disciplinary action had expired.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was March 10, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 16, 2021, four months and six days after the deadline to take disciplinary action had expired.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was March 10, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 16, 2021, four months and six days after the deadline to take disciplinary action had expired.

In the OIG's opinion, did the department handle the case with due diligence?

The department learned of the staff misconduct allegation on February 4, 2020. The deadline to take disciplinary action was March 10, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 16, 2021, four months and six days after the deadline to take disciplinary action had expired.

Case Type

Departmental
Inquiry

Incident Date

September 01,
2019

Allegations

Discourteous
Treatment
Use of Force
Neglect of Duty

Overall Rating

Poor

OIG Case Number

20-0034569-IQ

Incident Summary

On September 1, 2019, an officer allegedly called an incarcerated person a derogatory term and told the incarcerated person that the incarcerated person was "the cause of a lot of stuff around here," grabbed the incarcerated person's arm, threw him to the ground and, thereafter, denied medical treatment to the incarcerated person. A second officer allegedly caused the incarcerated person to urinate on himself during a urinalysis test by pulling a sample cup away from the incarcerated person as the incarcerated person urinated.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The Office of Internal Affairs poorly conducted the inquiry. The investigator failed to ask relevant questions and did not use effective interviewing techniques during interviews. Due to the poor quality of the Office of Internal Affairs' inquiry work, the OIG did not reach a conclusion regarding whether there was a reasonable belief of staff misconduct. However, the deadline to take disciplinary action had expired and, therefore, the OIG agreed that a referral to the Office of Internal Affairs for an investigation was not necessary.

Overall Assessment

Overall, the department poorly conducted the inquiry because the Office of Internal Affairs completed its inquiry after the deadline to take disciplinary action expired. The Office of Internal Affairs did not assign an investigator to conduct an inquiry until 10 months and 25 days after the department learned of the staff misconduct allegation. Also, the investigator failed to ask relevant questions during interviews and did not provide an admonishment to witnesses concerning confidentiality at the end of each interview.

Questions***In the OIG's opinion, did the investigator ask all relevant questions during interviews?***

The investigator failed to ask relevant questions and routinely failed to ask appropriate follow-up questions in several interviews. The investigator often accepted answers from officers without asking the officers to provide additional clarifying details and without asking for the basis of the officers' knowledge.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

The Office of Internal Affairs concluded its inquiry after the deadline to take disciplinary action had expired. The deadline to take disciplinary action was September 2, 2020. On July 27, 2020, the Office of Internal Affairs assigned an investigator to conduct a second inquiry and, on March 24, 2021, submitted its inquiry report to the hiring authority.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was September 2, 2020, but the Office of Internal Affairs submitted its final inquiry report to the hiring authority on March 24 2021, six months and 22 days thereafter.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The department received the incarcerated person's staff misconduct grievance on September 2, 2019, and the deadline to take disciplinary action was September 2, 2020. The Office of Internal Affairs began the department's second inquiry into the allegations on July 27, 2020. This left the investigator only one month and six days to complete the inquiry before the deadline for taking disciplinary action on September 2, 2020. The Office of Internal Affairs submitted its final inquiry report to the hiring authority on March 24, 2021, six months and 22 days after the deadline to take disciplinary action.

In the OIG's opinion, did the department handle the case with due diligence?

On September 2, 2019, the department learned of the allegations when the incarcerated person submitted a staff misconduct grievance. On September 2, 2019, the department assigned a sergeant to conduct an inquiry.

The sergeant interviewed the incarcerated person and two officers, but the sergeant did not sufficiently investigate the staff misconduct grievance by interviewing other incarcerated persons or staff. On December 6, 2019, at the completion of the inquiry, the hiring authority determined staff did not violate departmental policy. On January 13, 2020, the incarcerated person subsequently submitted a declaration setting forth the same allegations of staff misconduct. On July 27, 2020, the Office of Internal Affairs assigned an investigator to conduct a second inquiry into the allegations, six months and 14 days after receiving the declaration. This left the investigator only one month and six days to complete the inquiry before the deadline for taking disciplinary action on September 2, 2020. The investigator conducted the final interview on January 25, 2021, but the Office of Internal Affairs did not submit the final inquiry report to the hiring authority until March 24, 2021, one month and 27 days after the final interview. The deadline to take disciplinary action was September 2, 2020. The Office of Internal Affairs did not provide its final inquiry report to the hiring authority until March 24, 2021, six months and 22 days after the deadline for taking disciplinary action. The Office of Internal Affairs completed its inquiry after the deadline to take disciplinary action had expired.

Case Type

Departmental
Inquiry

Incident Date

September 01,
2019

Allegations

Discourteous
Treatment
Use of Force

Overall Rating

Poor

OIG Case Number

20-0034669-IQ

Incident Summary

Between September 1, 2019, and September 30, 2019, after an elderly incarcerated person requested toilet paper and soap, an officer allegedly refused to help the incarcerated person by stating, "The officer also allegedly slammed the incarcerated person into a locker and punched him."

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The Office of Internal Affairs poorly conducted the inquiry. The investigator failed to ask relevant questions and failed to use effective interviewing techniques during interviews. Due to the poor quality of the Office of Internal Affairs' inquiry work, the OIG did not reach a conclusion regarding whether there was a reasonable belief of staff misconduct. However, the deadline to take disciplinary action had expired and, therefore, the OIG agreed that a referral to the Office of Internal Affairs for an investigation was not necessary.

Overall Assessment

Overall, the department poorly conducted the inquiry. The department did not assign an investigator to conduct an inquiry until seven months and 27 days after it learned of the staff misconduct allegation. Also, the investigator failed to ask relevant questions during interviews, failed to use effective interviewing techniques, and failed to provide proper admonishments before and after interviews. In addition, the Office of Internal Affairs completed and submitted its inquiry report to the hiring authority after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator ask all relevant questions during interviews?***

During the first interview of the incarcerated person who made the allegations, the investigator failed to ask clarifying questions to determine where the alleged misconduct occurred and who was involved, and to resolve discrepancies between the incarcerated person's declaration and his interview statements. During the second interview of the incarcerated person who made the allegations, the investigator showed the incarcerated person documents and asked him questions about them. The incarcerated person answered some of the questions by making gestures with his face and by shaking his head. However, the investigator did not ask the incarcerated person to orally answer the questions, explain why he was shaking his head, or explain the meaning of his non-verbal conduct.

In the OIG's opinion, did the investigator use effective interviewing techniques when conducting interviews?

During the first interview of the incarcerated person who made the allegations, the investigator failed to use diagrams, photographs, or other documents to assist the incarcerated person in answering questions even though the investigator was aware the incarcerated person had memory problems due to a medical condition. During the second interview of the incarcerated person who made the allegations, the investigator failed to pre-mark photographic exhibits shown to the incarcerated person or use a photographic lineup.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was January 13, 2021, but the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until March 17, 2021, two months and four days after the deadline for taking disciplinary action.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was January 13, 2021, but the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until March 17, 2021, two months and four days after the deadline for taking disciplinary action.

In the OIG's opinion, did the department handle the case with due diligence?

In the OIG's opinion, the department did not handle the case with due diligence. On January 13, 2020, the department learned of the staff misconduct allegation submitted by the incarcerated person. However, the department did not assign an investigator to conduct an inquiry into the allegation until September 9, 2020, seven months, and 27 days thereafter. Also, the deadline to take disciplinary action was January 13, 2021, but the Office of Internal Affairs did not provide its final inquiry report to the hiring authority until March 17, 2021, two months and four days after the deadline for taking disciplinary action.

Case Type

Departmental
Inquiry

Incident Date

September 01,
2019

Allegations

Use of Force

Overall Rating

Poor

OIG Case Number

20-0036000-IQ

Incident Summary

Between September 1, 2019, and September 30, 2019, an officer allegedly punched an incarcerated person while the incarcerated person stood in line to receive a meal.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The OIG agreed with the hiring authority's decisions.

Overall Assessment

Overall, the department poorly handled the inquiry. The department did not assign an investigator to conduct an inquiry until six months and 21 days after it learned of the staff misconduct allegation, and the Office of Internal Affairs completed and submitted its final inquiry report to the hiring authority after the deadline to take disciplinary action had expired.

Questions

In the OIG's opinion, did the investigator use effective interviewing techniques when conducting interviews?

In the OIG's opinion, the investigator used effective interviewing techniques by re-initiating the recording of an interview after a witness began to provide additional relevant information after the interview concluded.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was January 13, 2021. However, the Office of Internal Affairs did not complete and submit its final inquiry report to the hiring authority until February 17, 2021, one month and four days after the deadline to take disciplinary action had expired.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was January 13, 2021. However, the Office of Internal Affairs did not complete and submit its final inquiry report to the hiring authority until February 17, 2021, one month and four days after the deadline to take disciplinary action had expired.

In the OIG's opinion, did the department handle the case with due diligence?

On January 13, 2020 the department received the incarcerated person's declaration setting forth the staff misconduct allegation. However, the Office of Internal Affairs did not assign an investigator to conduct an inquiry into the allegation until August 3, 2020, six months and 21 days thereafter. Also, the deadline for the department to take disciplinary actions against the officer was January 13, 2021. However, the Office of Internal Affairs did not provide the hiring authority with the final inquiry report until February 17, 2021, one month and four days after the deadline to take disciplinary action had expired.

Did the department timely transmit documents or items of evidentiary value to the OIG?

The OIG requested a copy of the interview recordings from the Officer of Internal Affairs on January 28, 2021, but the Officer of Internal Affairs did not provide the recordings until February 5, 2021, eight days thereafter.

Case Type

Departmental
Inquiry

Incident Date

September 01,
2019

Allegations

Discourteous
Treatment

Overall Rating

Poor

OIG Case Number

21-0037633-IQ

Incident Summary

Between September 1, 2019, and September 30, 2019, an officer allegedly entered an incarcerated person's cell, collected the incarcerated person's property and placed it in a heap in the cell, and left the cell in disarray.

Disposition

The hiring authority did not identify misconduct and did not refer the matter to the Office of Internal Affairs. The OIG agreed with the hiring authority's decisions.

Overall Assessment

The department poorly conducted the inquiry. The department allowed the deadline to take disciplinary action to expire before completion of the inquiry.

Questions***In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?***

The department poorly conducted the inquiry. The department allowed the deadline to take disciplinary action to expire before completion of the inquiry. The deadline to take disciplinary action was February 16, 2021. However, the Office of Internal Affairs did not submit its inquiry to the hiring authority until May 3, 2021, two months and 17 days after the deadline to take disciplinary action had expired.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was February 16, 2021. However, the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until May 3, 2021, two months and 17 days after the deadline to take disciplinary action had expired.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was February 16, 2021. However, the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until May 3, 2021, two months and 17 days after the deadline to take disciplinary action had expired.

In the OIG's opinion, did the department handle the case with due diligence?

The department learned of the staff misconduct allegation on January 13, 2020. The deadline to take disciplinary action was February 16, 2021. However, the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until May 3, 2021, two months and 17 days after the deadline to take disciplinary action had expired.

Case Type

Departmental
Inquiry

Incident Date

September 06,
2019

Allegations

Battery

Overall Rating

Poor

OIG Case Number

21-0037927-IQ

Incident Summary

On September 6, 2019, while at an outside hospital, an officer allegedly grabbed a remote control device from the hands of an incarcerated person, causing the remote to eject from the incarcerated person's hands and strike the incarcerated person on the chin. The officer then allegedly attempted to strangle the incarcerated person.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs.

Overall Assessment

The department poorly conducted the inquiry. The department allowed the deadline to take disciplinary action to expire before completion of the inquiry. The deadline to take disciplinary action was March 10, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 24, 2021, three months and two weeks after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?***

The deadline to take disciplinary action was March 10, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 24, 2021, three months and two weeks after the deadline to take disciplinary action had expired.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was March 10, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 24, 2021, three months and two weeks after the deadline to take disciplinary action had expired.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was March 10, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 24, 2021, three months and two weeks after the deadline to take disciplinary action had expired.

In the OIG's opinion, did the department handle the case with due diligence?

The department learned of the staff misconduct allegation on February 4, 2020. The deadline to take disciplinary action was March 10, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 24, 2021, three months and two weeks after the deadline to take disciplinary action had expired.

Case Type

Departmental
Inquiry

Incident Date

September 11,
2019

Allegations

CONDUCT OR
INEFFICIENCY
Threat/Intimidation

Overall Rating

Poor

OIG Case Number

21-0037929-IQ

Incident Summary

Between September 11, 2019, and September 12, 2019, staff allegedly harassed and intimidated an incarcerated person by scattering the contents of the incarcerated person's cell. Also, on September 16, 2019, an officer allegedly threatened to harm an incarcerated person if the incarcerated person returned to a particular building at the prison.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs.

Overall Assessment

The department poorly conducted the inquiry. The department allowed the deadline to take disciplinary action to expire before completion of the inquiry. The deadline to take disciplinary action was March 10, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 16, 2021, four months and six days after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?***

The deadline to take disciplinary action was March 10, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 16, 2021, four months and six days after the deadline to take disciplinary action had expired.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was March 10, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 16, 2021, four months and six days after the deadline to take disciplinary action had expired.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was March 10, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 16, 2021, four months and six days after the deadline to take disciplinary action had expired.

In the OIG's opinion, did the department handle the case with due diligence?

The department learned of the staff misconduct allegation on February 4, 2020. The deadline to take disciplinary action was March 10, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 16, 2021, four months and six days after the deadline to take disciplinary action had expired.

Case Type

Departmental
Inquiry

Incident Date

September 13,
2019

Allegations

CONDUCT OR
INEFFICIENCY
Misuse of Authority
Battery

Overall Rating

Poor

OIG Case Number

21-0037914-IQ

Incident Summary

On September 13, 2019, an officer allegedly told a suicidal incarcerated person, "You are crying too much. You need to shut up and do what everyone is doing in the dayroom." The officer then allegedly claimed the incarcerated person did something wrong so the officer could search the incarcerated person's cell. The incarcerated person threatened to report the officer, and the officer then allegedly forced the incarcerated person to the ground, causing extreme pain.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs.

Overall Assessment

The department poorly conducted the inquiry. The department allowed the deadline to take disciplinary action to expire before completion of the inquiry. The deadline to take disciplinary action was March 11, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 16, 2021, four months and five days after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?***

The deadline to take disciplinary action was March 11, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 16, 2021, four months and five days after the deadline to take disciplinary action had expired.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was March 11, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 16, 2021, four months and five days after the deadline to take disciplinary action had expired.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was March 11, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 16, 2021, four months and five days after the deadline to take disciplinary action had expired.

In the OIG's opinion, did the department handle the case with due diligence?

The department learned of the staff misconduct allegation on February 5, 2020. The deadline to take disciplinary action was March 11, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 16, 2021, four months and five days after the deadline to take disciplinary action had expired.

Case Type

Departmental
Inquiry

Incident Date

September 29,
2019

Allegations

Neglect of Duty

Overall Rating

Poor

OIG Case Number

20-0035299-IQ

Incident Summary

On September 29, 2019, an officer allegedly closed a cell door on an incarcerated person who was using a walker and exiting the cell, causing the incarcerated person's right hand to be stuck between the door frame and the handle of the walker and causing pain to the incarcerated person's hand.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The Office of Internal Affairs poorly conducted the inquiry. The investigator failed to use diagrams and photographs during interviews, failed to ask appropriate follow-up questions during interviews, failed to ask relevant questions during interviews, did not complete all necessary and relevant interviews, and did not attach to the report an applicable policy as an exhibit. Due to the poor quality of the Office of Internal Affairs' inquiry work, the OIG did not reach a conclusion regarding whether there was a reasonable belief of staff misconduct. However, the deadline to take disciplinary action had expired and, therefore, the OIG agreed that a referral to the Office of Internal Affairs for an investigation was not necessary.

Overall Assessment

Overall, the department poorly conducted the inquiry. The department did not assign an investigator to conduct an inquiry until six months and eight days after it learned of the staff misconduct allegation. Also, the investigator failed to use diagrams and photographs during interviews, failed to ask appropriate follow-up questions during interviews, failed to ask relevant questions during interviews, did not complete all necessary and relevant interviews, did not provide confidentiality advisements at the conclusion of interviews, and did not attach to the report an applicable policy as an exhibit. In addition, the Office of Internal Affairs completed and submitted its inquiry report to the hiring authority after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator adequately confer with the OIG upon case initiation and prior to finalizing the inquiry plan?***

The investigator did not confer with the OIG to discuss the inquiry plan.

In the OIG's opinion, did the investigator ask all relevant questions during interviews?

In the OIG's opinion, in interviews on July 25, 2020, the investigator failed to ask multiple relevant questions during witness interviews of two officers. The investigator also failed to ask appropriate follow-up questions to the answers provided by both witnesses.

In the OIG's opinion, did the investigator use effective interviewing techniques when conducting interviews?

In the OIG's opinion, in two interviews on July 25, 2020, the investigator failed to use diagrams and photographs during interviews of two officers.

In the OIG's opinion, did the investigator complete all necessary and relevant interviews?

The investigator did not interview a counselor and a lieutenant to obtain additional facts regarding the alleged misconduct. The counselor previously interviewed the officer who was the subject of the investigation and the incarcerated person who submitted the complaint regarding a reasonable accommodation request to allow incarcerated persons more time to enter and exit their cells. The counselor should have been interviewed to provide information concerning the information previously provided by the officer and incarcerated person concerning the issue. The lieutenant had also previously interviewed the incarcerated person who submitted the complaint concerning related issues and should have been interviewed to obtain information concerning previous statements made by the incarcerated person.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

The investigator failed to present and authenticate photographs and diagrams of a housing unit during

interviews of two officers to determine whether the photographs and diagrams accurately depicted the viewing angle of a control booth officer towards a particular cell door. The investigator also failed to follow up and ask the two officers if they were familiar with the incarcerated person and his specific disability, and whether they had previously witnessed the incarcerated person have difficulties entering and exiting his cell.

In the OIG's opinion, did the investigator include all relevant policies and procedures in the final inquiry report?

The investigator did not include in the final report the policies and procedures for incarcerated persons with disabilities.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was January 13, 2021. However, the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until February 17, 2021, one month and four days after the deadline to take disciplinary action.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was January 13, 2021. However, the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until February 17, 2021, one month and four days after the deadline to take disciplinary action.

In the OIG's opinion, did the department handle the case with due diligence?

In the OIG's opinion, the department did not handle the case with due diligence. On January 13, 2020, the incarcerated person submitted a declaration containing a staff misconduct allegation. However, the Office of Internal Affairs did not assign an investigator to conduct an inquiry into the allegation until July 21, 2020, six months and eight days thereafter. Also, the deadline to take disciplinary action was January 13, 2021, but the Office of Internal Affairs did not provide its inquiry report to the hiring authority until February 17, 2021, one month and four days after the deadline for taking disciplinary action.

Case Type

Departmental
Inquiry

Incident Date

September 30,
2019

Allegations

Discourteous
Treatment

Overall Rating

Poor

OIG Case Number

20-0035300-IQ

Incident Summary

On September 30, 2019, an officer allegedly told an incarcerated person, "Heard you were going to sue my cousin." The incarcerated person had filed a complaint against another officer. After the officer allegedly made the comment, the incarcerated person withdrew his complaint.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The Office of Internal Affairs poorly conducted the inquiry. The investigator failed to ask relevant questions during interviews and did not complete a necessary and relevant interview. Due to the poor quality of the Office of Internal Affairs' inquiry work, the OIG did not reach a conclusion regarding whether there was a reasonable belief of staff misconduct. However, the deadline to take disciplinary action had expired and, therefore, the OIG agreed that a referral to the Office of Internal Affairs for an investigation was not necessary.

Overall Assessment

Overall, the department poorly conducted the inquiry. The department did not assign an investigator to conduct an inquiry until six months and eight days after it learned of a staff misconduct allegation. Also, the investigator failed to ask relevant questions during interviews and did not complete a necessary and relevant interview. In addition, the Office of Internal Affairs completed and submitted its inquiry report to the hiring authority after the deadline to take disciplinary action had expired.

Questions

In the OIG's opinion, did the investigator adequately confer with the OIG upon case initiation and prior to finalizing the inquiry plan?

The investigator did not confer with the OIG to discuss the inquiry plan.

In the OIG's opinion, did the investigator ask all relevant questions during interviews?

The investigator failed to ask the cellmate of the incarcerated person who submitted the complaint if the cellmate heard the officer who was the subject of the inquiry make a discourteous statement to the incarcerated person who submitted the complaint.

In the OIG's opinion, did the investigator complete all necessary and relevant interviews?

The investigator did not interview a lieutenant who submitted a memorandum regarding the lieutenant's interview of the incarcerated person who submitted the complaint and allegedly obtained exculpatory information from the incarcerated person.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

The investigator did not ask all relevant questions during the interview of an incarcerated person on August 3, 2020, and did not ask the incarcerated person if he heard the discourteous statement an officer allegedly made to the incarcerated person who submitted the complaint. Also, the investigator did not interview a lieutenant who submitted a memorandum regarding his interview of the incarcerated person who submitted the complaint and who allegedly obtained exculpatory information from the incarcerated person.

In the OIG's opinion, did the investigator include all relevant policies and procedures in the final inquiry report?

The investigator did not include as an exhibit to the final inquiry report the policies and procedures for incarcerated persons with disabilities.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was January 13, 2021. However, the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until February 17, 2021, one month and four days after the deadline to take disciplinary action.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was January 13, 2021. However, the Office of Internal Affairs submitted its inquiry report to the hiring authority on February 17, 2021, one month and four days after the deadline to take disciplinary action.

In the OIG's opinion, did the department handle the case with due diligence?

In the OIG's opinion, the department did not handle the case with due diligence. On January 13, 2020, the department received a declaration from an incarcerated person regarding the staff misconduct allegation. However, the department did not assign an investigator to conduct an inquiry into the allegation until July 21, 2020, six months and eight days after receipt of the declaration. Also, the deadline to take disciplinary action was January 13, 2021, but the Office of Internal Affairs did not provide its final inquiry report to the hiring authority until February 17, 2021, one month and four days after the deadline for taking disciplinary action.

Case Type

Departmental
Inquiry

Incident Date

October 01, 2019

Allegations

Use of Force

Overall Rating

Poor

OIG Case Number

20-0034670-IQ

Incident Summary

Between October 1, 2019, and January 7, 2020, an officer allegedly deployed pepper spray on incarcerated persons after the incarcerated persons reported being suicidal and then the officer allegedly left the incarcerated persons in their cells while they yelled for assistance.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The Office of Internal Affairs poorly conducted the inquiry. The investigator failed to ask relevant questions during interviews, did not complete necessary and relevant interviews, did not address all appropriate allegations, and lied to a witness. Due to the poor quality of the Office of Internal Affairs' inquiry work, the OIG did not reach a conclusion regarding whether there was a reasonable belief of staff misconduct. However, the deadline to take disciplinary action had expired and, therefore, the OIG agreed that a referral to the Office of Internal Affairs for an investigation was not necessary.

Overall Assessment

Overall, the department poorly conducted the inquiry. The department did not assign an investigator to conduct the inquiry until seven months and four days after it learned of the staff misconduct allegation. Also, the investigator failed to ask relevant questions during interviews, did not complete necessary and relevant interviews, did not address all appropriate allegations, and lied to a witness. In addition, the Office of Internal Affairs completed its inquiry after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator ask all relevant questions during interviews?***

During the interview of the incarcerated person who made the allegations, the incarcerated person reported several allegations of staff misconduct other than the subject matter of the inquiry. However, the investigator did not ask sufficiently detailed follow-up questions of the incarcerated person to determine the extent of his knowledge about those allegations, even though some of them pertained to allegations the department was investigating in other inquiries.

In the OIG's opinion, did the investigator complete all necessary and relevant interviews?

In the OIG's opinion, the investigator should have interviewed an incarcerated person who was identified as a victim of alleged staff misconduct, and should have interviewed an officer who was a subject of the inquiry.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

In the OIG's opinion, the investigator did not thoroughly and appropriately conduct the inquiry because, during an interview of an incarcerated person who asked for the identity of the incarcerated person who alleged staff misconduct, rather than answer truthfully or refuse to answer at all, the investigator lied and provided the incarcerated person with a false name.

In the OIG's opinion, did the investigator address all appropriate allegations as discovered during the inquiry in the final inquiry report?

The investigator indicated in the final inquiry report that, during an interview of the incarcerated person who made the allegations, the incarcerated person identified an additional officer as "one of the officers who used force when inmates ask for help." Therefore, the department added the additional officer as a subject of the inquiry, and the investigator added an allegation to the final inquiry report to that effect. However, the incarcerated person stated that the officer "shot people with the block gun in the head" and laughed with the officers who deployed pepper spray on incarcerated persons. The report did not include the contextual information or appropriately clarify the allegation that formed the basis of adding the officer as a subject.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was January 13, 2021. However the Office of Internal Affairs did not submit the inquiry report to the hiring authority until April 19, 2021, three months and six days thereafter.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was January 13, 2021. However the Office of Internal Affairs did not submit the inquiry report to the hiring authority until April 19, 2021, three months and six days thereafter.

In the OIG's opinion, did the department handle the case with due diligence?

In the OIG's opinion, the department did not handle the case with due diligence. On January 13, 2020, the department learned of the staff misconduct allegation submitted by the incarcerated person. However, the department did not assign an investigator to conduct an inquiry into the allegation until August 17, 2020, seven months and four days thereafter. Also, the deadline to take disciplinary action was January 13, 2021. However, the Office of Internal Affairs did not provide its final inquiry report to the hiring authority until April 19, 2021, three months and six days after the deadline for taking disciplinary action.

Case Type

Departmental
Inquiry

Incident Date

October 01, 2019

Allegations

Assault
Dishonesty

Overall Rating

Poor

OIG Case Number

20-0035218-IQ

Incident Summary

On October 1, 2019, two officers allegedly entered a cell and assaulted an incarcerated person. A third officer, who opened the cell door, allegedly lied about the incident in a report.

Disposition

The hiring authority identified staff misconduct and referred the matter to the Office of Internal Affairs. However, the Office of Internal Affairs poorly conducted the inquiry. The investigator failed to ask relevant questions during interviews, failed to use effective interviewing techniques, and unnecessarily disclosed information to a witness. Despite the poor quality of the inquiry, the OIG agreed with the hiring authority's decision to refer the allegations to the Office of Internal Affairs' Central Intake Unit for an investigation. On May 5, 2021, the Office of Internal Affairs' Central Intake Unit subsequently approved an investigation. However, because the deadline to take disciplinary action had expired, the Office of Internal Affairs did not conduct an investigation. On July 27, 2021, the hiring authority made no findings as to whether misconduct occurred and did not impose corrective action or discipline against the officers.

Overall Assessment

Overall, the department poorly conducted the inquiry. The Office of Internal Affairs completed its inquiry after the deadline to take disciplinary action had expired. The Office of Internal Affairs did not assign an investigator to conduct an inquiry until eight months and 28 days after the department learned of the staff misconduct allegation. Also, the investigator failed to ask relevant questions during interviews and did not provide an admonishment to witnesses concerning confidentiality at the end of each interview.

Questions***In the OIG's opinion, did the investigator ask all relevant questions during interviews?***

During an interview of an incarcerated person on August 13, 2020, the investigator failed to ask the incarcerated person to describe other incarcerated persons and staff who witnessed or were involved in the incident.

In the OIG's opinion, did the investigator use effective interviewing techniques when conducting interviews?

During an interview of an incarcerated person on January 21, 2021, the investigators conducting the interview spoke rapidly and spoke simultaneously which, in the OIG's opinion, caused the incarcerated person to become confused by their questions, which were not adequately clarified.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

The Office of Internal Affairs concluded its inquiry after the deadline to take disciplinary action had expired. The deadline to take disciplinary action was October 29, 2019. On July 27, 2020, the Office of Internal Affairs assigned an investigator to conduct a second inquiry and, on March 24, 2021, submitted its inquiry report to the hiring authority. Also, in the OIG's opinion, the investigator should not have disclosed to an incarcerated person during a January 14, 2021, interview that the incarcerated person provided information that was inconsistent with other information provided to the investigator and should not have disclosed to the incarcerated person that a particular witness would be interviewed in the future.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was October 29, 2020, but the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until March 24, 2021, four months and 24 days after the deadline for taking disciplinary action.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The department received an incarcerated person's staff misconduct grievance on October 29, 2019, and so the deadline to take disciplinary action was October 29, 2020. The Office of Internal Affairs began the department's second inquiry into the allegations on July 27, 2020. This left the investigator only three months month and two days to complete the inquiry before the deadline for taking disciplinary action on October 29, 2020. The Office of Internal Affairs submitted its final inquiry report to the hiring authority on March 24, 2021, four months and 24 days after the deadline for taking disciplinary action.

In the OIG's opinion, did the department handle the case with due diligence?

On October 29, 2019, the department learned of the allegations when the incarcerated person, who was the victim of the alleged misconduct, submitted a staff misconduct grievance. The department assigned a lieutenant to conduct an inquiry. The lieutenant interviewed two incarcerated persons. On December 5, 2019, at the completion of the inquiry, the hiring authority determined staff did not violate departmental policy. On January 13, 2020, the incarcerated person subsequently submitted a declaration setting forth the same allegations of staff misconduct. On July 27, 2020, the Office of Internal Affairs assigned an investigator to conduct a second inquiry into the allegations, six months and 14 days after receiving the declaration. This left the investigator only three months month and two days to complete the inquiry before the deadline for taking disciplinary action on October 29, 2020. The investigator conducted the final interview on January 21, 2021, but the Office of Internal Affairs did not submit the final inquiry report to the hiring authority until March 24, 2021, two months and three days after the final interview. The deadline to take disciplinary action was October 29, 2020. The Office of Internal Affairs did not provide its final inquiry report to the hiring authority until March 24, 2021, four months and 24 days after the deadline for taking disciplinary action. The Office of Internal Affairs completed its inquiry after the deadline to take disciplinary action had expired.

Case Type

Departmental
Inquiry

Incident Date

October 01, 2019

Allegations

Use of Force

Overall Rating

Poor

OIG Case Number

20-0035227-IQ

Incident Summary

Between October 1, 2019, and January 7, 2020, an officer allegedly deployed pepper spray on incarcerated persons after the incarcerated persons reported being suicidal. The officer allegedly then left the incarcerated persons in their cells while they yelled for assistance.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The Office of Internal Affairs poorly conducted the inquiry. The investigator failed to ask relevant questions during interviews, did not use effective interviewing techniques, did not complete necessary and relevant interviews, and lied to a witness. Due to the poor quality of the Office of Internal Affairs' inquiry work, the OIG did not reach a conclusion regarding whether there was a reasonable belief of staff misconduct. However, the deadline to take disciplinary action had expired and, therefore, the OIG agreed that a referral to the Office of Internal Affairs for an investigation was not necessary.

Overall Assessment

Overall, the department poorly handled the inquiry. The department did not assign an investigator to conduct the inquiry until seven months and four days after it learned of the staff misconduct allegation. Also, the investigator failed to ask relevant questions during interviews, did not use effective interviewing techniques, did not complete necessary and relevant interviews, and lied to a witness. In addition, the Office of Internal Affairs completed its inquiry after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator ask all relevant questions during interviews?***

During the interview of the incarcerated person who made the allegations, the incarcerated person reported several allegations of staff misconduct other than the subject matter of the inquiry. However, the investigator did not ask sufficiently detailed follow-up questions of the incarcerated person to determine the extent of his knowledge about those allegations, even though some of them pertained to allegations the department was investigating in other inquiries.

In the OIG's opinion, did the investigator use effective interviewing techniques when conducting interviews?

In the OIG's opinion, the investigator did not use effective interviewing techniques when conducting interviews because, while off-the-record, the investigator informed a witness's representative that other witnesses were interviewed without representation and that the interviewer intended to advise other witnesses to bring a representative to their interviews.

In the OIG's opinion, did the investigator complete all necessary and relevant interviews?

In the OIG's opinion, the investigator should have interviewed an incarcerated person who was identified as a victim of alleged misconduct.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

During an interview of an incarcerated person who asked for the identity of the incarcerated person who alleged misconduct, rather than answer truthfully or refuse to answer at all, the investigator lied and provided the incarcerated person a false name. Also, the Office of Internal Affairs completed its inquiry after the deadline to take disciplinary action had expired.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was January 13, 2021, but the Office of Internal Affairs did not submit the inquiry report to the hiring authority until April 19, 2021, three months and six days thereafter.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was January 13, 2021, but the Office of Internal Affairs did not submit the inquiry report to the hiring authority until April 19, 2021, three months and six days thereafter.

In the OIG's opinion, did the department handle the case with due diligence?

In the OIG's opinion, the department did not handle the case with due diligence. On January 13, 2020, the department learned of the staff misconduct allegation submitted by the incarcerated person. However, the department did not assign an investigator to conduct an inquiry into the allegation until August 17, 2020, seven months and four days thereafter. Also, the deadline to take disciplinary action was January 13, 2021, but the Office of Internal Affairs did not provide its final inquiry report to the hiring authority until April 19, 2021, three months and six days after the deadline for taking disciplinary action.

Case Type

Departmental
Inquiry

Incident Date

October 01, 2019

Allegations

Neglect of Duty

Overall Rating

Poor

OIG Case Number

21-0037631-IQ

Incident Summary

Between October 1, 2019, and October 31, 2019, an officer allegedly closed a cell door on an incarcerated person, causing an injury to one of the incarcerated person's shoulders.

Disposition

The hiring authority did not identify misconduct and did not refer the matter to the Office of Internal Affairs. The OIG agreed with the hiring authority's decisions.

Overall Assessment

The department poorly conducted the inquiry. The department allowed the deadline to take disciplinary action to expire before completion of the inquiry. The investigator interviewed a witness in Spanish and did not translate for the record the questions and answers from Spanish to English, nor did he secure a translator for the interview. The investigator did not attach a transcript of the interview to the final inquiry report with a translation from Spanish to English so that reviewers of the report, including the hiring authority, could independently review and evaluate the interview. In addition, the investigator failed to provide an admonishment regarding confidentiality at the end of two separate witness interviews.

Questions***In the OIG's opinion, did the investigator use effective interviewing techniques when conducting interviews?***

On March 16, 2021 the investigator interviewed a witness whose primary language is Spanish. The investigator interviewed the witness in Spanish and did not translate for the record the questions and answers from Spanish to English.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

The department poorly conducted the inquiry. The department allowed the deadline to take disciplinary action to expire before completion of the inquiry. The department learned of the staff misconduct allegation on January 13, 2020. The deadline to take disciplinary action was February 16, 2021. However, the Office of Internal Affairs did not submit its inquiry to the hiring authority until May 3, 2021, two months and 17 days after the deadline to take disciplinary action had expired. Also, on March 16, 2021 the investigator interviewed a witness whose primary language was Spanish. The investigator, who was fluent in Spanish, interviewed the witness in Spanish and did not translate for the record the questions and answers from Spanish to English. The investigator did not use the services of a certified translator to translate the interview on the record. The investigator subsequently produced a final inquiry report that did not include as an exhibit a translation of the interview or a transcript of the interview. Reviewers of the report who are not Spanish-speaking were dependent on the investigator's own summary and translation of the interview and were unable to independently verify the contents.

In the OIG's opinion, did the investigator include all relevant documentary evidence in the final inquiry report?

On March 16, 2021, the investigator interviewed a witness in Spanish and did not translate for the record the questions and answers from Spanish to English, nor did he secure a translator for the interview. The investigator did not attach a transcript of the interview to the final inquiry report with a translation from Spanish to English so that reviewers of the report, including the hiring authority, could independently review and evaluate the interview.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was February 16, 2021. However, the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until May 3, 2021, two months and 17 days after the deadline to take disciplinary action had expired.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was February 16, 2021. However, the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until May 3, 2021, two months and 17 days after the deadline to take disciplinary action had expired.

In the OIG's opinion, did the department handle the case with due diligence?

The department learned of the staff misconduct allegation on January 13, 2020. The deadline to take disciplinary action was February 16, 2021. However, the Office of Internal Affairs did not submit its final inquiry to the hiring authority until May 3, 2021, two months and 17 days after the deadline to take disciplinary action had expired.

Case Type

Departmental
Inquiry

Incident Date

October 02, 2019

Allegations

Threat/Intimidation

Overall Rating

Poor

OIG Case Number

20-0035989-IQ

Incident Summary

On October 2, 2019, after an incarcerated person submitted a staff misconduct grievance alleging that officers pushed the incarcerated person out of a wheelchair, a lieutenant, a sergeant, and an officer allegedly interviewed the incarcerated person concerning the incident, and the officer participated in the interview even though the officer allegedly was one of the officers who was a subject of the incarcerated person's staff misconduct grievance. After the interview, the officer allegedly threatened the incarcerated person.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The Office of Internal Affairs poorly conducted the inquiry. The investigator did not conduct all relevant witness interviews, did not ask all relevant questions during interviews, did not employ effective interviewing techniques, and produced an inquiry report that omitted pertinent information from off-the-record discussions with a witness. Due to the poor quality of the Office of Internal Affairs' inquiry work, the OIG did not reach a conclusion regarding whether there was a reasonable belief of staff misconduct. However, the deadline to take disciplinary action had expired, and, therefore, the OIG agreed that a referral to the Office of Internal Affairs for an investigation was not necessary.

Overall Assessment

Overall, the department poorly conducted the inquiry. The department did not assign an investigator to conduct an inquiry until six months and 14 days after discovering the alleged staff misconduct. The investigator did not conduct all relevant witness interviews, did not ask all relevant questions during interviews, did not employ effective interviewing techniques, and produced an inquiry report that omitted pertinent information. The investigator engaged in off-the-record discussions and closed-door conversations with a witness after an interview concluded. The investigator did not include in the inquiry report the off-the-record statements, some of which clarified the statements the witness provided on-the-record. Also, the Office of Internal Affairs did not complete and submit its final inquiry report to the hiring authority until after the deadline to take disciplinary action had expired. Finally, the department did not timely provide requested items of evidentiary value to the OIG.

Questions***In the OIG's opinion, did the investigator ask all relevant questions during interviews?***

In the OIG's opinion, in an August 20, 2020, interview of a lieutenant, the investigator did not ask all relevant questions of the lieutenant and did not refresh the lieutenant's recollection when the investigator should have done so. In interviews on August 19, 2020, and December 2, 2020, of another officer who was present during the underlying incident concerning the wheelchair, the investigator never asked the other officer whether he was present for the incarcerated person's interview on October 2, 2019, or whether he made threats to the incarcerated person after the interview, even though employment records show that other officer worked on October 2, 2019.

In the OIG's opinion, did the investigator use effective interviewing techniques when conducting interviews?

In the OIG's opinion, the investigator did not use effective interviewing techniques. The investigator did not attempt to refresh the recollection of the lieutenant who claimed not to remember the incident, nor remember the involved staff or the incarcerated person. The investigator should have shown the lieutenant photographs of the incarcerated person and staff members in an attempt to refresh the lieutenant's recollection. In addition, during the interview, the lieutenant said that he did not recall whether any other staff members were present for the interview of the incarcerated person. During a break in the interview, the lieutenant told the investigator, in an off-the-record conversation, that he did, in fact, remember that transportation officers escorted the incarcerated person away from a program office after the interview, but that they were not

present during the interview with the incarcerated person. Despite receiving this additional clarifying information, the investigator did not go back on-the-record to document the new information proffered by the lieutenant.

In the OIG's opinion, did the investigator complete all necessary and relevant interviews?

The investigator should have determined the identities of the involved transportation officers, the sergeant working in the program office, and any other officers working in the program office on the date of the event in question, and then the investigator should have conducted interviews to determine whether they remembered being present for the lieutenant's interview of the incarcerated person, or whether they observed anyone threaten the incarcerated person after the interview.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

In the OIG's opinion, in an August 20, 2020, interview of the lieutenant, the investigator did not ask all relevant questions of the lieutenant and did not refresh the lieutenant's recollection when the investigator should have done so. Also, the investigator did not conduct all relevant interviews, and did not include all relevant interviews in the inquiry report.

In the OIG's opinion, did the investigator prepare a final inquiry report that included all relevant facts and evidence?

On December 10, 2020, the investigator conducted a follow-up interview of the incarcerated person during which he alleged that two officers, not one, engaged in the initial alleged misconduct concerning the wheelchair. In the OIG's opinion, the investigator should have included this interview in the inquiry report. Since two officers are alleged to be involved in the initial alleged misconduct, then the officer present during the lieutenant's interview on October 2, 2019, and who threatened the incarcerated person after the interview, could be either one of the two officers. However, the investigator determined one of the officers did not work on October 2, 2019, and then closed the inquiry. The same employment records show the second officer worked on October 2, 2019. The investigator should have interviewed the second officer, who was a potential subject, before ending the inquiry.

In the OIG's opinion, did the investigator address material contradictions in the final inquiry report?

The investigator did not document off-the-record statements made by a witness, a lieutenant, that differed from his recorded statements. In the OIG's opinion, the inconsistent, off-the-record statements should also have been included and noted in the inquiry report.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was January 13, 2021. The Office of Internal Affairs submitted its final inquiry report to the hiring authority on February 2, 2021, 20 days after the deadline take disciplinary action expired.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was January 13, 2021. The Office of Internal Affairs submitted its final inquiry report to the hiring authority on February 2, 2021, 20 days after the deadline take disciplinary action expired.

In the OIG's opinion, did the department handle the case with due diligence?

On January 13, 2020, the incarcerated person submitted a declaration containing staff misconduct allegations, but the Office of Internal Affairs did not assign an investigator to conduct an inquiry into the allegations until July 27, 2020, six months and 14 days thereafter. The deadline for taking disciplinary action was January 13, 2021. The investigator conducted his final interview on August 20, 2020, but the Office of Internal Affairs did not provide its inquiry report to the hiring authority until February 2, 2021, five months and 13 days after the final interview, and 20 days after the deadline to take disciplinary action.

Did the department timely transmit documents or items of evidentiary value to the OIG?

The OIG requested the exhibits and interview recordings on January 26, 2021, but the Office of Internal Affairs did not provide the items until February 3, 2021, eight days thereafter.

Case Type

Departmental
Inquiry

Incident Date

October 04, 2019

Allegations

Use of Force
Threat/Intimidation

Overall Rating

Poor

OIG Case Number

20-0034668-IQ

Incident Summary

On October 4, 2019, an officer allegedly grabbed an incarcerated person by one of his arms and slammed him to the ground. A second officer allegedly observed the incident but failed to report it. Thereafter, a sergeant allegedly threatened the incarcerated person as he sat in a holding cell when he told the incarcerated person, "I'm going to see how loyal my staff is."

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The Office of Internal Affairs poorly conducted the inquiry. The investigator failed to ask relevant questions during interviews, failed to ask follow-up questions, failed to use effective interviewing techniques, and did not complete all necessary and relevant interviews. Due to the poor quality of the Office of Internal Affairs' inquiry work, the OIG did not reach a conclusion regarding whether there was a reasonable belief of staff misconduct. However, the deadline to take disciplinary action had expired and, therefore, the OIG agreed that a referral to the Office of Internal Affairs for an investigation was not necessary.

Overall Assessment

Overall, the department poorly conducted the inquiry. The department did not assign an investigator to conduct an inquiry until five months and nine days after it learned of the staff misconduct allegation. Also, the investigator failed to ask relevant questions during interviews, failed to ask follow-up questions, failed to use effective interviewing techniques, and did not complete all necessary and relevant interviews. In addition, the Office of Internal Affairs completed and submitted its inquiry report to the hiring authority after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator ask all relevant questions during interviews?***

In the OIG's opinion, the investigator failed to ask relevant questions and appropriate follow-up questions during an interview on September 10, 2020, of the incarcerated person who made the allegation, and during an interview on January 21, 2021, of an officer who was a subject of the inquiry.

In the OIG's opinion, did the investigator use effective interviewing techniques when conducting interviews?

In the OIG's opinion, the investigator did not use effective interviewing techniques when conducting interviews. During an interview of an officer, the officer's representative objected to a question as being outside the scope of the interview, even though it was directly related to the subject matter of the inquiry and to the officer's previous statement during the interview. The investigator noted the objection, but needlessly asked a different question rather than pursue an answer to the properly-asked question. Also, during an interview of a sergeant who was a subject of the inquiry, the investigator failed to note for the record that the sergeant was reading directly from a memorandum rather than drawing upon the sergeant's independent recollection.

In the OIG's opinion, did the investigator complete all necessary and relevant interviews?

To provide a more thorough presentation of the facts regarding the alleged misconduct, the investigator should have interviewed an additional officer, who authored a report and may have been a percipient witness to the incident.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was February 18, 2021. However, the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until March 23, 2021, one month and five days after the deadline to take disciplinary action.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a

request for additional inquiry if necessary?

The deadline to take disciplinary action was February 18, 2021. However, the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until March 23, 2021, one month and five days after the deadline to take disciplinary action.

In the OIG's opinion, did the department handle the case with due diligence?

In the OIG's opinion, the department did not handle the case with due diligence. On February 18, 2020, the department learned of the staff misconduct allegation submitted by the incarcerated person. However, the department did not assign an investigator to conduct an inquiry into the allegation until July 27, 2020, five months and nine days thereafter. Also, the deadline to take disciplinary action was February 18, 2021, but the Office of Internal Affairs did not provide its final inquiry report to the hiring authority until March 23, 2021, one month and five days after the deadline for taking disciplinary action.

Case Type

Departmental
Inquiry

Incident Date

October 11, 2019

Allegations

Discourteous
Treatment
Retaliation
Threat/Intimidation
Neglect of Duty

Overall Rating

Poor

OIG Case Number

20-0035296-IQ

Incident Summary

On October 11, 2019, an officer moved an incarcerated person into another incarcerated person's cell and allegedly directed them to either engage in sexual intercourse or to fight. There was only one mattress in the cell. The officer allegedly failed to provide the incarcerated person a mattress upon which to sleep when the incarcerated person moved into the new cell.

Disposition

The hiring authority identified staff misconduct and referred the matter to the Office of Internal Affairs on March 25, 2021. However, the deadline to take disciplinary action for the first allegation had expired. The Office of Internal Affairs poorly conducted the inquiry. The investigator failed to adequately prepare for all aspects of the inquiry, did not ask all relevant questions during interviews, did not complete all necessary and relevant interviews, did not search for and collect relevant evidence, and failed to identify a second allegation that was alleged by the incarcerated person during his interview. Despite the poor quality of the inquiry, the OIG agreed with the hiring authority's decision to refer the investigated allegation to the Office of Internal Affairs' Central Intake Unit for an investigation. On April 21, 2021, the Office of Internal Affairs' Central Intake Unit approved an investigation. However, on June 30, 2021, the Office of Internal Affairs decided not to proceed with the investigation because it realized that the deadline for taking disciplinary for the investigated allegation had expired. On July 15, 2021, the hiring authority made no findings as to whether misconduct occurred and did not impose corrective action or discipline against the officer. However, neither the Office of Internal Affairs nor the hiring authority took any action regarding the second allegation that the investigator should have identified, even though the deadline to take disciplinary action had not yet expired.

Overall Assessment

Overall, the department poorly conducted the inquiry. The Office of Internal Affairs did not assign an investigator to conduct an inquiry until nine months and 13 days after the department learned of the first staff misconduct allegation for this inquiry. Also, the investigator failed to adequately prepare for all aspects of the inquiry, did not ask all relevant questions during interviews, did not complete all necessary and relevant interviews, did not search for and collect relevant evidence, and failed to identify a second allegation that was alleged by the incarcerated person during his interview. In addition, the Office of Internal Affairs completed and submitted its final inquiry report to the hiring authority after the deadline to take disciplinary action for the first allegation had expired.

Questions***In the OIG's opinion, did the investigator adequately prepare for all aspects of the inquiry?***

The investigator did not obtain a complete copy of the staff misconduct grievance for the first allegation, which the prison had processed prior to the start of the inquiry.

In the OIG's opinion, did the investigator ask all relevant questions during interviews?

When conducting interviews of incarcerated persons, the investigator failed to ask the incarcerated persons if they knew of any other incarcerated person or persons who had also been subjected to the same discourteous behavior and failed to ask if they had seen an incarcerated person sleep without a mattress.

In the OIG's opinion, did the investigator complete all necessary and relevant interviews?

The investigator did not interview officers and incarcerated persons regarding the allegation that an officer denied an incarcerated person a mattress upon which to sleep.

In the OIG's opinion, did the investigator properly search for and collect relevant documentary and other forensic evidence?

The investigator did not search for and collect a complete copy of the staff misconduct grievance for the first allegation, which the prison had processed prior to the start of the inquiry.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

The investigator failed to investigate the allegation that an officer denied an incarcerated person a mattress upon which to sleep after the officer moved the incarcerated person to a new cell.

In the OIG's opinion, did the investigator prepare a final inquiry report that included all relevant facts and evidence?

The investigator did not include in his final inquiry report a complete copy of the staff misconduct grievance for the first allegation.

In the OIG's opinion, did the investigator address all appropriate allegations as discovered during the inquiry in the final inquiry report?

The investigator failed to conduct an inquiry into the allegation that an officer denied an incarcerated person a mattress upon which to sleep after the officer moved the incarcerated person to a new cell.

In the OIG's opinion, did the investigator include all relevant documentary evidence in the final inquiry report?

The investigator did not obtain a complete copy of the staff misconduct grievance for the first allegation and attach it as exhibit to the final inquiry report.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action for the first allegation was October 17, 2020. However, the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until March 23, 2021, five months and six days after the deadline to take disciplinary action for the first allegation. The deadline to take disciplinary action for the second allegation was August 27, 2021. The Office of Internal Affairs submitted its inquiry report to the hiring authority before the deadline to take disciplinary action on the second allegation.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action for the first allegation was October 17, 2020. However, the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until March 23, 2021, five months and six days after the deadline to take disciplinary action for the first allegation. The deadline to take disciplinary action for the second allegation was August 27, 2021. The Office of Internal Affairs submitted its inquiry report to the hiring authority before the deadline to take disciplinary action on the second allegation.

In the OIG's opinion, did the department handle the case with due diligence?

On October 17, 2019, the department received a staff misconduct grievance from the incarcerated person concerning the allegation that an officer moved the incarcerated person to a new cell and made an inappropriate statement to the incarcerated person and the new cellmate. The department assigned a lieutenant to conduct an inquiry into the allegation. The lieutenant conducted a cursory inquiry into the allegation. On November 26, 2019, after completion of the inquiry, the hiring authority found staff did not violate departmental policy. Thereafter, on January 13, 2020, the incarcerated person submitted a declaration describing the same staff misconduct allegation. On July 30, 2020, the Office of Internal Affairs assigned an investigator to conduct a second inquiry into the first allegation, nine months and 13 days after the department learned of the allegation and six months and 17 days after receiving the declaration. On August 27, 2020, during an interview of the cellmate, the department learned of the additional allegation that the officer did not provide the incarcerated person a mattress upon which to sleep. The deadline to take disciplinary action for the first allegation was October 17, 2020, but the Office of Internal Affairs did not provide its final inquiry report to the hiring authority until March 23, 2021, five months and six days after the deadline to take disciplinary action for the first allegation.

Case Type

Departmental
Inquiry

Incident Date

October 21, 2019

Allegations

Other Failure of
Good Behavior
Discourteous
Treatment
Neglect of Duty

Overall Rating

Poor

OIG Case Number

20-0035295-IQ

Incident Summary

On October 21, 2019, an officer allegedly failed to respond to an incarcerated person's requests for assistance, after which the incarcerated person died. On October 22, 2019, the officer allegedly made derogatory and unprofessional comments and gestures by stating to a group of incarcerated persons that the officer sees "dead people" and imitated walking in the manner of a zombie.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The Office of Internal Affairs poorly conducted the inquiry. The investigator failed to adequately prepare for all aspects of the inquiry, did not use effective interviewing techniques when conducting the interviews, did not complete all necessary and relevant interviews, did not search for and collect relevant evidence, and did not thoroughly and appropriately conduct the inquiry. Due to the poor quality of the Office of Internal Affairs' inquiry work, the OIG did not reach a conclusion regarding whether there was a reasonable belief of staff misconduct. However, the deadline to take disciplinary action had expired and, therefore, the OIG agreed that a referral to the Office of Internal Affairs was not necessary.

Overall Assessment

Overall, the department poorly conducted the inquiry. The department did not assign an investigator to conduct an inquiry until six months and 16 days after it learned of the staff misconduct allegation. Also, the investigator failed to adequately prepare for all aspects of the inquiry, did not use effective interviewing techniques when conducting the interviews, did not complete all necessary and relevant interviews, and did not search for and collect relevant evidence. In addition, the Office of Internal Affairs completed and submitted its final inquiry report to the hiring authority two months and 10 days after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator adequately prepare for all aspects of the inquiry?***

The investigator did not obtain a diagram of the housing unit where this incident allegedly occurred to use during witness interviews as an aid to help witnesses recall facts, did not obtain a photograph of the incarcerated person who died and of the officer who was the subject of this inquiry as an aid to help witnesses recall facts and parties involved, did not obtain a copy of the employee sign-in sheet so as not to have interviewed a staff member who did not work the day of the incident and, therefore, was not relevant to the inquiry, and did not obtain a copy of the coroner's report which showed that the incarcerated person died of natural causes so that he did not incorrectly state to witnesses that the incarcerated person committed suicide.

In the OIG's opinion, did the investigator use effective interviewing techniques when conducting interviews?

The investigator spoke over and interrupted the witnesses when they were answering questions and did not allow witnesses to fully convey the information and the investigator's actions made the interview recordings difficult to understand. In addition, the investigator should not have told a witness that the incarcerated person's death was due to suicide because the information was incorrect and because the witness then provided information that supported the conclusion that a suicide occurred.

In the OIG's opinion, did the investigator complete all necessary and relevant interviews?

The investigator did not interview a medical expert to determine whether it was possible for the incarcerated person to yell for assistance if he was suffering from seizure at the time of his death.

In the OIG's opinion, did the investigator properly search for and collect relevant documentary and other forensic evidence?

The investigator did not obtain a diagram of the housing unit where this incident allegedly occurred to use during witness interviews as an aid to help witnesses recall facts, did not obtain a photograph of the incarcerated person who died and of the officer who was the subject of this investigation as an aid to help witnesses recall facts and parties involved, did not obtain a copy of the employee sign-in sheet so as not to have interviewed a staff member who did not work the day of the incident and, therefore, was not relevant to the investigation, and did not obtain a copy of the coroner's report, which showed that the incarcerated person died of natural causes so that he did not incorrectly state to witnesses that the incarcerated person committed suicide.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

The investigator did not obtain a diagram of the housing unit where this incident allegedly occurred to use during witness interviews as an aid to help witnesses recall facts, did not obtain a photograph of the incarcerated person who died and of the officer who was the subject of this investigation as an aid to help witnesses recall facts and parties involved, did not obtain a copy of the employee sign-in sheet so as not to have interviewed a staff member who did not work the day of the incident and, therefore, was not relevant to the investigation, and did not obtain a copy of the coroner's report which showed that the incarcerated person died of natural causes so that he did not incorrectly state to witnesses that the incarcerated person committed suicide. The investigator did not interview a medical expert to determine whether it was possible for the incarcerated person to yell for assistance if he was suffering from a seizure at the time of his death. The investigator should not have spoken over and interrupted the witnesses when they were answering questions, as it made the interview recordings difficult to understand. In addition, the investigator should not have told a witness that the incarcerated person's death was due to suicide because the information was incorrect and because the witness then provided information that supported the conclusion that a suicide occurred.

In the OIG's opinion, did the investigator include all relevant documentary evidence in the final inquiry report?

Although the cause and manner of death were relevant to the inquiry, the investigator did not include a copy of the coroner's report for the hiring authority to consider during his review of the case.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was January 13, 2021. However, the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until March 23, 2021, two months and 10 days after the deadline to take disciplinary action.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was January 13, 2021. However, the Office of Internal Affairs submitted its inquiry report to the hiring authority on March 23, 2021, two months and 10 days after the deadline to take disciplinary action.

In the OIG's opinion, did the department handle the case with due diligence?

In the OIG's opinion, the department did not handle the case with due diligence. On January 13, 2020, the department learned of the staff misconduct allegation submitted by the incarcerated person. However, the department did not assign an investigator to conduct an inquiry into the allegation until July 30, 2020, six months and 16 days thereafter. Also, the deadline to take disciplinary action was January 13, 2021, but the Office of Internal Affairs did not provide its final inquiry report to the hiring authority until March 23, 2021, two months and 10 days after the deadline for taking disciplinary action.

Case Type

Departmental
Inquiry

Incident Date

October 21, 2019

Allegations

CONDUCT OR
INEFFICIENCY
Neglect of Duty

Overall Rating

Poor

OIG Case Number

21-0037915-IQ

Incident Summary

On October 21, 2019, after an incarcerated person told two officers escorting him to a cell that he was feeling suicidal, one of the officers allegedly said, "Go ahead and cut yourself," and the second officer allegedly said, "We will give you a razor." Two weeks later, a sergeant allegedly confirmed with the incarcerated person that the first officer told him to cut his wrists, but then the sergeant allegedly asked the incarcerated person to sign a form stating that he did not have a problem with that particular officer.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs.

Overall Assessment

The department poorly conducted the inquiry. The department allowed the deadline to take disciplinary action to expire before completion of the inquiry. The deadline to take disciplinary action was March 11, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 16, 2021, four months and five days after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?***

The deadline to take disciplinary action was March 11, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 16, 2021, four months and five days after the deadline to take disciplinary action had expired.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was March 11, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 16, 2021, four months and five days after the deadline to take disciplinary action had expired.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was March 11, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 16, 2021, four months and five days after the deadline to take disciplinary action had expired.

In the OIG's opinion, did the department handle the case with due diligence?

The department learned of the staff misconduct allegation on February 5, 2020. The deadline to take disciplinary action was March 11, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 16, 2021, four months and five days after the deadline to take disciplinary action had expired.

Case Type

Departmental
Inquiry

Incident Date

November 01,
2019

Allegations

Assault
CONDUCT OR
INEFFICIENCY

Overall Rating

Poor

OIG Case Number

21-0037707-IQ

Incident Summary

Between November 1, 2019, and November 20, 2019 an officer allegedly arranged the assault of an incarcerated person by another incarcerated person and provided extra food trays to the other incarcerated person as payment for the assault. On December 1, 2019, the officer allegedly allowed the incarcerated person to smoke tobacco in his cell and instructed the incarcerated person to eliminate the odor of smoke.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs.

Overall Assessment

The department poorly conducted the inquiry. The department allowed the deadline to take disciplinary action to expire before the completion of the inquiry. The deadline to take disciplinary action was February, 16, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 26, 2021, five months and 10 days after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?***

The deadline to take disciplinary action was February, 16, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 26, 2021, five months and 10 days after the deadline to take disciplinary action had expired.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was February, 16, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 26, 2021, five months and 10 days after the deadline to take disciplinary action had expired.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was February, 16, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 26, 2021, five months and 10 days after the deadline to take disciplinary action had expired.

In the OIG's opinion, did the department handle the case with due diligence?

The department learned of the staff misconduct allegation on January 13, 2020. The deadline to take disciplinary action was February, 16, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 26, 2021, five months and 10 days after the deadline to take disciplinary action had expired.

Case Type

Departmental
Inquiry

Incident Date

November 19,
2019

Allegations

Assault

Overall Rating

Poor

OIG Case Number

20-0034672-IQ

Incident Summary

On November 19, 2019, a lieutenant and two officers allegedly threw an incarcerated person on the ground, jumped on the incarcerated person, and then placed their knees on the incarcerated person's body while pulling on the incarcerated person's arms.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The Office of Internal Affairs poorly conducted the inquiry. The investigator failed to use effective interviewing techniques, conducted interviews in a setting that was insufficiently confidential or private, and did not include all appropriate exhibits in the final report. Due to the poor quality of the Office of Internal Affairs' inquiry work, the OIG did not reach a conclusion regarding whether there was a reasonable belief of staff misconduct. However, the deadline to take disciplinary action had expired and, therefore, the OIG agreed that a referral to the Office of Internal Affairs for an investigation was not necessary.

Overall Assessment

Overall, the department poorly conducted the inquiry. The department did not assign an investigator to conduct an inquiry until seven months and four days after it learned of the staff misconduct allegation. The investigator failed to use effective interviewing techniques, conducted interviews in a setting that was not confidential, and did not include all appropriate exhibits in the final report. In addition, the Office of Internal Affairs completed and submitted its inquiry report to the hiring authority after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator use effective interviewing techniques when conducting interviews?***

In the OIG's opinion, the investigator did not use effective interviewing techniques when conducting interviews on October 13, 2020. The investigator failed to adequately coordinate with a lieutenant who was facilitating the interview of an incarcerated person on behalf of the investigator, who was conducting the interview via telephone. It was apparent that the lieutenant was unsure of what his role regarding the interview would be, which caused a delay preparing the exhibits. The investigator failed to provide pre-marked exhibits to the lieutenant, which resulted in an unclear record since the incarcerated person made reference to unidentified exhibits as he spoke. Also, another investigator asked a misleading and argumentative question of a sergeant during an interview on January 5, 2021.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

On February 10, 2021, the investigator conducted interviews of incarcerated persons in and near a busy chapel close to where other incarcerated persons congregated. During one interview, an incarcerated person who was not being interviewed asked the investigator questions about the chaplain while an incarcerated person waited to be interviewed. Thereafter, the incarcerated person expressed concern and indicated he was not inclined to cooperate. Two additional incarcerated persons were interviewed that day but other persons walked in or by the interview site during the interviews, thereby compromising the confidentiality and privacy of the interviews. Also, the investigator caused an incarcerated person to be summoned to the interview site over the public address system. The incarcerated person refused to participate in the interview.

In the OIG's opinion, did the investigator include all relevant documentary evidence in the final inquiry report?

During an interview of an incarcerated person, the incarcerated person drew a diagram of the dining hall where the incident occurred. However, the final inquiry report did not include the diagram as an exhibit.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was January 13, 2021, but the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until May 14, 2021, four months and one day after the deadline to take disciplinary action.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was January 13, 2021, but the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until May 14, 2021, four months and one day after the deadline to take disciplinary action.

In the OIG's opinion, did the department handle the case with due diligence?

In the OIG's opinion, the department did not handle the case with due diligence. On January 13, 2020, the incarcerated person submitted a declaration containing a staff misconduct allegation. However, the Office of Internal Affairs did not assign an investigator to conduct an inquiry into the allegation until August 17, 2020, seven months and four days thereafter. Also, the deadline to take disciplinary action was January 13, 2021 but the Office of Internal Affairs did not provide its final inquiry report to the hiring authority until May 14, 2021, four months and one day after the deadline to take disciplinary action.

Case Type

Departmental
Inquiry

Incident Date

November 21,
2019

Allegations

Threat/Intimidation

Overall Rating

Poor

OIG Case Number

20-0035232-IQ

Incident Summary

On November 21, 2019, an officer allegedly threatened and insulted an incarcerated person in an attempt to provoke a fight.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The OIG agreed with the hiring authority's decisions.

Overall Assessment

Overall, the department poorly conducted the inquiry. The Office of Internal Affairs completed its inquiry after the deadline to take disciplinary action had expired. The Office of Internal Affairs did not assign an investigator to conduct this inquiry until eight months and 14 days after the department learned of the staff misconduct allegation. Also, the investigator failed to adequately prepare for all aspects of the inquiry.

Questions***In the OIG's opinion, did the investigator adequately prepare for all aspects of the inquiry?***

In the OIG's opinion, the investigator did not adequately prepare for all aspects of the inquiry. Before interviewing an officer, the investigator failed to obtain a document containing the officer's previous statement pertaining to the inquiry.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

The Office of Internal Affairs assigned a lieutenant who conducted a second inquiry after another lieutenant had already adequately investigated the allegations in a prior inquiry. The Office of Internal Affairs concluded its inquiry after the deadline to take disciplinary action had expired. The deadline to take disciplinary action was December 3, 2020. On February 17, 2021, the Office of Internal Affairs submitted its inquiry report to the hiring authority, two months and 14 days after the deadline to take disciplinary action.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was December 3, 2020. The Office of Internal Affairs provided its final inquiry report to the hiring authority on February 17, 2021, two months and 14 days after the deadline to take disciplinary action.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The department received the incarcerated person's staff misconduct grievance on February 28, 2020, and the deadline to take disciplinary action was December 3, 2020. The Office of Internal Affairs submitted its final inquiry report to the hiring authority on February 17, 2021, two months and 14 days after the deadline to take disciplinary action.

In the OIG's opinion, did the department handle the case with due diligence?

On December 3, 2019, the department learned of the staff misconduct allegation submitted by the incarcerated person when he submitted a staff misconduct grievance. The department assigned a lieutenant to conduct an inquiry who sufficiently investigated the complaint by interviewing the incarcerated person, other incarcerated persons, and staff members. On December 11, 2019, at the completion of the inquiry, the hiring authority determined staff did not violate departmental policy. On February 28, 2020, the incarcerated person subsequently submitted a declaration setting forth the same allegation of staff misconduct to the department. Even though a sufficient inquiry had been previously conducted, the Office of Internal Affairs assigned an investigator to conduct a second inquiry into the allegations on August 17, 2020, five months, and 20 days after receiving the declaration, and eight months and 14 days after the department learned of the

allegation. The Office of Internal Affairs expended time and resources by having an investigator conduct a second inquiry and, upon its completion, submit a final inquiry report on February 17, 2021, two months, and 14 days after the deadline to take disciplinary action had expired on December 3, 2020.

Case Type

Departmental
Inquiry

Incident Date

December 01,
2019

Allegations

Threat/Intimidation

Overall Rating

Poor

OIG Case Number

20-0035290-IQ

Incident Summary

Between December 1, 2019, and December 31, 2019, an incarcerated person allegedly overheard an officer encourage other incarcerated persons to "take care of" and assault another incarcerated person.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The Office of Internal Affairs poorly conducted the inquiry. The investigator failed to complete thorough interviews, failed to ask relevant questions, and did not use effective interviewing techniques when conducting interviews. Due to the poor quality of the Office of Internal Affairs' inquiry work, the OIG did not reach a conclusion regarding whether there was a reasonable belief of staff misconduct.

Overall Assessment

Overall, the department poorly conducted the inquiry. The department did not assign an investigator to conduct an inquiry until two months and 19 days after it learned of the staff misconduct allegation. The investigator failed to complete thorough interviews and did not use effective interviewing techniques when conducting interviews. In addition, the Office of Internal Affairs completed and submitted its inquiry report to the hiring authority only one month and 26 days before the deadline to take disciplinary action expired.

Questions***In the OIG's opinion, did the investigator ask all relevant questions during interviews?***

In the OIG's opinion, in an interview on October 13, 2020, even though the investigator knew an incarcerated person had low comprehension scores, the investigator did not follow up and ask questions regarding the incarcerated person's ability to comprehend the investigator's questions or whether he had any learning disabilities that may have prevented or limited him from cooperating with the interview.

In the OIG's opinion, did the investigator use effective interviewing techniques when conducting interviews?

Prior to an interview on September 8, 2020, and off-the-record, the investigator engaged in a conversation with an incarcerated person during which the investigator told the incarcerated person that he would look into whether there is another active, related investigation in which the incarcerated person was previously interviewed. The incarcerated person added that he was placed into administrative segregation after the interview and could provide proof of such. However, the investigator did not follow up and request the documentation. The incarcerated person further stated that he was open to talking to investigators. Prior to the interviews on October 15, 2020, and also off-the-record, the investigator engaged in conversations with two other incarcerated persons during which he asked them if they knew the incarcerated person who initiated the staff complaint allegation. Prior to an interview on October 13, 2020, and again off-the-record, the investigator engaged in a conversation with yet another incarcerated person during which the investigator told him that the interview involved the incarcerated person who initiated the staff complaint allegation and described that incarcerated person as someone who files a lot of complaints. After the interview, and also off-the-record, the investigator further engaged in a conversation with an incarcerated person during which he explained the investigative process and discussed the possibility that the incarcerated person was confused with another incarcerated person who share the last name. Prior to an interview on October 13, 2020, and also off-the-record, the investigator engaged in another conversation with another incarcerated person during which the investigator asked him whether he knew the incarcerated person who initiated the staff complaint allegation and whether he recalled the incident in question.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

Prior to an interview on September 8, 2020, the investigator engaged in a conversation with an incarcerated person during which the investigator revealed that the incarcerated person might be involved in another active, related investigation, and failed to request relevant documentation in possession of the incarcerated person

that may have been relevant to show he was previously interviewed in the other investigation. Prior to the interviews on October 15, 2020, and also off-the-record, the investigator engaged in conversations with two other incarcerated persons during which he asked them if they knew the incarcerated person who initiated the staff complaint allegation. Prior to an interview on October 13, 2020, and again off-the-record, the investigator engaged in a conversation with yet another incarcerated person during which the investigator told him that the interview involved the incarcerated person who initiated the staff complaint allegation and described that incarcerated person as someone who files a lot of complaints. After the interview, and also off-the-record, the investigator further engaged in a conversation during which he explained the investigative process and discussed the possibility that the incarcerated person was confused with another incarcerated person who share the last name. Prior to another interview on October 13, 2020, and also off-the-record, the investigator engaged in another conversation with another incarcerated person during which the investigator asked him if he knew the incarcerated person who initiated the staff complaint allegation and whether he recalled the incident in question.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

On May 19, 2020, the department learned of the staff misconduct allegation submitted by the incarcerated person. The deadline to take disciplinary action was May 19, 2021. The Office of Internal Affairs submitted its inquiry report to the hiring authority on March 23, 2021, leaving only one month and 26 days prior to the deadline to take disciplinary action.

In the OIG's opinion, did the department handle the case with due diligence?

In the OIG's opinion, the department did not handle the case with due diligence. On May 19, 2020, the department learned of the staff misconduct allegation submitted by the incarcerated person. However, the department did not assign an investigator to conduct an inquiry into the allegation until August 7, 2020, two months and 19 days thereafter. The deadline to take disciplinary action was May 19, 2021. The Office of Internal Affairs submitted its inquiry report to the hiring authority on March 23, 2021, leaving only one month and 26 days prior to the deadline to take disciplinary action.

Case Type

Departmental
Inquiry

Incident Date

December 03,
2019

Allegations

Neglect of Duty

Overall Rating

Poor

OIG Case Number

20-0035302-IQ

Incident Summary

On December 3, 2019, an officer allegedly closed a cell door on an incarcerated person as the incarcerated person exited a cell and caused the door to close against the incarcerated person's chest, trapping him against the cell door and injuring one of his ribs.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The Office of Internal Affairs poorly conducted the inquiry. The investigator did not secure a relevant photograph and use it during interviews, and did not attach an applicable policy as an exhibit to the final inquiry report. Due to the poor quality of the Office of Internal Affairs' inquiry work, the OIG did not reach a conclusion regarding whether there was a reasonable belief of staff misconduct. However, the deadline to take disciplinary action had expired and, therefore, the OIG agreed that a referral to the Office of Internal Affairs for an investigation was not necessary.

Overall Assessment

Overall, the department poorly conducted the inquiry. The department did not assign an investigator to conduct an inquiry until six months and 19 days after it learned of the staff misconduct allegation. The investigator did not ask relevant questions during interviews, did not secure a relevant photograph and use it during interviews, and did not attach an applicable policy as an exhibit to the final inquiry report. In addition, the Office of Internal Affairs completed and submitted its final inquiry report to the hiring authority after the deadline to take disciplinary action had expired.

Questions

In the OIG's opinion, did the investigator adequately confer with the OIG upon case initiation and prior to finalizing the inquiry plan?

The investigator did not confer with the OIG to discuss the inquiry plan.

In the OIG's opinion, did the investigator ask all relevant questions during interviews?

The investigator did not secure a photograph of the view of the control booth officer would have had of the incarcerated person's cell and present it to officers during their interviews. Therefore, the investigator did not sufficiently question the officers concerning this issue.

In the OIG's opinion, did the investigator use effective interviewing techniques when conducting interviews?

One of the significant issues in this case was the control booth officer's viewing angle of the cell door of the incarcerated person who submitted the complaint. The investigator interviewed three officers on August 18, 2020, and on August 27, 2020. However, the investigator did not secure a photograph of the view the control booth officer would have had of the incarcerated person's cell, and present it to the officers during their interviews to effectively discuss the view the control booth officer would have had of the cell in question. Therefore, the investigator did not sufficiently question the officers concerning this issue.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

One of the significant issues in this case was the viewing angle of the control booth officer toward the cell door of the incarcerated person who submitted the complaint. The investigator interviewed three officers on August 18, 2020, and on August 27, 2020. However, the investigator did not secure a photograph of the view the control booth officer would have had of the incarcerated person's cell, and present it to the officers during their interviews to effectively discuss the view the control booth officer would have had of the cell in question. The investigator should have presented such a photograph to the officers and asked them whether the photograph accurately depicted the control booth officer's viewing angle of the incarcerated person's cell door to properly authenticate the photograph.

In the OIG's opinion, did the investigator include all relevant policies and procedures in the final inquiry report?

The investigator did not include as an exhibit to the final inquiry report the policies and procedures for incarcerated persons with disabilities.

In the OIG's opinion, did the investigator include all relevant documentary evidence in the final inquiry report?

The investigator did not include as an exhibit to the final inquiry report the policies and procedures for incarcerated persons with disabilities.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was January 13, 2021. However, the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until February 17, 2021, one month and four days after the deadline to take disciplinary action.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

On January 13, 2020, the department learned of the staff misconduct allegation submitted by the incarcerated person. The deadline to take disciplinary action was January 13, 2021. However, the Office of Internal Affairs submitted its inquiry report to the hiring authority on February 17, 2021, one month and four days after the deadline to take disciplinary action.

In the OIG's opinion, did the department handle the case with due diligence?

In the OIG's opinion, the department did not handle the case with due diligence. On January 13, 2020, the department learned of the staff misconduct allegation submitted by the incarcerated person. However, the department did not assign an investigator to conduct an inquiry into the allegation until August 1, 2020, six months and 19 days thereafter. Also, the investigator conducted his final interview on August 27, 2020, and the deadline to take disciplinary action was January 13, 2021, but the Office of Internal Affairs did not provide its final inquiry report to the hiring authority until February 17, 2021, one month and four days after the deadline for taking disciplinary action.

Case Type

Departmental
Inquiry

Incident Date

December 04,
2019

Allegations

Discourteous
Treatment
Neglect of Duty

Overall Rating

Poor

OIG Case Number

20-0035224-IQ

Incident Summary

On December 4, 2019, an officer allegedly left an incarcerated person in a cell overnight in flexible handcuffs and refused to remove the handcuffs, saying, "You know how to take them off." A second officer allegedly saw the handcuffs on the incarcerated person but did not remove them.

Disposition

The hiring authority had previously submitted a referral to the Office of Internal Affairs for an investigation concerning the allegation against the first officer, but not the second officer, and the Office of Internal Affairs had previously approved an investigation of the first officer. Therefore, as to the first officer, there was no need for the hiring authority to refer the matter to the Office of Internal Affairs for an investigation again. The hiring authority identified staff misconduct against the second officer and referred the matter to the Office of Internal Affairs. However, the Office of Internal Affairs poorly conducted the inquiry. The investigator failed to ask relevant questions during an interview of the incarcerated person who made the allegations. Despite the poor quality of the inquiry, the OIG agreed with the hiring authority's decision to refer the allegations to the Office of Internal Affairs Central Intake Unit for an investigation. On September 10, 2020, the hiring authority sustained the allegation against the first officer and served him with a letter of instruction. On April 14, 2021, the Office of Internal Affairs Central Intake Unit subsequently approved an investigation of the second officer. However, because the deadline to take disciplinary action against the second officer had expired, the Office of Internal Affairs did not conduct an investigation. On August 4, 2021, the hiring authority made no findings regarding whether misconduct occurred and did not impose corrective action or discipline against the second officer.

Overall Assessment

Overall, the department poorly conducted the inquiry. The department did not assign an investigator to conduct an inquiry until five months and nine days after it learned of the staff misconduct allegation against the second officer. Also, the investigator failed to ask relevant questions during an interview of the incarcerated person who made the allegations. In addition, the Office of Internal Affairs allowed the deadline to take disciplinary action against the second officer to expire prior to completion of the inquiry.

Questions***In the OIG's opinion, did the investigator ask all relevant questions during interviews?***

During the interview of the incarcerated person who made the allegation, the incarcerated person described a lieutenant who allegedly acknowledged wrongdoing on behalf of the department by saying, "Unfortunately, we [expletive] up. You got us on this." However, the investigator failed to ask follow-up questions to ascertain the identity of the lieutenant or to learn additional details and circumstances surrounding the statement.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action against the second officer was February 18, 2021. However, the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until March 23, 2021, one month and five days after the deadline to take disciplinary action.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action against the second officer was February 18, 2021. However, the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until March 23, 2021, one month and five days after the deadline to take disciplinary action.

In the OIG's opinion, did the department handle the case with due diligence?

In the OIG's opinion, the department did not handle the case with due diligence. On February 18, 2020, the department learned of the staff misconduct allegation submitted by the incarcerated person against the second officer. However, the department did not assign an investigator to conduct an inquiry into the allegation until July 27, 2020, five months and nine days thereafter. Also, the deadline to take disciplinary action against the second officer was February 18, 2021, but the Office of Internal Affairs did not provide its final inquiry report to the hiring authority until March 23, 2021, one month and five days after the deadline for taking disciplinary action.

Case Type

Departmental
Inquiry

Incident Date

December 05,
2019

Allegations

Discourteous
Treatment
Other

Overall Rating

Poor

OIG Case Number

20-0035987-IQ

Incident Summary

On December 5, 2019, an officer allegedly denied an incarcerated person access to a library designated for incarcerated persons and also yelled and cursed at the incarcerated person.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The OIG did not agree with the hiring authority's decision that there was not a reasonable belief of misconduct but agreed with the hiring authority's decision not to submit a request for investigation to the Office of Internal Affairs since the deadline to take disciplinary action had expired.

Overall Assessment

Overall, the department poorly conducted the inquiry. The department did not assign an investigator to conduct an inquiry until six months and 14 days after it learned of the staff misconduct allegation, and the Office of Internal Affairs completed and submitted its inquiry report to the hiring authority after the deadline for taking disciplinary action had expired. The department did not timely provide the OIG with requested case materials.

Questions***In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?***

On January 13, 2020, the department received the incarcerated person's declaration containing allegations of staff misconduct. However, the Office of Internal Affairs did not assign an investigator to conduct an inquiry until July 27, 2020, six months and 14 days thereafter. The investigator completed the final interview on October 14, 2020, but the Office of Internal Affairs did not complete its final inquiry report until February 2, 2021, three months and 19 days thereafter. The deadline for the department to take disciplinary action was January 13, 2021, but the Office of Internal Affairs did not complete its final inquiry report and submit it to the hiring authority until February 2, 2021, 20 days after the deadline for taking disciplinary action.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was January 13, 2021, but the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until February 2, 2021, 20 days after the deadline for taking disciplinary action.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was January 13, 2021, but the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until February 2, 2021, 20 days after the deadline for taking disciplinary action.

In the OIG's opinion, did the department handle the case with due diligence?

On January 13, 2020, the department received the incarcerated person's declaration containing allegations of staff misconduct. However, the Office of Internal Affairs did not assign an investigator to conduct an inquiry until July 27, 2020, six months and 14 days thereafter. The deadline for the department to take disciplinary action was January 13, 2021, but the Office of Internal Affairs did not complete its final inquiry report and submit it to the hiring authority until February 2, 2021, 20 days after the deadline for taking disciplinary action. Also, in the OIG's opinion, the hiring authority did not use due diligence. The hiring authority received five cases related to the incarcerated person on the same day, February 2, 2021. The cases consisted of approximately nine hours of recorded interviews, 157 pages of exhibits, and 49 pages of inquiry reports. The hiring authority admitted in one case that he did not review all of the interview recordings. In addition, the hiring authority made decisions on the dispositions of all five cases on the same day he received the case materials.

Did the department timely transmit documents or items of evidentiary value to the OIG?

The OIG requested the exhibits and interview recordings on January 26, 2021, but the Office of Internal Affairs did not provide the items until February 3, 2021, eight days thereafter.

Case Type

Departmental
Inquiry

Incident Date

December 06,
2019

Allegations

Discrimination/Harassment

Overall Rating

Poor

OIG Case Number

20-0036002-IQ

Incident Summary

On December 6, 2019, after an officer had to stay after his shift to write an incident report regarding a fight involving two incarcerated persons, the officer allegedly entered the cell of one of the incarcerated persons involved in the fight, threw the incarcerated person's belongings on the floor, and stomped on the items.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The Office of Internal Affairs poorly conducted the inquiry. The investigator did not ask all relevant and logical follow-up questions during interviews. Due to the poor quality of the Office of Internal Affairs' inquiry work, the OIG did not reach a conclusion regarding whether there was a reasonable belief of staff misconduct. However, the deadline to take disciplinary action had expired and, therefore, the OIG agreed that a referral to the Office of Internal Affairs for an investigation was not necessary.

Overall Assessment

Overall, the department poorly handled the inquiry. The department did not assign an investigator to conduct an inquiry until six months and 21 days after it learned of the staff misconduct allegation. When conducting the inquiry, the investigator did not ask all relevant and logical follow-up questions during interviews. The Office of Internal Affairs completed and submitted its final inquiry report to the hiring authority after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator ask all relevant questions during interviews?***

The investigator did not ask all relevant questions during interviews. For example, during a December 1, 2020, interview of the officer who was the subject of the inquiry, the investigator failed to ask logical follow-up questions. The officer stated he "avoids overtime" and is "eight at the gate." The investigator did not ask the officer to clarify the meaning of the phrase eight at the gate, nor ask whether or not it would have angered or upset the officer to have to work overtime. During a witness interview on November 4, 2020, the witness stated he knows "[an incarcerated person] is in the report," but the investigator did not ask the witness to which report the witness was referring.

In the OIG's opinion, did the investigator prepare a final inquiry report that included all relevant facts and evidence?

In the final inquiry report, the investigator failed to include statements an officer made during his interview that are relevant to the allegation. The investigator did not include the statements made by the officer who is the subject of the inquiry that he "avoids overtime" and is "eight at the gate."

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was January 13, 2021. However, the Office of Internal Affairs did not complete its final inquiry report and submit it to the hiring authority until February 17, 2021, one month and four days after the deadline to take disciplinary action had expired.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was January 13, 2021. However, the Office of Internal Affairs did not complete its final inquiry report and submit it to the hiring authority until February 17, 2021, one month and four days after the deadline to take disciplinary action had expired.

In the OIG's opinion, did the department handle the case with due diligence?

On January 13, 2020 the department received the incarcerated person's declaration setting forth the staff misconduct allegation. However, the Office of Internal Affairs did not assign an investigator to conduct an

inquiry until August 3, 2020, six months and 21 days thereafter. Also, the deadline for the department to take disciplinary actions against the officer was January 13, 2021. However, the Office of Internal Affairs did not provide the hiring authority with the final inquiry report until February 17, 2021, one month and four days after the deadline to take disciplinary action had expired.

Did the department timely transmit documents or items of evidentiary value to the OIG?

The OIG requested a copy of the interview recordings from the Office of Internal Affairs on January 28, 2021, but the Office of Internal Affairs did not provide the recordings until February 5, 2021, eight days thereafter.

Case Type

Departmental
Inquiry

Incident Date

December 08,
2019

Allegations

Neglect of Duty

Overall Rating

Poor

OIG Case Number

20-0034534-IQ

Incident Summary

On December 8, 2019, an officer allegedly closed a cell door on an incarcerated person, striking the incarcerated person with the door and injuring an arm and shoulder of the incarcerated person.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The Office of Internal Affairs poorly conducted the inquiry. The investigator did not ask all relevant questions and did not use effective interviewing techniques during interviews. Due to the poor quality of the Office of Internal Affairs' inquiry work, the OIG did not reach a conclusion regarding whether there was a reasonable belief of staff misconduct. However, the deadline to take disciplinary action had expired and, therefore, the OIG agreed that a referral to the Office of Internal Affairs for an investigation was not necessary.

Overall Assessment

Overall, the department poorly conducted the inquiry. The department did not assign an investigator to conduct an inquiry until five months and 18 days after it learned of the staff misconduct allegation. Also, the investigator failed to ask relevant questions and did not use effective interviewing techniques during interviews. Finally, the Office of Internal Affairs completed and submitted its inquiry report to the hiring authority after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator ask all relevant questions during interviews?***

During the interview of an incarcerated person on August 13, 2020, the investigator did not ask follow-up questions to ascertain the identity of the officer who denied medical care to the injured incarcerated person. Also, during an interview of an officer on August 14, 2020, the investigator did not ask the officer to give a more detailed description of the officer who allegedly intentionally closed a cell door on the incarcerated person, and did not ask the officer if he had ever heard inmates yell "old and slow," a phrase the incarcerated person who submitted the allegation used when describing the manner in which staff opened and closed doors for disabled incarcerated persons.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

In the OIG's opinion, the investigator did not thoroughly and appropriately conduct the inquiry. The investigator did not ask all relevant questions during interviews and did not timely complete the investigation.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was January 13, 2021. However, the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until February 2, 2021, 20 days after the deadline to take disciplinary action had expired.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was January 13, 2021. However, the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until February 2, 2021, 20 days after the deadline to take disciplinary action had expired.

In the OIG's opinion, did the department handle the case with due diligence?

In the OIG's opinion, the department did not handle the case with due diligence. On January 13, 2020, the incarcerated person submitted a declaration containing a staff misconduct allegation. However, the Office of Internal Affairs did not assign an investigator to conduct an inquiry into the allegation until July 1, 2020, five

months and 18 days thereafter. Also, the deadline to take disciplinary action was January 13, 2021, but the Office of Internal Affairs did not provide its inquiry report to the hiring authority until February 2, 2021, 20 days after the deadline for taking disciplinary action had expired.

Case Type

Departmental
Inquiry

Incident Date

December 09,
2019

Allegations

Discourteous
Treatment

Overall Rating

Poor

OIG Case Number

20-0034512-IQ

Incident Summary

On December 9, 2019, an officer allegedly closed a cell door on an incarcerated person, causing the incarcerated person to fall.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The Office of Internal Affairs poorly conducted the inquiry. The investigator failed to prepare for all aspects of the inquiry, failed to ask relevant questions during interviews, failed to use effective interviewing techniques, and failed to include relevant facts and evidence in the report. Due to the poor quality of the Office of Internal Affairs' inquiry work, the OIG did not reach a conclusion regarding whether there was a reasonable belief of staff misconduct. However, the deadline to take disciplinary action had expired and, therefore, the OIG agreed that a referral to the Office of Internal Affairs for an investigation was not necessary.

Overall Assessment

Overall, the department poorly conducted the inquiry. The department did not assign an investigator to conduct an inquiry until six months and 14 days after it learned of the staff misconduct allegation. Also, the investigator failed to prepare for all aspects of the inquiry, failed to ask relevant questions during interviews, and failed to include relevant facts and evidence in the report. Finally, the Office of Internal Affairs completed its inquiry report and submitted it to the hiring authority after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator adequately prepare for all aspects of the inquiry?***

The investigator did not obtain a diagram of the housing unit where the incident allegedly occurred or photographs of staff members to use during the interview of the incarcerated person who submitted the complaint to assist the incarcerated person in recalling facts concerning the incident.

In the OIG's opinion, did the investigator ask all relevant questions during interviews?

The investigator did not ask an officer clarifying questions to ascertain if he was discussing a particular incarcerated person or someone else with the same name, did not ask the officer who was the subject of the inquiry whether he had ever accidentally closed the door on an incarcerated person, and did not ask the officer who was the subject of the inquiry if he had heard any incarcerated persons utter a phrase that the incarcerated person who submitted the complaint claimed that other incarcerated persons yelled during the incident.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

The investigator conducted the interview of the incarcerated person who submitted the complaint in an office located in the same housing unit where the incident allegedly occurred. During the interview, staff congregated in the area, looked inside the office through a window, and even opened the door of the office during the interview, which significantly compromised the confidentiality and privacy of the interview. Also, during an August 12, 2020, interview of the incarcerated person who submitted the complaint containing the staff misconduct allegation, one of two investigators acted in a dual role, not only as an investigator, asking questions during the interview, but also as a staff assistant for the disabled incarcerated person.

In the OIG's opinion, did the investigator prepare a final inquiry report that included all relevant facts and evidence?

In the OIG's opinion, the inquiry report should have included a synopsis of an officer's interview, conducted in another inquiry, in which the officer discussed the allegation in this case.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was January 13, 2021. However, the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until March 5, 2021, one month and 20 days after the deadline to take disciplinary action.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

On January 13, 2020, the incarcerated person submitted a declaration containing a staff misconduct allegation. The Office of Internal Affairs submitted its inquiry report to the hiring authority on March 5, 2021, one month and 20 days after the deadline for taking disciplinary action.

In the OIG's opinion, did the department handle the case with due diligence?

In the OIG's opinion, the department did not handle the case with due diligence. On January 13, 2020, the incarcerated person submitted a declaration containing a staff misconduct allegation. However, the Office of Internal Affairs did not assign an investigator to conduct an inquiry into the allegation until July 27, 2020, six months and 14 days thereafter. Also, the deadline to take disciplinary action was January 13, 2021, but the Office of Internal Affairs did not provide its inquiry report to the hiring authority until March 5, 2021, one month and 20 days after the deadline for taking disciplinary action.

Case Type

Departmental
Inquiry

Incident Date

December 09,
2019

Allegations

Neglect of Duty

Overall Rating

Poor

OIG Case Number

20-0035298-IQ

Incident Summary

On December 9, 2019, an officer allegedly closed a cell door on an incarcerated person as the incarcerated person exited a cell.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The OIG agreed with the hiring authority's decisions.

Overall Assessment

Overall, the department poorly conducted the inquiry. The department did not assign an investigator to conduct an inquiry until five months and 18 days after it learned of the staff misconduct allegation. Also, the Office of Internal Affairs completed and submitted its inquiry report to the hiring authority after the deadline to take disciplinary action had expired.

Questions

In the OIG's opinion, did the investigator adequately confer with the OIG upon case initiation and prior to finalizing the inquiry plan?

The investigator did not confer with the OIG regarding an inquiry plan.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was January 13, 2021. However, the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until February 2, 2021, 20 days after the deadline to take disciplinary action had expired.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was January 13, 2021. However, the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until February 2, 2021, 20 days after the deadline to take disciplinary action had expired.

In the OIG's opinion, did the department handle the case with due diligence?

In the OIG's opinion, the department did not handle the case with due diligence. On January 13, 2020, the incarcerated person submitted a declaration containing a staff misconduct allegation. However, the Office of Internal Affairs did not assign an investigator to conduct an inquiry into the allegation until July 1, 2020, five months and 18 days thereafter. Also, the deadline to take disciplinary action was January 13, 2021, but the Office of Internal Affairs did not provide its inquiry report to the hiring authority until February 2, 2021, 20 days after the deadline for taking disciplinary action had expired.

Case Type

Departmental
Inquiry

Incident Date

December 09,
2019

Allegations

Discrimination/Hara
ssment

Overall Rating

Poor

OIG Case Number

20-0035301-IQ

Incident Summary

On December 9, 2019, an officer allegedly taunted an incarcerated person by telling the incarcerated persons that his attorneys were at the prison that day and asked whether he was summoned to talk to them. The officer also told the incarcerated person that a "snitch" was complaining about not getting documents that allowed incarcerated persons permission to exit their cells.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The OIG agreed with the hiring authority's decisions.

Overall Assessment

Overall, the department poorly conducted the inquiry. The department did not assign an investigator to conduct an inquiry until six months and eight days after it learned of a staff misconduct allegation. In addition, the Office of Internal Affairs completed and submitted its inquiry report to the hiring authority after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator adequately confer with the OIG upon case initiation and prior to finalizing the inquiry plan?***

The investigator did not confer with the OIG to discuss the inquiry plan.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

On January 13, 2020, the incarcerated person submitted a declaration containing a staff misconduct allegation. However, the Office of Internal Affairs did not assign an investigator to conduct an inquiry into the allegation until July 21, 2020, six months and eight days thereafter. Also, the deadline to take disciplinary action was January 13, 2021, but the Office of Internal Affairs did not provide its inquiry report to the hiring authority until February 17, 2021, one month and four days after the deadline for taking disciplinary action.

In the OIG's opinion, did the investigator include all relevant policies and procedures in the final inquiry report?

The investigator did not include as an exhibit to the final inquiry report the policies and procedures for incarcerated persons with disabilities.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was January 13, 2021. However, the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until February 17, 2021, one month and four days after the deadline to take disciplinary action.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was January 13, 2021. The Office of Internal Affairs submitted its inquiry report to the hiring authority on February 17, 2021, one month and four days after the deadline to take disciplinary action.

In the OIG's opinion, did the department handle the case with due diligence?

In the OIG's opinion, the department did not handle the case with due diligence. On January 13, 2020, the incarcerated person submitted a declaration containing a staff misconduct allegation. However, the Office of Internal Affairs did not assign an investigator to conduct an inquiry into the allegation until July 21, 2020, six

months and eight days thereafter. Also, the deadline to take disciplinary action was January 13, 2021, but the Office of Internal Affairs did not provide its inquiry report to the hiring authority until February 17, 2021, one month and four days after the deadline for taking disciplinary action.

Case Type

Departmental
Inquiry

Incident Date

December 10,
2019

Allegations

Discrimination/Hara
ssment

Overall Rating

Poor

OIG Case Number

20-0035273-IQ

Incident Summary

On December 10, 2019, an officer allegedly startled an incarcerated person by screaming at him and clapping close to the incarcerated person's blind right side, and then subsequently laughed at the incarcerated person.

Disposition

The hiring authority identified potential staff misconduct and referred the matter to the Office of Internal Affairs. The OIG agreed with the hiring authority's determination that there was reason to believe staff misconduct occurred, but did not agree with the hiring authority's decision to refer the matter to the Office of Internal Affairs since the deadline to take disciplinary action expired. On April 21, 2021, the Office of Internal Affairs' Central Intake Unit did not approve an investigation.

Overall Assessment

Overall, the department poorly conducted the inquiry. The department did not assign an investigator to conduct an inquiry until eight months and 15 days after it learned of the staff misconduct allegation, and allowed the deadline to take disciplinary action to expire before completing the inquiry.

Questions***In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?***

The deadline to take disciplinary action was January 13, 2021, but the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until March 24, 2021, two months and 11 days after the deadline to take disciplinary action.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was January 13, 2021, but the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until March 24, 2021, two months and 11 days after the deadline to take disciplinary action.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was January 13, 2021, but the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until March 24, 2021, two months and 11 days after the deadline to take disciplinary action.

In the OIG's opinion, did the department handle the case with due diligence?

In the OIG's opinion, the department did not handle the case with due diligence. On January 13, 2020, the incarcerated person submitted a declaration containing the staff misconduct allegations. However, the department did not assign an investigator to conduct an inquiry into the allegation until September 28, 2020, eight months and 15 days thereafter. Also, the deadline to take disciplinary action was January 13, 2021, but the Office of Internal Affairs did not provide its inquiry report to the hiring authority until March 24, 2021, two months and 11 days after the deadline for taking disciplinary action. The hiring authority did not refer the case to the Office of Internal Affairs for an investigation until after the deadline to take disciplinary action had expired.

Case Type

Departmental
Inquiry

Incident Date

December 11,
2019

Allegations

Threat/Intimidation

Overall Rating

Poor

OIG Case Number

20-0035225-IQ

Incident Summary

On December 11, 2019, an officer allegedly threatened an incarcerated person who had filed a complaint when he told the incarcerated person, "They interviewed me. I am a [expletive] Marine vet. I've been wounded. You're not getting money out of this. They're going to believe anything I tell them."

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The OIG agreed with the hiring authority's determinations.

Overall Assessment

Overall, the department poorly conducted the inquiry. The department did not assign an investigator to conduct an inquiry until seven months and 11 days after it learned of the staff misconduct allegation. Also, the Office of Internal Affairs completed and submitted its inquiry report to the hiring authority after the deadline to take disciplinary action had expired.

Questions***Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?***

The deadline to take disciplinary action was December 16, 2020. However, the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until March 23, 2021, three months and seven days after the deadline to take disciplinary action.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was December 16, 2020. However, the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until March 23, 2021, three months and seven days after the deadline to take disciplinary action.

In the OIG's opinion, did the department handle the case with due diligence?

In the OIG's opinion, the department did not handle the case with due diligence. On December 16, 2019, the department learned of the staff misconduct allegation submitted by the incarcerated person. However, the department did not assign an investigator to conduct an inquiry into the allegation until July 27, 2020, seven months and 11 days thereafter. Also, the deadline to take disciplinary action was December 16, 2020, but the Office of Internal Affairs did not provide its final inquiry report to the hiring authority until March 23, 2021, three months and seven days after the deadline for taking disciplinary action.

Case Type

Departmental
Inquiry

Incident Date

December 19,
2019

Allegations

Discourteous
Treatment
Discrimination/Harassment

Overall Rating

Poor

OIG Case Number

20-0035238-IQ

Incident Summary

From December 19, 2019, through July 17, 2020, two sergeants and seven officers allegedly routinely referred to an incarcerated person as a "snitch." On May 13, 2020, one of the officers allegedly made statements over a public announcement system announcing that the incarcerated person would be participating in meetings with attorneys in connection with being a member of a class action lawsuit against the department.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The Office of Internal Affairs poorly conducted the inquiry. The investigator did not ask all relevant questions during interviews, did not use effective interviewing techniques, and did not appropriately conduct interviews. Due to the poor quality of the Office of Internal Affairs' inquiry work, the OIG did not reach a conclusion regarding whether there was a reasonable belief of staff misconduct.

Overall Assessment

Overall, the department poorly conducted the inquiry. The department did not assign an investigator to conduct an inquiry concerning allegations of staff misconduct until nine months and 20 days after it learned of the allegations. Also, the investigator did not ask all relevant questions, did not use effective interviewing techniques during interviews, and did not appropriately conduct interviews.

Questions***In the OIG's opinion, did the investigator ask all relevant questions during interviews?***

In an interview of an incarcerated person on March 15, 2021, the investigator did not ask relevant foundational questions and made reference to documents not clearly described on the record.

In the OIG's opinion, did the investigator use effective interviewing techniques when conducting interviews?

In an interview of an incarcerated person on March 15, 2021, the investigator did not ask relevant foundational questions and made reference to documents not clearly described on the record. Also, during an interview of a second incarcerated person, who did not speak English, an investigator served as the translator, but had direct interaction in another language, interaction that the investigator did not capture on the record. In addition, during an interview on March 16, 2021, the investigator interrupted a third incarcerated person multiple times when he started to speak about staff misconduct. Finally, the investigator told a fourth incarcerated person during an interview, "You're thinking that, but you dont think that . . . she's never had that done before," after the witness said he knew an officer committed misconduct.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

In the OIG's opinion, the Office of Internal Affairs did not appropriately conduct the inquiry. The department did not handle the case with due diligence. On June 26, 2020, the department learned of the staff misconduct submitted by the incarcerated person. However, the department did not assign an investigator to conduct the inquiry into the allegation until April 15, 2021, nine months and 20 days thereafter. Also, the investigator did not appropriately conduct the inquiry. The investigator interrupted and discouraged two incarcerated witnesses when they attempted to speak about staff misconduct.

In the OIG's opinion, did the department handle the case with due diligence?

In the OIG's opinion, the department did not handle the case with due diligence. On June 26, 2020, the department learned of the staff misconduct submitted by the incarcerated person. However, the department did not assign an investigator to conduct the inquiry into the allegation until April 15, 2021, nine months and 20 days thereafter.

Case Type

Departmental
Inquiry

Incident Date

December 19,
2019

Allegations

Retaliation

Overall Rating

Poor

OIG Case Number

20-0035239-IQ

Incident Summary

From December 19, 2019, through July 17, 2020, an officer allegedly retaliated against an incarcerated person because of the incarcerated person's participation in a civil lawsuit against the department and because the incarcerated person filed a misconduct complaint against another officer.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The Office of Internal Affairs poorly conducted the inquiry. The investigator did not ask all relevant questions during interviews, did not use effective interviewing techniques, and did not include all relevant evidence in the final inquiry report. Due to the poor quality of the Office of Internal Affairs' inquiry work, the OIG did not reach a conclusion regarding whether there was a reasonable belief of staff misconduct.

Overall Assessment

Overall, the department poorly handled the inquiry. The investigator did not ask all relevant questions during interviews, did not use effective interviewing techniques, and did not include all relevant evidence in the final inquiry report. Also, the department did not handle the case with due diligence. The department initially assigned an investigator to the case on June 29, 2020, but the department did not complete its inquiry until May 28, 2021, 10 months and 29 days later.

Questions***In the OIG's opinion, did the investigator ask all relevant questions during interviews?***

During a March 15, 2021, interview of an incarcerated person, the investigator did not ask relevant foundational questions and made reference to documents not clearly described on the record. On March 16, 2021, during an interview of an incarcerated person, the investigator made reference to documents not clearly described on the record.

In the OIG's opinion, did the investigator use effective interviewing techniques when conducting interviews?

During an interview on March 15, 2021, the investigator did not ask relevant foundational questions and made reference to documents not clearly described on the record. In addition, during an interview of another incarcerated person, who did not speak English, an investigator served as the translator, but had direct interaction in another language, interaction that the investigator did not capture on the record. On March 16, 2021, during an interview of an incarcerated person, the investigator made reference to documents not clearly described on the record. Also, on March 16, 2021, investigators conducted interviews in the facility chapel, which was not a confidential location and had poor acoustics; this made it difficult to hear and understand the witnesses and allowed for multiple incarcerated person to walk into chapel, which interrupted the interviews and allowed the witnesses to be known to other incarcerated persons walking into the room.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

During an interview on March 15, 2021, the investigator did not ask relevant foundational questions and made reference to documents not clearly described on the record. In addition, during an interview of another incarcerated person, who did not speak English, an investigator served as the translator, but had direct interaction in another language with the incarcerated person, interaction that the investigator did not capture on the record. On March 16, 2021, during an interview of an incarcerated person, the investigator made reference to documents not clearly described on the record. Also, investigators conducted interviews on March 16, 2021 in the facility chapel, which was not a confidential location and had poor acoustics; this made it difficult to hear and understand the witnesses and allowed for multiple incarcerated person to walk into chapel, which interrupted the interviews and allowed the witnesses to be known to other incarcerated persons walking into the room. The failure to properly conduct these interviews eliminates the opportunity to re-interview these witnesses to obtain uninfluenced and unbiased testimony.

In the OIG's opinion, did the investigator prepare a final inquiry report that included all relevant facts and evidence?

The investigator failed to include in the final inquiry report summaries of the interviews that another investigator conducted on March 15, 2021, in which the investigator questioned incarcerated persons and an officer about the incident.

In the OIG's opinion, did the department handle the case with due diligence?

The department did not handle the case with due diligence. The department initially assigned an investigator to the case on June 29, 2020, but the department did not complete the inquiry until May 28, 2021, 10 months and 29 days later.

Case Type

Departmental
Inquiry

Incident Date

January 13, 2020

Allegations

Use of Force
Discourteous
Treatment

Overall Rating

Poor

OIG Case Number

20-0034660-IQ

Incident Summary

On January 13, 2020, after three officers ordered an incarcerated person to exit a cell, an officer allegedly entered the incarcerated person's cell and threw the incarcerated person's property to the floor. A second officer and a third officer also allegedly assisted the first officer with throwing items to the ground. The first officer allegedly wrongly confiscated an item belonging to the incarcerated person. The first officer also allegedly failed to address the incarcerated person's safety concerns, tripped the incarcerated person, and slammed him to the floor, which caused the incarcerated person to hit his head and lose consciousness. The first, second, and third officers allegedly repeatedly punched and kicked the incarcerated person in the head, ribs and legs, and were dishonest when they yelled at the incarcerated person, "Stop resisting." One of the officers allegedly placed a knee on the incarcerated person's back, causing the incarcerated person pain, and another officer improperly placed handcuffs behind the incarcerated person's back. A fourth officer allegedly forcefully pulled the incarcerated person to his feet and the fourth officer and a fifth officer allegedly walked the incarcerated person out of the housing unit without allowing the incarcerated person to use his walker or cane. As the fourth officer and fifth officer forcefully walked the incarcerated person outside of the housing unit and to the gym, a sergeant allegedly said, "You're lucky. In the past, we would have been dragging your [a -] across the yard." A lieutenant allegedly failed to timely conduct an interview required in use-of-force cases.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The Office of Internal Affairs poorly conducted the inquiry. The investigator did not complete all necessary and relevant interviews, did not use effective interviewing techniques, and did not address in the final inquiry report all appropriate allegations as discovered during the inquiry. In addition, the Office of Internal Affairs completed and submitted its inquiry report to the hiring authority after the deadline to take disciplinary action had expired. Due to the poor quality of the Office of Internal Affairs' inquiry work, the OIG did not reach a conclusion regarding whether there was a reasonable belief of staff misconduct. However, the deadline to take disciplinary action had expired and, therefore, the OIG agreed that a referral to the Office of Internal Affairs for an investigation was not necessary.

Overall Assessment

Overall, the department poorly conducted the inquiry. The Office of Internal Affairs investigator did not complete all necessary and relevant interviews, did not use effective interviewing techniques, and did not address all appropriate allegations as discovered during the inquiry in the final inquiry report. In addition, the Office of Internal Affairs completed submitted its inquiry report to the hiring authority after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator use effective interviewing techniques when conducting interviews?***

When referring to exhibits during witness interviews, the investigator did not mark exhibits and note the marked exhibits for the interview recordings.

In the OIG's opinion, did the investigator complete all necessary and relevant interviews?

The investigator did not interview the medical staff who completed the Medical Report of Injury or Unusual Occurrence form pertaining to the incarcerated person who submitted the staff misconduct allegation.

In the OIG's opinion, did the investigator address all appropriate allegations as discovered during the inquiry in the final inquiry report?

The investigator did not address the allegation that a lieutenant allegedly timely failed to conduct a required interview in this use-of-force case.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was January 31, 2021. However, the Office of Internal Affairs did not complete and submit its final inquiry report to the hiring authority until February 2, 2021, two days after the deadline to take disciplinary action.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was January 31, 2021. However, the Office of Internal Affairs did not complete and submit its final inquiry report to the hiring authority until February 2, 2021, two days after the deadline to take disciplinary action.

In the OIG's opinion, did the department handle the case with due diligence?

On January 30, 2020, the department received a staff misconduct grievance from the incarcerated person. On February 6, 2020, the prison referred the staff misconduct grievance to the Office of Internal Affairs Allegation Inquiry Management Section and requested an inquiry. On February 10, 2020, the Allegation Inquiry Management Section rejected the prison's request for an inquiry, and a prison lieutenant subsequently conducted a cursory inquiry into the allegations. To date, the hiring authority has not made a determination as to the prison lieutenant's inquiry regarding whether staff violated departmental policy. Thereafter, on February 18, 2020, the incarcerated person submitted a declaration to the department describing the same staff misconduct allegations. On June 16, 2020, the Office of Internal Affairs assigned an investigator to conduct a second inquiry into the allegations, four months and 17 days after first receiving the staff misconduct grievance. The deadline to take disciplinary action was January 31, 2021, but the Office of Internal Affairs did not provide its final inquiry report to the hiring authority until February 2, 2021, two days after the deadline to take disciplinary action.

Case Type

Departmental
Inquiry

Incident Date

January 13, 2020

Allegations

Battery

Overall Rating

Poor

OIG Case Number

21-0037917-IQ

Incident Summary

On January 13, 2020, after an incarcerated person reported to staff that he was suicidal and then objected to being handcuffed behind his back because of a disability, an officer allegedly slammed the incarcerated person to the floor and repeatedly punched and kicked the incarcerated person's head and body. A second officer allegedly kicked the incarcerated person in the chest while he was on the ground and not resisting.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs.

Overall Assessment

The department poorly conducted the inquiry. The department allowed the deadline to take disciplinary action to expire before completion of the inquiry. The deadline to take disciplinary action was March 11, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 11, 2021, three months after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?***

The deadline to take disciplinary action was March 11, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 11, 2021, three months after the deadline to take disciplinary action had expired.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was March 11, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 11, 2021, three months after the deadline to take disciplinary action had expired.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was March 11, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 11, 2021, three months after the deadline to take disciplinary action had expired.

In the OIG's opinion, did the department handle the case with due diligence?

The department learned of the staff misconduct allegation on February 5, 2020. The deadline to take disciplinary action was March 11, 2021. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until June 11, 2021, three months after the deadline to take disciplinary action had expired.

Case Type

Departmental
Inquiry

Incident Date

January 26, 2020

Allegations

Retaliation

Overall Rating

Poor

OIG Case Number

20-0035286-IQ

Incident Summary

Between January 26, 2020, and April 23, 2020, a counselor allegedly told an incarcerated person to spread the word that another incarcerated person was a child molester. The counselor allegedly did this in retaliation for the other incarcerated person filing staff complaints against the counselor.

Disposition

The hiring authority identified staff misconduct and referred the matter to the Office of Internal Affairs. The Office of Internal Affairs poorly conducted the inquiry. The investigator failed to complete thorough interviews and did not use effective interviewing techniques. Despite the poor quality of the inquiry, the OIG agreed with the hiring authority's decision to refer the allegations to the Office of Internal Affairs' Central Intake Unit for an investigation.

Overall Assessment

Overall, the department poorly conducted the inquiry. The department did not assign an investigator to conduct an inquiry until three months and nine days after it learned of the staff misconduct allegation. The investigator failed to complete thorough interviews and did not use effective interviewing techniques when conducting interviews. In addition, the Office of Internal Affairs completed and submitted its inquiry report to the hiring authority only one month and seven days before the deadline to take disciplinary action expired.

Questions***In the OIG's opinion, did the investigator use effective interviewing techniques when conducting interviews?***

Prior to an interview of an incarcerated person on September 8, 2020, the investigator engaged in an off-the-record conversation with the incarcerated person. During that conversation, the investigator agreed to look into whether there was another active, related investigation in which the incarcerated person had been previously interviewed. The incarcerated person added that he had been placed in the administrative segregation unit after the interview and could provide proof that he had been placed in the administrative segregation unit. However, the investigator did not follow up on this information and obtain the documentation. Also, prior to the interviews on October 15, 2020, and also off-the-record, the investigator engaged in conversations with two other incarcerated persons during which he asked them whether they knew the incarcerated person who initiated the staff complaint allegation. Prior to an interview on October 15, 2020, and again off-the-record, the investigator engaged in a conversation with yet another incarcerated person during which the investigator told him that the interview involved the incarcerated person who initiated the staff complaint allegation and described that incarcerated person as someone who files a lot of staff misconduct grievances. After the interview, and also off-the-record, the investigator further engaged in a conversation during which he explained the investigative process and discussed the possibility that the incarcerated was confused with another incarcerated person who shared the last name.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

Prior to an interview of an incarcerated person on September 8, 2020, the investigator engaged in an off-the-record conversation with the incarcerated person. During that conversation, the investigator agreed to look into whether there was another active, related investigation in which the incarcerated person had been previously interviewed. The incarcerated person added that he had been placed in the administrative segregation unit after the interview and could provide proof that he had been placed in the administrative segregation unit. However, the investigator did not followup on this information and obtain the documentation. Also, prior to the interviews on October 15, 2020, and also off-the-record, the investigator engaged in conversations with two other incarcerated persons during which he asked them whether they knew the incarcerated person who initiated the staff complaint allegation. Prior to an interview on October 15, 2020, and again off-the-record, the investigator engaged in a conversation with yet another incarcerated person during which the investigator told him that the interview involved the incarcerated person who initiated the staff complaint allegation and

described that incarcerated person as someone who files a lot of complaints. After the interview, and also off-the-record, the investigator further engaged in a conversation during which he explained the investigative process and discussed the possibility that the incarcerated person was confused with another incarcerated person who shared the last name.

In the OIG's opinion, did the department handle the case with due diligence?

On April 29, 2020, the department learned of the staff misconduct allegation submitted by the incarcerated person. However, the department did not assign an investigator to conduct an inquiry into the allegation until August 7, 2020, three months and nine days thereafter. Also, the investigator completed the final interview on October 15, 2020, but the Office of Internal Affairs did not complete its report until March 23, 2021, five months and eight days after the final interview. The deadline to take disciplinary action was April 29, 2021, but the Office of Internal Affairs did not submit its inquiry report to the hiring authority until March 23, 2021, one month and seven days before the deadline to take disciplinary action expired. Thereafter, the Office of Internal Affairs conducted a rushed investigation, which resulted in the Office of Internal Affairs submitting its investigative report to the hiring authority on the day before the deadline to take disciplinary action expired. The hiring authority admitted that, in arriving at her decision not to sustain allegations, the hiring authority had not reviewed the interview recordings because the Office of Internal Affairs had only provided the investigative materials to her on the day before the deadline to take disciplinary action expired.

Case Type

Departmental
Inquiry

Incident Date

February 20, 2020

Allegations

Discourteous
Treatment
Other Failure of
Good Behavior

Overall Rating

Poor

OIG Case Number

20-0034583-IQ

Incident Summary

Between February 20, 2020, and March 27, 2020, officers allegedly directed derogatory terms, such as "rat" and "snitch" to an incarcerated person who had previously reported the death of another incarcerated person.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The Office of Internal Affairs poorly conducted the inquiry. The investigator failed to complete all necessary and relevant interviews. Due to the poor quality of the Office of Internal Affairs' inquiry work, the OIG did not reach a conclusion regarding whether there was a reasonable belief of staff misconduct. However, the deadline to take disciplinary action had expired and, therefore, the OIG agreed that a referral to the Office of Internal Affairs for an investigation was not necessary.

Overall Assessment

Overall, the department poorly conducted the inquiry because it did not assign an investigator to conduct an inquiry until two months and two days after it learned of the staff misconduct allegation. The investigator failed to complete all necessary and relevant interviews. In addition, the Office of Internal Affairs completed and submitted its inquiry report to the hiring authority two days prior to the deadline to take disciplinary action.

Questions***In the OIG's opinion, did the investigator complete all necessary and relevant interviews?***

The investigator did not interview any prison staff who worked inside the housing unit during the time period of the allegations. In addition, the investigator did not interview the officers who allegedly committed the misconduct.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was April 23, 2021. However, the Office of Internal Affairs submitted its inquiry report to the hiring authority on April 21, 2021, two days prior to the deadline to take disciplinary action.

In the OIG's opinion, did the department handle the case with due diligence?

In the OIG's opinion, the department did not handle the case with due diligence. On April 23, 2020, the department learned of the staff misconduct allegation submitted by an incarcerated person. However, the department did not assign an investigator to conduct an inquiry into the allegation until June 25, 2020, two months and two days thereafter. Also, the deadline to take disciplinary action was April 23, 2021, but the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until April 21, 2021, two days prior to the deadline to take disciplinary action.

Case Type

Departmental
Inquiry

Incident Date

March 01, 2020

Allegations

Neglect of Duty

Overall Rating

Poor

OIG Case Number

20-0036218-IQ

Incident Summary

Between March 1, 2020, and March 7, 2020, a control booth officer allegedly closed a cell door on an incarcerated person's wheel chair, trapping the incarcerated person in the cell door and causing the incarcerated person to be stuck for approximately seventy to eighty seconds, during which the the incarcerated person yelled at the officer three times and requested to be released before the officer released the incarcerated person.

Disposition

The hiring authority identified potential staff misconduct but did not refer the matter to the Office of Internal Affairs and instead implemented corrective action by providing training to staff members. The Office of Internal Affairs poorly conducted the inquiry. The investigator did not use effective interviewing techniques during interviews and did not search for or collect all relevant evidence. Due to the poor quality of the Office of Internal Affairs' inquiry work, the OIG did not reach a conclusion regarding whether there was reasonable belief of staff misconduct.

Overall Assessment

The department poorly conducted the inquiry. The department learned of the staff misconduct allegation by the incarcerated person on May 14, 2020, but did not assign an investigator to conduct the inquiry until June 16, 2020, one month and two days thereafter. The investigator did not adequately prepare for all aspects of the inquiry, did not use effective interviewing techniques during interviews, and did not search for all relevant evidence. The final inquiry report did not include all relevant facts and evidence. The investigator conducted the final interview on October 6, 2020, but the Office of Internal Affairs did not complete its final inquiry report until April 19, 2021, six months and 13 days after the last interview. Upon review of the final inquiry report, the hiring authority presented additional relevant evidence, which the investigator did not discover during the inquiry.

Questions***In the OIG's opinion, did the investigator adequately prepare for all aspects of the inquiry?***

During an interview on June 29, 2020, an investigator did not use staff photographs to assist an incarcerated person in identifying individuals involved in the alleged misconduct. On October 6, 2020, a different investigator interviewed the incarcerated person for a second time regarding the same allegations even though a previous investigator had already questioned the incarcerated person regarding those allegations.

In the OIG's opinion, did the investigator use effective interviewing techniques when conducting interviews?

During an interview on June 29, 2020, an investigator did not use staff photographs to assist an incarcerated person in identifying individuals involved in the alleged misconduct.

In the OIG's opinion, did the investigator properly search for and collect relevant documentary and other forensic evidence?

During an interview on June 29, 2020, an investigator did not use staff photographs to assist an incarcerated person in identifying individuals involved in the alleged misconduct. The investigator did not search the control booth or booths for any evidence related to the opening and closing of cell doors. The hiring authority later presented evidence relevant to this inquiry found in a control booth.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

During an interview on June 29, 2020, an investigator did not use staff photographs to assist an incarcerated person in identifying individuals involved in the alleged misconduct. On October 6, 2020, another investigator interviewed the incarcerated person again regarding the same allegations. The investigator did not search the

control booths for any evidence related to the opening and closing of cell doors. The hiring authority later presented evidence found in the control booth relevant to this inquiry.

In the OIG's opinion, did the investigator prepare a final inquiry report that included all relevant facts and evidence?

The final inquiry report did not include relevant evidence that housing control booth officers were using unauthorized items to open and close cell doors. The hiring authority later presented the evidence in a memorandum concerning his review of the final inquiry report.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was May 15, 2021. The Office of Internal Affairs did not provide the hiring authority with the inquiry report, exhibits, and recordings until April 19, 2021, only 26 days before the deadline to take disciplinary action. In the OIG's opinion, this is not a sufficient amount of time for the hiring authority to review the case materials and then request additional inquiry, if necessary, before the deadline for taking disciplinary action.

In the OIG's opinion, did the department handle the case with due diligence?

The department learned of the staff misconduct allegation on May 14, 2020, but did not assign an investigator to conduct the inquiry until June 16, 2020, 33 days thereafter. The investigator completed the last interview on October 6, 2020, but the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until April 19, 2021, only 26 days before the deadline to take disciplinary action, which was May 15, 2021.

Case Type

Departmental
Inquiry

Incident Date

March 05, 2020

Allegations

Retaliation
Neglect of Duty
Discourteous
Treatment

Overall Rating

Satisfactory

OIG Case Number

20-0035219-IQ

Incident Summary

On March 5, 2020, an officer allegedly retaliated against an incarcerated person by refusing to summon a plumber to stop water and sewage from entering the incarcerated person's cell and by denying the incarcerated person disinfectant and cleaning supplies while laughing and taunting the incarcerated person. The officer allegedly forced the incarcerated person to eat breakfast in his cell, rather than in the dayroom, while raw sewage remained in the incarcerated person's cell.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The OIG agreed with the hiring authority's decisions.

Overall Assessment

Overall, the department conducted the inquiry in a satisfactory manner.

Questions***In the OIG's opinion, did the department handle the case with due diligence?***

On May 29, 2020, the department learned of the incarcerated person's allegation of staff misconduct. However, the Office of Internal Affairs did not assign an investigator to conduct an inquiry until July 27, 2020, one month and 28 days thereafter.

Case Type

Departmental
Inquiry

Incident Date

March 08, 2020

Allegations

Other
Assault
Discourteous
Treatment
Other Failure of
Good Behavior
Use of Force

Overall Rating

Poor

OIG Case Number

20-0034787-IQ

Incident Summary

On March 8, 2020, officers allegedly denied a kosher meal to an incarcerated person. Additional officers entered the dining hall and surrounded the incarcerated person, and a second officer allegedly threw the incarcerated person's walker to the ground. A third officer and a fourth officer allegedly grabbed the incarcerated person by the arms, threw him against a wall, and pinned the incarcerated person's head against a wall with his hand, causing an injury to the incarcerated person's head. The officers who entered the dining hall also allegedly told the incarcerated person, "F--- you," and, "We know you assault cops".

Disposition

The hiring authority did not identify staff misconduct and did not refer matter to the Office of Internal Affairs. The Office of Internal Affairs poorly conducted the inquiry. The investigator failed to adequately prepare for all aspects of the inquiry, did not use effective interviewing techniques when conducting interviews, did not complete all necessary and relevant interviews, and did not prepare a final inquiry report that included all relevant facts and evidence. Due to the poor quality of the Office of Internal Affairs' inquiry work, the OIG did not reach a conclusion regarding whether there was a reasonable belief of staff misconduct. However, the deadline to take disciplinary action had expired and, therefore, the OIG agreed that a referral to the Office of Internal Affairs for an investigation was not necessary.

Overall Assessment

Overall, the department poorly conducted the inquiry. The investigator failed to adequately prepare for all aspects of the inquiry, did not use effective interviewing techniques when conducting interviews, did not complete all necessary and relevant interviews, did not prepare a final inquiry report that included all relevant facts and evidence, had substantive off-the-record conversations with a witness, failed to provide an advisement at the beginning of each interview, and failed to provide an admonishment concerning confidentiality at the end of each interview. In addition, the Office of Internal Affairs completed and submitted its inquiry report to the hiring authority until 62 days prior to the deadline to take disciplinary action.

Questions***In the OIG's opinion, did the investigator adequately prepare for all aspects of the inquiry?***

The investigator failed to obtain a copy of the employee sign-in sheet so as not to have interviewed a staff member who did not work in the area where the incident occurred and whose statement was, therefore, not relevant to the inquiry.

In the OIG's opinion, did the investigator use effective interviewing techniques when conducting interviews?

The investigator used leading questions, spoke over and interrupted the witnesses when they were answering questions, and did not allow witnesses to fully convey the information. The investigator's actions made the interview recordings difficult to understand.

In the OIG's opinion, did the investigator complete all necessary and relevant interviews?

The investigator failed to interview the incarcerated persons who worked in the area at the time of the incident.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

The investigator failed to obtain a copy of the employee sign-in sheet so as not to have interviewed a staff member who did not work in the area where the incident occurred and whose statement, therefore, was not relevant to the inquiry. The investigator failed to interview the incarcerated persons who worked in the area at the time of the incident. In addition, an investigator failed to question multiple witnesses about other allegations involved in other inquiries that were made by same incarcerated person, despite being aware of the allegations, and thereby necessitating multiple interviews of the same witnesses by a second investigator.

In the OIG's opinion, did the investigator prepare a final inquiry report that included all relevant

facts and evidence?

In the final inquiry report, the investigator failed to include a summary of the incarcerated person's statement that the incarcerated person had written a letter to the warden informing the warden of the alleged misconduct and that an associate warden had responded to the letter, and the investigator failed to address the incarcerated person's safety concerns. The investigator did not attach either the letter or the response as exhibits. The report incorrectly states that the department first assigned an investigator to conduct an inquiry concerning the allegations on September 1, 2020. However, the department assigned the initial investigator on August 25, 2020.

In the OIG's opinion, did the investigator include all relevant documentary evidence in the final inquiry report?

In the final inquiry report, the investigator failed to include a letter written by the incarcerated person to the warden detailing the alleged staff misconduct and the written response by an associate warden to the incarcerated person's letter.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was May 25, 2021. However, the Office of Internal Affairs did not complete and submit the final inquiry report to the hiring authority until March 24, 2021, 62 days before the deadline to take disciplinary action.

Case Type

Departmental
Inquiry

Incident Date

March 09, 2020

Allegations

Threat/Intimidation

Overall Rating

Poor

OIG Case Number

20-0034788-IQ

Incident Summary

On March 9, 2020, officers allegedly arranged for incarcerated persons to stab another incarcerated person.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The Office of Internal Affairs poorly conducted the inquiry. The investigator failed to adequately prepare for all aspects of the inquiry, did not ask relevant questions during the interviews, did not use effective interviewing techniques when conducting the interviews, did not complete all necessary and relevant interviews, did not thoroughly and appropriately conduct the inquiry, and had off-the-record conversations during the interview. Due to the poor quality of the Office of Internal Affairs' inquiry work, the OIG did not reach a conclusion regarding whether there was a reasonable belief of staff misconduct. However, the deadline to take disciplinary action had expired and, therefore, the OIG agreed that a referral to the Office of Internal Affairs for an investigation was not necessary.

Overall Assessment

Overall, the department poorly conducted the inquiry. The investigator failed to adequately prepare for all aspects of the inquiry, did not ask relevant questions during the interviews, did not use effective interviewing techniques when conducting the interviews, did not complete all necessary and relevant interviews, and had off-the-record conversations during an interview.

Questions

In the OIG's opinion, did the investigator adequately confer with the OIG upon case initiation and prior to finalizing the inquiry plan?

The department did not confer with OIG upon case initiation and prior to finalizing the inquiry plan.

In the OIG's opinion, did the investigator adequately prepare for all aspects of the inquiry?

The investigator failed to obtain a copy of the employee sign-in sheet in order to confirm which officers actually worked at the time of the incident.

In the OIG's opinion, did the investigator ask all relevant questions during interviews?

The initial investigator failed to question multiple witnesses about other allegations made by the incarcerated person who submitted the complaint, despite being aware of the allegations, thereby necessitating multiple interviews of the same witnesses for related inquiries.

In the OIG's opinion, did the investigator use effective interviewing techniques when conducting interviews?

The investigator asked leading questions, which failed to establish that the witnesses had an independent recollection of the events.

In the OIG's opinion, did the investigator complete all necessary and relevant interviews?

The investigator failed to interview any departmental staff who worked in the incarcerated person's housing unit at the time of the incident.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

The investigator failed to obtain a copy of the employee sign-in sheet in order to confirm which officers actually worked at the time of the incident. In addition, an investigator failed to question multiple witnesses about related allegations contained within the incarcerated person's written complaint, thereby necessitating multiple interviews of the same witnesses by a second investigator.

In the OIG's opinion, did the investigator prepare a final inquiry report that included all relevant facts and evidence?

The report incorrectly states that the department first assigned an investigator on September 1, 2020. However, the department assigned the initial investigator on August 26, 2020. The investigator failed to include in his report a summary of the incarcerated person's statement that the incarcerated person wrote a letter to the warden informing the warden of the alleged misconduct and that an associate warden responded to the letter, and the investigator failed to address the incarcerated person's safety concerns. The investigator did not attach either the letter or the response as exhibits.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was April 13, 2021. However, the Office of Internal Affairs did not complete and submit the final inquiry report to the hiring authority until March 24, 2021, 62 days before the deadline to take disciplinary action.

Case Type

Departmental
Inquiry

Incident Date

March 14, 2020

Allegations

Threat/Intimidation

Overall Rating

Poor

OIG Case Number

20-0034511-IQ

Incident Summary

On March 14, 2020, a counselor allegedly told an incarcerated person that another incarcerated person had been convicted of sex crimes against children, which was not true, but placed the other incarcerated person in danger of being assaulted by incarcerated persons.

Disposition

The hiring authority identified staff misconduct and referred the matter to the Office of Internal Affairs. The Office of Internal Affairs poorly conducted the inquiry. The investigator failed to complete thorough interviews and did not use effective interviewing techniques when conducting interviews. Despite the poor quality of the inquiry, the OIG agreed with the hiring authority's decision to refer the allegations to the Office of Internal Affairs' Central Intake Unit for an investigation.

Overall Assessment

Overall, the department poorly conducted the inquiry. The department did not assign an investigator to conduct an inquiry until three months and nine days after it learned of the staff misconduct allegation. Also, the investigator failed to complete thorough interviews and did not use effective interviewing techniques when conducting interviews. In addition, the Office of Internal Affairs completed and submitted its inquiry report to the hiring authority one month and seven days before the deadline to take disciplinary action expired.

Questions

In the OIG's opinion, did the investigator adequately confer with the OIG upon case initiation and prior to finalizing the inquiry plan?

The investigator did not confer with the OIG to discuss the inquiry plan.

In the OIG's opinion, did the investigator ask all relevant questions during interviews?

On September 9, 2020, during interviews of two incarcerated persons, the investigator did not ask appropriate follow-up questions. Also, the investigator did not ask questions to determine whether other incarcerated persons were involved in a fight with the incarcerated person who allegedly spread false information.

In the OIG's opinion, did the investigator use effective interviewing techniques when conducting interviews?

Prior to an interview of an incarcerated person on September 8, 2020, the investigator engaged in an off-the-record conversation with the incarcerated person. During the conversation, the investigator agreed to look into whether there was another active, related investigation in which the incarcerated person had been previously interviewed. The incarcerated person added that he had been placed in the administrative segregation unit after the interview and could provide proof that he had been placed in the administrative segregation unit. However, the investigator did not follow up on this information and obtain the documentation.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

Prior to an interview of an incarcerated person on September 8, 2020, the investigator engaged in an off-the-record conversation with the incarcerated person. During the conversation, the investigator agreed to look into whether there was another active, related investigation in which the incarcerated person had been previously interviewed. The incarcerated person added that he had been placed in the administrative segregation unit after the interview and could provide proof that he had been placed in the administrative segregation unit. However, the investigator did not follow up on this information and obtain the documentation. On September 9, 2020, during interviews of two incarcerated persons, the investigator did not ask appropriate follow-up questions. Also, the investigator did not ask questions to determine whether other incarcerated persons were involved in a fight with the incarcerated person who allegedly spread false information.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was April 29, 2021, but the Office of Internal Affairs did not submit its inquiry report to the hiring authority until March 23, 2021, one month and seven days before the deadline to take disciplinary action expired. Thereafter, the Office of Internal Affairs conducted a rushed investigation, which resulted in the Office of Internal Affairs submitting its investigative report to the hiring authority on the day before the deadline to take disciplinary action expired. The hiring authority admitted that, in arriving at her decision not to sustain allegations, the hiring authority had not reviewed the interview recordings since the Office of Internal Affairs had provided the investigative materials to her on the day before the deadline to take disciplinary action expired.

In the OIG's opinion, did the department handle the case with due diligence?

In the OIG's opinion, the department did not handle the case with due diligence. On April 29, 2020, the department learned of the staff misconduct allegation submitted by the incarcerated person. However, the department did not assign an investigator to conduct an inquiry into the allegation until August 7, 2020, three months and nine days thereafter. Also, the investigator completed the final interview on September 9, 2020, but the Office of Internal Affairs did not complete its report until March 23, 2021, six months and 14 days after the final interview. The deadline to take disciplinary action was April 29, 2021, but the Office of Internal Affairs did not submit its inquiry report to the hiring authority until March 23, 2021, one month and seven days before the deadline to take disciplinary action expired. Thereafter, the Office of Internal Affairs conducted a rushed investigation, which resulted in the Office of Internal Affairs submitting its investigative report to the hiring authority on the day before the deadline to take disciplinary action expired. The hiring authority admitted that, in arriving at her decision not to sustain allegations, the hiring authority had not reviewed the interview recordings because the Office of Internal Affairs had provided the investigative materials to her on the day before the deadline to take disciplinary action expired.

Case Type

Departmental
Inquiry

Incident Date

March 18, 2020

Allegations

Use of Force

Overall Rating

Poor

OIG Case Number

20-0035220-IQ

Incident Summary

On March 18, 2020, an officer allegedly ordered a disabled incarcerated person to stand, handcuffed the incarcerated person, and pushed him to the ground.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The Office of Internal Affairs poorly conducted the inquiry. The investigator did not use effective interviewing techniques and unnecessarily disclosed information to a witness. Due to the poor quality of the Office of Internal Affairs' inquiry work, the OIG did not reach a conclusion regarding whether there was a reasonable belief of staff misconduct. However, the deadline to take disciplinary action had expired and, therefore, the OIG agreed that a referral to the Office of Internal Affairs for an investigation was not necessary.

Overall Assessment

Overall, the department poorly conducted the inquiry. The department did not assign an investigator to conduct an inquiry until four months and seven days after it learned of the staff misconduct allegation. Also, the investigator did not use effective interviewing techniques and also unnecessary disclosed information to a witness. Finally, the Office of Internal Affairs completed and submitted its inquiry report to the hiring authority after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator use effective interviewing techniques when conducting interviews?***

On January 25, 2021, the investigator did not make a clear record regarding the exhibits discussed during the interview of an officer.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

During an interview of an officer on September 11, 2020, the investigator told the officer that "everything (she) described so far is pretty much coinciding with what (the inmate's) alleging" even though the officer stated that she did not recall or observe several aspects of the incident. The investigator then described the details of the incarcerated person's account of the incident. In an off-the-record conversation on January 25, 2021, the investigator told an officer approximately how many officers he was interviewing and why he was interviewing them.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was March 20, 2021. However, the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until March 24, 2021, four days after the deadline to take disciplinary action.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was March 20, 2021. However, the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until March 24, 2021, four days after the deadline to take disciplinary action.

In the OIG's opinion, did the department handle the case with due diligence?

In the OIG's opinion, the department did not handle the case with due diligence. On March 20, 2020, the department learned of the incarcerated person's allegation of staff misconduct. However, the Office of Internal Affairs did not assign an investigator to conduct an inquiry until July 27, 2020, four months and seven days

thereafter. The deadline for the department to take disciplinary action was March 20, 2021, but the Office of Internal Affairs did not complete its report until March 24, 2021, four days after the deadline for taking disciplinary action.

Case Type

Departmental
Inquiry

Incident Date

March 18, 2020

Allegations

Assault
Threat/Intimidation

Overall Rating

Poor

OIG Case Number

20-0035435-IQ

Incident Summary

On March 18, 2020, officers allegedly did not follow physical distancing requirements related to the novel coronavirus when they formed a line and hugged a female officer at the end of a shift. After an incarcerated person complained, one of the officers allegedly threatened to harm the incarcerated person, and the officer allegedly shoved the incarcerated person's walker into the incarcerated person's body, causing the incarcerated person to fall. Departmental staff allegedly retaliated against the incarcerated person for reporting the alleged assault by placing him naked in a holding cell for approximately 15 minutes.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The Office of Internal Affairs poorly conducted the inquiry. The investigator did not ask all relevant follow-up questions during interviews, did not use effective interviewing techniques when using exhibits, and did not obtain relevant evidence. Due to the poor quality of the Office of Internal Affairs' inquiry work, the OIG did not reach a conclusion regarding whether there was a reasonable belief of staff misconduct. However, the deadline to take disciplinary action had expired, and, therefore, the OIG agreed that a referral to the Office of Internal Affairs for an investigation was not necessary.

Overall Assessment

Overall, the department poorly conducted the inquiry. The department did not assign an investigator to conduct an inquiry until eight months and 13 days after it learned of the staff misconduct allegations. The investigator did not ask all relevant follow-up questions during interviews, did not use effective interviewing techniques when using exhibits, did not obtain relevant evidence, and did not timely provide case materials to the OIG. The Office of Internal Affairs completed and submitted its final inquiry report to the hiring authority after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator adequately prepare for all aspects of the inquiry?***

An investigator did not adequately prepare for all aspects of the inquiry. The investigator did not obtain and review a copy of a recording of a March 18, 2020, interview that a lieutenant conducted of the incarcerated person during which the incarcerated person made the allegation of an unreasonable use of force. The video recording was relevant not only because the incarcerated person provided details regarding his complaint, but also because the recording showed the extent of the incarcerated person's injuries after the use-of-force incident.

In the OIG's opinion, did the investigator ask all relevant questions during interviews?

On October 15, 2020, the investigator did not ask logical follow-up questions during a witness interview. The witness described an important event relevant to the inquiry. However, the investigator did not ask when it occurred. Also, the witness described other staff involvement in a second important event relevant to the inquiry. However, the investigator did not ask for the names of the staff witnesses. Finally, the investigator did not question two officers regarding the extent of their relationship, an issue relevant to the inquiry.

In the OIG's opinion, did the investigator use effective interviewing techniques when conducting interviews?

On October 15, 2020, the investigator did not effectively use exhibits during an interview. The investigator did not adequately identify the exhibits on the record, did not have the witness describe the exhibits for the record, and did not have the witness mark the exhibits.

In the OIG's opinion, did the investigator properly search for and collect relevant documentary and other forensic evidence?

The incarcerated person participated in a video-recorded interview with a lieutenant on the same day the use-of-force incident occurred; during the interview, the incarcerated person complained of an unreasonable use of force. For purposes of this inquiry, the investigators did not obtain and review a copy of the interview recording, and they produced a final inquiry report that did not contain the recording as an exhibit. After the OIG requested the recording, the Office of Internal Affairs secured a copy of the recording and provided it to the OIG.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

The investigator did not ask logical follow-up questions of a key witness, did not use effective interviewing techniques while using exhibits, and did not provide an admonishment concerning confidentiality at the end of four interviews of incarcerated persons.

In the OIG's opinion, did the investigator prepare a final inquiry report that included all relevant facts and evidence?

The final inquiry report did not include a copy of a March 18, 2020, recording of an interview that a lieutenant conducted of the incarcerated person during which the incarcerated person made the allegation of unreasonable use of force. The video recording was relevant not only because the incarcerated person provided details regarding his complaint, but also because the recording showed the extent of the incarcerated person's injuries after the use-of-force incident.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was March 18, 2021. The Office of Internal Affairs did not provide its final inquiry report to the hiring authority until March 24, 2021, six days after the deadline to take disciplinary action had expired.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was March 18, 2021. The Office of Internal Affairs did not provide its final inquiry report to the hiring authority until March 24, 2021, six days after the deadline to take disciplinary action had expired.

In the OIG's opinion, did the department handle the case with due diligence?

On March 18, 2020, after an officer allegedly shoved the incarcerated person's walker into his body, the incarcerated person complained of an unreasonable use of force. A lieutenant interviewed the incarcerated person on video regarding the allegation on the same day. On April 1, 2020, a departmental manager directed the lieutenant to interview an officer involved in the incident. However, on April 17, 2020, the incarcerated person filed a staff misconduct grievance. The prison referred the staff misconduct grievance to the Office of Internal Affairs Allegation Inquiry Management Section. On May 6, 2020, an Allegation Inquiry Management Section lieutenant interviewed the incarcerated person; on May 9, 2020, the lieutenant interviewed two officers; on May 13, 2020, the lieutenant interviewed an officer who was a subject of the inquiry for allegedly not reporting the use-of-force; and on May 21, 2021, the lieutenant interviewed the officer who was a subject of the inquiry for allegedly assaulting the incarcerated person. Thereafter, the Allegation Inquiry Management Section completed a full inquiry report and submitted it to the hiring authority. Upon receipt of the Allegation Inquiry Management Section report, the hiring authority did not make a finding. On May 21, 2020, the department received a declaration from the incarcerated person setting forth the same misconduct allegations. On September 28, 2020, the Office of Internal Affairs assigned an investigator to conduct another inquiry concerning the allegations, four months and seven days after receipt of the declaration. On October 13, 2020, the investigator interviewed the incarcerated person and, on October 15, 2020, interviewed an officer. On December 8, 2020, another investigator interviewed four additional incarcerated persons. The Office of Internal Affairs did not submit its final inquiry report to the hiring authority until March 24, 2020, three months and 16 days after the last interview. The deadline to take disciplinary action was March 18, 2021, but the Office of Internal Affairs did not provide its final inquiry report to the hiring authority until March 24, 2021, six days after the deadline to take disciplinary action had expired. Finally, the investigators assigned to this inquiry did not

obtain nor view a copy of the March 18, 2020, recording of the interview of the incarcerated person in which he complained of the alleged unreasonable use of force. As of the publication date of this report, the hiring authority has not confirmed whether he ever received and viewed a copy of the interview recording prior to making his decision regarding the disposition of this case.

Did the department timely transmit documents or items of evidentiary value to the OIG?

On March 6, 2021, the OIG requested a copy of an interview recording, but the Office of Internal Affairs did not provide the recording until April 13, 2021, one month and seven days thereafter, and only after the OIG had elevated the issue to a senior special agent.

Case Type

Departmental
Inquiry

Incident Date

March 31, 2020

Allegations

Assault

Overall Rating

Satisfactory

OIG Case Number

20-0035264-IQ

Incident Summary

On March 31, 2020, six officers allegedly deployed pepper spray on an incarcerated person and tackled him, causing the incarcerated person to hit his head on the ground and sustain black eyes, a broken nose, and a broken foot.

Disposition

The hiring authority previously referred the matter to the Office of Internal Affairs, which approved addressing the allegation without an investigation. Therefore, the hiring authority did not need to submit an additional referral to the Office of Internal Affairs.

Overall Assessment

Overall, the department conducted the inquiry in a satisfactory manner. The hiring authority had previously submitted a referral to the Office of Internal Affairs concerning the allegation and, therefore, the investigator did not conduct any interviews.

Case Type

Departmental
Inquiry

Incident Date

March 31, 2020

Allegations

Dishonesty

Overall Rating

Satisfactory

OIG Case Number

20-0035266-IQ

Incident Summary

On March 31, 2020, an officer allegedly lied in a rules violation report by stating an incarcerated person tried to hit the officer after an alarm sounded, but that was not true.

Disposition

The hiring authority previously referred the matter to the Office of Internal Affairs, which approved addressing the allegation without an investigation. Therefore, the hiring authority did not need to submit an additional referral to the Office of Internal Affairs.

Overall Assessment

Overall, the department conducted the inquiry in a satisfactory manner. The hiring authority had previously submitted a referral to the Office of Internal Affairs. Therefore, the investigator did not conduct any interviews.

Case Type

Departmental
Inquiry

Incident Date

March 31, 2020

Allegations

Assault

Overall Rating

Satisfactory

OIG Case Number

20-0035267-IQ

Incident Summary

On March 31, 2020, six officers allegedly battered an incarcerated person in a dayroom.

Disposition

The hiring authority had previously submitted a referral to the Office of Internal Affairs concerning the allegation and the Office of Internal Affairs had previously approved the hiring authority to address the allegation without an investigation. Therefore, there was no need for the hiring authority to refer the matter to the Office of Internal Affairs again.

Overall Assessment

Overall, the department conducted the inquiry in a satisfactory manner. The hiring authority had previously submitted a referral to the Office of Internal Affairs and, therefore, the investigator did not conduct any interviews.

Case Type

Departmental
Inquiry

Incident Date

April 01, 2020

Allegations

Discrimination/Harassment

Overall Rating

Poor

OIG Case Number

20-0035289-IQ

Incident Summary

Between April 1, 2020, and April 30, 2020, an officer allegedly spread false information about the commitment offenses of incarcerated persons.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The Office of Internal Affairs poorly conducted the inquiry. The investigator failed to complete thorough interviews and did not use effective interviewing techniques. Due to the poor quality of the Office of Internal Affairs inquiry work, the OIG did not reach a conclusion regarding whether there was a reasonable belief of staff misconduct.

Overall Assessment

Overall, the department poorly conducted the inquiry. The department did not assign an investigator to conduct an inquiry until two months and 19 days after it learned of the staff misconduct allegation. The investigator failed to complete thorough interviews and did not use effective interviewing techniques when conducting interviews. In addition, the Office of Internal Affairs completed and submitted its inquiry report to the hiring authority one month and 26 days before the deadline to take disciplinary action expired.

Questions***In the OIG's opinion, did the investigator use effective interviewing techniques when conducting interviews?***

Prior to an interview on September 8, 2020, and off-the-record, the investigator engaged in a conversation with an incarcerated person during which the investigator told the incarcerated person that he would look into whether there is another active, related investigation in which the incarcerated person was previously interviewed. The incarcerated person added that he had been placed into administrative segregation after the interview and could provide proof. However, the investigator did not follow-up and request the documentation. The incarcerated person further stated that he was open to talking to investigators. Prior to the interviews on October 15, 2020, and also off-the-record, the investigator engaged in conversations with two other incarcerated persons during which he asked them if they knew the incarcerated person who initiated the staff complaint allegation. Prior to an interview on October 13, 2020, and again off-the-record, the investigator engaged in a conversation with yet another incarcerated person during which the investigator told him that the interview involved the incarcerated person who initiated the staff complaint allegation and described that incarcerated person as someone who files a lot of complaints. After the interview, and also off-the-record, the investigator further engaged in an improper conversation with an incarcerated person during which he explained the investigative process and discussed the possibility that the incarcerated person was confused with another incarcerated person who share the last name.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

Prior to an interview on September 8, 2020, the investigator engaged in a conversation with an incarcerated person during which the investigator revealed that the incarcerated person might be involved in another active investigation, and failed to request relevant documentation in possession of the incarcerated person that may have been relevant to show he had been previously interviewed in the other investigation. Prior to the interviews on October 15, 2020, and also off-the-record, the investigator engaged in conversations with two other incarcerated persons during which he asked them whether they knew the incarcerated person who initiated the staff complaint allegation. Prior to an interview on October 13, 2020, and again off-the-record, the investigator engaged in a conversation with yet another incarcerated person during which the investigator told him that the interview involved the incarcerated person who initiated the staff complaint allegation and described that incarcerated person as someone who files a lot of complaints. After the interview, and also off-

the-record, the investigator further engaged in a conversation with an incarcerated person during which he explained the investigative process and discussed the possibility that the incarcerated person was confused with another incarcerated person who share the last name.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

On May 19, 2020, the department learned of the staff misconduct allegation submitted by the incarcerated person. The deadline to take disciplinary action was May 19, 2021. The Office of Internal Affairs submitted its inquiry report to the hiring authority on March 23, 2021, leaving only one month and 26 days before to the deadline to take disciplinary action.

In the OIG's opinion, did the department handle the case with due diligence?

In the OIG's opinion, the department did not handle the case with due diligence. May 19, 2020, the department learned of the staff misconduct allegation submitted by the incarcerated person. However, the department did not assign an investigator to conduct an inquiry into the allegation until August 7, 2020, two months and 19 days thereafter. The deadline to take disciplinary action was May 19, 2021. The Office of Internal Affairs submitted its inquiry report to the hiring authority on March 23, 2021, leaving only one month and 26 days before to the deadline to take disciplinary action.

Case Type

Departmental
Inquiry

Incident Date

April 01, 2020

Allegations

Discourteous
Treatment

Overall Rating

Poor

OIG Case Number

21-0037599-IQ

Incident Summary

Between April 1, 2020, and April 30, 2020, an officer allegedly called an incarcerated person a derogatory name when the incarcerated person asked to use a telephone.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The Office of Internal Affairs poorly conducted the inquiry. The investigator did not adequately prepare for all aspects of the inquiry, did not ask all relevant questions during interviews, did not use effective interviewing techniques, and did not address all appropriate allegations. Due to the poor quality of the Office of Internal Affairs' inquiry work, the OIG did not reach a conclusion regarding whether there was a reasonable belief of staff misconduct. The OIG recommended the hiring authority request the Office of Internal Affairs conduct further inquiry work. The hiring authority did not accept the OIG's recommendation.

Overall Assessment

Overall, the department poorly conducted the inquiry. The department did not assign an investigator to conduct an inquiry until eight months and seven days after it learned of the staff misconduct allegation. Also, the investigator failed to prepare for all aspects of the inquiry, did not ask all relevant questions during interviews, did not use effective interviewing techniques, and did not address all appropriate allegations.

Questions***In the OIG's opinion, did the investigator adequately prepare for all aspects of the inquiry?***

On January 28, 2021, the investigator did not have a diagram of the housing unit prepared during the interview of the incarcerated person who submitted the allegations, who was disabled, to describe where different events occurred relative to the allegations. Instead, the investigator asked the disabled incarcerated person to draw the housing unit, even after the incarcerated person stated he could not draw.

In the OIG's opinion, did the investigator ask all relevant questions during interviews?

In the OIG's opinion, the investigator did not ask all relevant questions during an interview of the incarcerated person on January 28, 2021. The incarcerated person alleged that, on a date independent of the date of the allegations for which the incarcerated person was being interviewed, an officer pointed a rifle at him without justification, but the investigator did not ask the incarcerated person any follow-up questions concerning that allegation. Also, the incarcerated person gave the investigator the names of three other incarcerated persons whom staff had routinely mistreated as he had been mistreated, but the investigator did not ask any follow-up questions regarding those individuals or those allegations.

In the OIG's opinion, did the investigator use effective interviewing techniques when conducting interviews?

In the OIG's opinion, on January 28, 2021, the investigator did not use effective interviewing techniques. The investigator did not have a diagram of the housing unit prepared for the incarcerated person to describe where misconduct occurred. Instead, the investigator asked the disabled incarcerated person to draw the housing unit, even after the incarcerated person stated he could not draw. Also, the investigator asked questions about the allegation of misconduct in this inquiry and about an additional allegation of misconduct that occurred on a different date and is addressed in a separate inquiry. However, the investigator used the same exhibit for both inquiries during the interview of the incarcerated person on January 28, 2021. The investigator should have prepared two diagrams of the housing unit for the incarcerated person to mark for each of the two separate incidents from the two separate inquiries.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

In the OIG's opinion, the investigator did not thoroughly and appropriately conduct the inquiry. The investigator did not follow up on additional allegations of staff misconduct an incarcerated person presented to the investigator during an interview of the incarcerated person. Also, one investigator served in the roles of both investigator of the disabled incarcerated person and staff assistant to the disabled incarcerated person during the same interview on January 21, 2021.

In the OIG's opinion, did the investigator address all appropriate allegations as discovered during the inquiry in the final inquiry report?

In the OIG's opinion, the investigator did not address all appropriate allegations. An incarcerated person alleged that, on a date independent of the date of the allegations for which the incarcerated person was being interviewed, an officer pointed a rifle at him without justification; however, the investigator did not ask the incarcerated person any follow-up questions. Also, the incarcerated person gave the investigator the names of three other incarcerated persons whom staff had routinely mistreated in a as he had been mistreated, but the investigator did not ask any follow-up questions regarding those individuals or those allegations. Instead, the investigator said he did not want to talk about other people's problems with staff misconduct.

In the OIG's opinion, did the department handle the case with due diligence?

On May 14, 2020, the department learned of the staff misconduct allegation submitted by the incarcerated person. However, the department did not assign an investigator to conduct the inquiry into the allegation until January 21, 2021, eight months and seven days thereafter. Also, the investigator completed the final interview on February 19, 2021, but the Office of Internal Affairs did not provide its final inquiry report to the hiring authority until April 21, 2021, two months and one day thereafter.

Case Type

Departmental
Inquiry

Incident Date

April 01, 2020

Allegations

Neglect of Duty
Threat/Intimidation

Overall Rating

Poor

OIG Case Number

21-0037645-IQ

Incident Summary

Between April 1, 2020, and April 14, 2020, two officers allegedly allowed an incarcerated person to enter a second incarcerated person's housing unit in order to threaten and intimidate the second incarcerated person for reporting staff misconduct. On April 15, 2020, officers allegedly again allowed the first incarcerated person back into the housing unit, even though he was not housed there, in order to threaten and intimidate the second incarcerated person.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The Office of Internal Affairs poorly conducted the inquiry. The investigator did not ask all relevant questions and failed to use effective interviewing techniques during interviews. Due to the poor quality of the Office of Internal Affairs' inquiry work, the OIG did not reach a conclusion regarding whether there was a reasonable belief of staff misconduct.

Overall Assessment

Overall, the department poorly conducted the inquiry. The department did not assign an investigator to conduct an inquiry until eight months and five days after it learned of the staff misconduct allegations. The investigator did not ask all relevant questions, failed to use effective interviewing techniques during interviews, inappropriately provided information to a witness, and conducted interviews of incarcerated persons in an insufficiently private location.

Questions***In the OIG's opinion, did the investigator ask all relevant questions during interviews?***

In the OIG's opinion, the investigator did not ask all relevant questions during an interview of a sergeant on March 30, 2021. The sergeant confirmed he was familiar with the incarcerated person who allegedly threatened the incarcerated person who made the allegations, but the investigator did not ask the sergeant logical follow-up questions, such as how the sergeant was familiar with him. Also, the investigator failed to seek clarification when the sergeant stated that officers are not supposed to allow incarcerated persons into buildings where they are not housed, even though the sergeant earlier stated that he did not know if officers had discretion to do so.

In the OIG's opinion, did the investigator use effective interviewing techniques when conducting interviews?

During interviews on March 30, 2021, the investigator showed witnesses exhibits that were not marked, and, during one interview, the investigator showed a witness a photograph, but did not state for the record that the investigator had done so. In addition, during an interview on April 1, 2021, of one of the officers who was the subject of the inquiry, the investigator permitted the officer's representative to answer a question and provide substantive information. The investigator also asked leading questions during the interview.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

In the OIG's opinion, the investigator did not thoroughly and appropriately conduct the inquiry. The investigator told a sergeant that another witness authored a confidential memorandum and that the investigator intended to interview that witness on another date. Also, on March 30, 2021, an investigator conducted interviews of incarcerated persons in a lieutenant's office with transparent windows and when there were other incarcerated persons in the building.

In the OIG's opinion, did the department handle the case with due diligence?

On May 22, 2020, the department learned of the staff misconduct allegations submitted by the incarcerated person. However, the department did not assign an investigator to conduct the inquiry into the allegations until January 27, 2021, eight months and five days thereafter.

Case Type

Departmental
Inquiry

Incident Date

April 18, 2020

Allegations

Discourteous
Treatment
Use of Force
Neglect of Duty
Dishonesty

Overall Rating

Poor

OIG Case Number

21-0037933-IQ

Incident Summary

On April 18, 2020, an officer allegedly grabbed a disabled incarcerated person and slammed the incarcerated person to the ground, causing the incarcerated person's head to hit the floor. The officer and a second officer tightly placed handcuffs on the incarcerated person behind his back, despite a directive that the incarcerated person only be handcuffed in front of his body so that he can continue to use a cane while in handcuffs. A total of approximately ten officers responded to the scene, and one of the officers placed a knee on the incarcerated person's back while another officer stepped on the incarcerated person's ankles. The officers allegedly placed the incarcerated person on a gurney after placing the incarcerated person in leg restraints and a spit mask. During the incident, the incarcerated person sustained numerous injuries, including bleeding, pain to his head, and a broken wrist. Subsequent to the date of the incident, the first officer allegedly issued a false rules violation report to the incarcerated person in which the officer falsely claimed that the incarcerated person turned towards the officer with a clenched fist. Also, subsequent to the incident, staff in the building allegedly attempted to scare and threaten him by referring to him as the person who "beat up staff" and also allegedly surrounded him while he was in a holding cell and menacingly stared at him.

Disposition

The hiring authority did not identify potential staff misconduct and did not refer the matter to the Office of Internal Affairs. The Office of Internal Affairs poorly conducted the inquiry. The investigator did not ask all relevant questions, did not use effective interviewing techniques, did not investigate all allegations submitted by an incarcerated person, and did not complete all necessary and relevant interviews. Due to the poor quality of the Office of Internal Affairs' inquiry work, the OIG did not reach a conclusion regarding whether there was a reasonable belief of staff misconduct. However, the deadline to take disciplinary action had expired and, therefore, the OIG agreed that a referral to the Office of Internal Affairs for an investigation was not necessary.

Overall Assessment

The department poorly conducted the inquiry. The department learned of the staff misconduct allegation on April 18, 2020, but did not assign an investigator to conduct an inquiry into the allegations until February 17, 2021, nine months and 30 days thereafter. Also, the investigator did not ask all relevant questions during an interview, did not use effective interviewing techniques, did not complete all necessary and relevant interviews, and did not investigate all allegations submitted by an incarcerated person. The final report did not accurately reflect all allegations and subjects of the inquiry. Finally, the department allowed the deadline to take disciplinary action to expire before completion of the inquiry.

Questions***In the OIG's opinion, did the investigator ask all relevant questions during interviews?***

In the OIG's opinion, during an interview of an officer on May 6, 2021, the investigator asked leading questions and did not ask relevant questions, such as whether the officer knew whether the incarcerated person who submitted the complaint had a directive that the incarcerated person was to be handcuffed only in front of his body so that he could continue to use a cane while in handcuffs. Also, the investigator did not ask relevant questions regarding an incarcerated person suffering a broken wrist.

In the OIG's opinion, did the investigator use effective interviewing techniques when conducting interviews?

In the OIG's opinion, during an interview of an officer on May 6, 2021, the investigator utilized multiple leading and conclusory questions, resulting in a hurried and conclusory interview.

In the OIG's opinion, did the investigator complete all necessary and relevant interviews?

An incarcerated person submitted a complaint against two officers for having committed misconduct. The investigator conducted an inquiry into the allegations against one officer. The investigator also identified an allegation against a second officer. However, the investigator did not investigate the allegation against the

second officer, nor did he interview the second officer. Moreover, the investigator did not interview six other officers who were involved in or saw the use-of-force incident.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

The department poorly conducted the inquiry. The department learned of the staff misconduct allegation by the incarcerated person on April 18, 2020. On May 26, 2020, the incarcerated person filed a declaration alleging staff misconduct, but the Office of Internal Affairs did not assign an investigator to conduct the inquiry until February 17, 2021, nine months and 30 days thereafter. Also, on July 2, 2020, the incarcerated person submitted a second complaint in the form of a staff misconduct grievance alleging staff misconduct regarding the same incident that occurred on April 18, 2020. On August 12, 2020, the department assigned a lieutenant to conduct an inquiry into the allegations of misconduct. On November 17, 2020, at the completion of the inquiry, the hiring authority determined staff did not violate department policy. During interviews in the current inquiry by the Office of Internal Affairs, the investigator did not ask all relevant questions and used ineffective interviewing techniques. The investigator did not complete all necessary interviews. The investigator identified an allegation against a second officer. However, the investigator did not investigate the allegation nor interview the second officer who allegedly committed misconduct. The department allowed the deadline to take disciplinary action to expire before completion of the inquiry. The deadline to take disciplinary action was April 18, 2021, but the Office of Internal Affairs did not submit the final inquiry report to the hiring authority until May 26, 2021, one month and eight days after the deadline to take disciplinary action had expired.

In the OIG's opinion, did the investigator prepare a final inquiry report that included all relevant facts and evidence?

The final inquiry report did not contain all allegations submitted by an incarcerated person, nor did it reflect that the incarcerated person identified a second officer as having also committed misconduct. The final inquiry report did not accurately reflect the investigator's leading and conclusory questions and the answers provided by an officer whom he interviewed.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was April 18, 2021, but the Office of Internal Affairs did not provide the hiring authority with the inquiry report, exhibits, and recordings until May 26, 2021, one month and eight days after the deadline to take disciplinary action had expired.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was April 18, 2021, but the Office of Internal Affairs did not provide the hiring authority with the inquiry report, exhibits, and recordings until May 26, 2021, one month and eight days after the deadline to take disciplinary action had expired.

In the OIG's opinion, did the department handle the case with due diligence?

In the OIG's opinion, the department did not handle the case with due diligence. The department learned of the staff misconduct allegation by the incarcerated person on April 18, 2020. On May 26, 2020, the incarcerated person filed a declaration alleging staff misconduct, but the Office of Internal Affairs did not assign an investigator to conduct the inquiry until February 17, 2021, nine months and 30 days thereafter. Also, on July 2, 2020, the incarcerated person submitted a second complaint in the form of a staff misconduct grievance alleging staff misconduct regarding the same incident that occurred on April 18, 2020. On August 12, 2020, the department assigned a lieutenant to conduct an inquiry into the allegations of misconduct. On November 17, 2020, at the completion of the inquiry, the hiring authority determined staff did not violate department policy. During interviews of the current inquiry by the Office of Internal Affairs, the investigator did not ask all relevant questions and used ineffective interviewing techniques. The investigator did not complete all necessary interviews. The investigator identified an allegation against a second officer. However, the investigator did not investigate the allegation nor interview the second officer who allegedly committed misconduct. Finally, the department allowed the deadline to take disciplinary action to expire before

completion of the inquiry. The deadline to take disciplinary action was April 18, 2021, but the Office of Internal Affairs did not submit the final inquiry report to the hiring authority until May 26, 2021, one month and eight days after the deadline to take disciplinary action had expired.

Case Type

Departmental
Inquiry

Incident Date

April 19, 2020

Allegations

Neglect of Duty

Overall Rating

Poor

OIG Case Number

21-0037885-IQ

Incident Summary

On April 19, 2020, two officers allegedly handcuffed an incarcerated person and intentionally left the incarcerated person unattended. A second incarcerated person proceeded to assault the first incarcerated person while the two officers allegedly watched the assault. The two officers allegedly did not intervene until the second incarcerated person stopped assaulting the first incarcerated person.

Disposition

The hiring authority found the inquiry to be insufficient and returned the inquiry to the Office of Internal Affairs for supplemental inquiry work. Upon submission of the supplemental inquiry report, the hiring authority did not identify staff misconduct and did not refer matter to the Office of Internal Affairs for an investigation. The Office of Internal Affairs poorly conducted the inquiry. The investigator did not use effective interviewing techniques when conducting interviews, did not complete all necessary and relevant interviews, and did not thoroughly and appropriately conduct the inquiry. Due to the poor quality of the Office of Internal Affairs' inquiry work, the OIG did not reach a conclusion regarding whether there was a reasonable belief of staff misconduct.

Overall Assessment

Overall, the department poorly conducted the inquiry. Although the department learned of the alleged staff misconduct on July 24, 2020, it did not assign an investigator to conduct an inquiry into the alleged misconduct until January 25, 2021, six months and one day after learning of the alleged misconduct. The investigator did not use effective interviewing techniques when conducting interviews, did not complete all necessary and relevant interviews, did not properly search for and collect relevant documentary and other forensic evidence, and failed to provide an admonishment concerning confidentiality at the end of each interview. The Office of Internal Affairs did not complete and submit its final report for this case to the hiring authority until July 7, 2021, 17 days before the deadline to take disciplinary action.

Questions***In the OIG's opinion, did the investigator use effective interviewing techniques when conducting interviews?***

During witness interviews, the investigator failed to use a diagram of the housing unit, which would have allowed witnesses to provide a clear description of their locations and the locations of the involved parties during the incident. In addition, the investigator did not use photographs of the named subjects of this inquiry or of the alleged assailant, which would have allowed the investigator to confirm the identities of those involved.

In the OIG's opinion, did the investigator complete all necessary and relevant interviews?

During the inquiry, the investigator failed to interview the alleged victim of the incident, the incarcerated person whom officers allegedly placed in hand restraints near a cell and whom another incarcerated person assaulted while two officers stood by and watched the assault. After the Office of Internal Affairs completed its final inquiry report and submitted it to the hiring authority, the OIG identified that the Office of Internal Affairs had conducted an incomplete inquiry that did not include an interview of the alleged victim. The OIG recommended to the hiring authority that he return the case to the Office of Internal Affairs for further inquiry work and request that the Office of Internal Affairs interview the alleged victim. Only then did the Office of Internal Affairs complete the interview of the alleged victim.

In the OIG's opinion, did the investigator properly search for and collect relevant documentary and other forensic evidence?

The investigator failed to obtain the rules violation report issued to the incarcerated person who assaulted the restrained incarcerated person to determine whether the rules violation report documents contained statements from the alleged victim of the assault or contained additional information concerning the incident.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

During the inquiry, the investigator failed to interview the alleged victim of the incident, the incarcerated person whom officers allegedly placed in handcuffs near a cell and whom another incarcerated person assaulted while two officers stood by and watched the assault. After the Office of Internal Affairs completed its final inquiry report and submitted it to the hiring authority, the OIG identified that the Office of Internal Affairs had conducted an incomplete inquiry that did not include an interview of the alleged victim, and the OIG recommended to the hiring authority that he return the case to the Office of Internal Affairs for further inquiry work. Only then did the Office of Internal Affairs complete the interview of the alleged victim.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was July 24, 2021. The Office of Internal Affairs submitted its final inquiry report to the hiring authority on June 24, 2021, 30 days prior to the deadline to take disciplinary action. However, the hiring authority determined that the Office of Internal Affairs' inquiry was not complete and requested that the Office of Internal Affairs conduct an interview of the alleged victim. On July 2, 2021, the Office of Internal Affairs conducted the interview and submitted a supplemental inquiry report to the hiring authority on July 7, 2021, 17 days prior to the deadline to take disciplinary action.

In the OIG's opinion, did the department handle the case with due diligence?

The department learned of the alleged misconduct on July 24, 2020 but did not assign an investigator to conduct an inquiry into the alleged misconduct until January 25, 2021, six months and one day after learning of the misconduct. The Office of Internal Affairs did not complete and submit its final inquiry report until June 24, 2021, only 30 days before the deadline to take disciplinary action, and a supplemental inquiry report on July 7, 2021, 17 days before to the deadline to take disciplinary action.

Case Type

Departmental
Inquiry

Incident Date

April 23, 2020

Allegations

Dishonesty

Overall Rating

Poor

OIG Case Number

20-0035288-IQ

Incident Summary

On April 23, 2020, an officer allegedly filed a false rules violation report against an incarcerated person alleging that the incarcerated person threatened to physically harm the officer.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The Office of Internal Affairs poorly conducted the inquiry. The investigator failed to complete thorough interviews and did not use effective interviewing techniques. Due to the poor quality of the Office of Internal Affairs' inquiry work, the OIG did not reach a conclusion regarding whether there was a reasonable belief of staff misconduct.

Overall Assessment

Overall, the department poorly conducted the inquiry. The department did not assign an investigator to conduct an inquiry until two months and 19 days after it learned of the staff misconduct allegation. The investigator failed to complete thorough interviews and did not use effective interviewing techniques when conducting interviews. In addition, the Office of Internal Affairs completed and submitted its inquiry report to the hiring authority one month and 26 days before the deadline to take disciplinary action expired.

Questions***In the OIG's opinion, did the investigator use effective interviewing techniques when conducting interviews?***

Prior to an interview on October 15, 2020, and off-the-record, the investigator engaged in a conversation with an incarcerated person during which he asked him if he knew the incarcerated person who initiated the staff complaint allegation and described that incarcerated person as someone who files a lot of complaints. Prior to an interview on October 13, 2020, and again off-the-record, the investigator engaged in another conversation with an incarcerated person during which the investigator told him that the interview involved the incarcerated person who initiated the staff complaint allegation and described that incarcerated person as someone who files a lot of complaints. After the interview, and also off-the-record, the investigator further engaged in a conversation with the incarcerated person during which he explained the investigative process and discussed the possibility that the incarcerated person was confused with another incarcerated person who share the last name.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

Prior to an interview on October 15, 2020, and off-the-record, the investigator engaged in an a conversation with an incarcerated person during which he asked him if he knew the incarcerated person who initiated the staff complaint allegation and described that incarcerated person as someone who files a lot of complaints. Prior to an interview on October 13, 2020, and again off-the-record, the investigator engaged in a conversation with another incarcerated person during which the investigator told him that the interview involved the incarcerated person who initiated the staff complaint allegation and described that incarcerated person as someone who files a lot of complaints. After the interview, and also off-the-record, the investigator further engaged in an improper conversation with the incarcerated person during which he explained the investigative process and discussed the possibility that the incarcerated person was confused with another incarcerated person who share the last name.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

On May 19, 2020, the department learned of the staff misconduct allegation submitted by the incarcerated person. The deadline to take disciplinary action was May 19, 2021. The Office of Internal Affairs submitted its inquiry report to the hiring authority on March 23, 2021, leaving only one month and 26 days before to the deadline to take disciplinary action.

In the OIG's opinion, did the department handle the case with due diligence?

In the OIG's opinion, the department did not handle the case with due diligence. May 19, 2020, the department learned of the staff misconduct allegation submitted by the incarcerated person. However, the department did not assign an investigator to conduct an inquiry into the allegation until August 7, 2020, two months and 19 days thereafter. The deadline to take disciplinary action was May 19, 2021. The Office of Internal Affairs submitted its inquiry report to the hiring authority on March 23, 2021, leaving only one month and 26 days before to the deadline to take disciplinary action.

Case Type

Departmental
Inquiry

Incident Date

April 23, 2020

Allegations

Threat/Intimidation
Dishonesty

Overall Rating

Poor

OIG Case Number

20-0035287-IQ

Incident Summary

On April 23, 2020, an officer allegedly moved an incarcerated person into a second incarcerated person's cell and handed the first incarcerated person a towel containing a knife. The officer allegedly threatened to poison the second incarcerated person with a synthetic opiate. The officer also allegedly told other incarcerated persons that the second incarcerated person was a sex offender, and allegedly submitted a false suicide referral concerning the second incarcerated person.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The Office of Internal Affairs poorly conducted the inquiry. The investigator failed to complete thorough interviews and did not use effective interviewing techniques. Due to the poor quality of the Office of Internal Affairs' inquiry work, the OIG did not reach a conclusion regarding whether there was a reasonable belief of staff misconduct.

Overall Assessment

Overall, the department poorly conducted the inquiry. The department did not assign an investigator to conduct an inquiry until two months and 18 days after it learned of the staff misconduct allegation. The investigator failed to complete thorough interviews and did not use effective interviewing techniques when conducting interviews. In addition, the Office of Internal Affairs completed and submitted its inquiry report to the hiring authority one month and 27 days before the deadline to take disciplinary action expired.

Questions***In the OIG's opinion, did the investigator use effective interviewing techniques when conducting interviews?***

Prior to an interview on September 8, 2020, and off-the-record, the investigator engaged in a conversation with an incarcerated person during which the investigator told the incarcerated person that he would look into whether there is another active investigation in which the incarcerated person was previously interviewed. The incarcerated person added that he had been placed into administrative segregation after the interview and could provide proof. However, the investigator did not follow-up and request the documentation. The incarcerated person further stated that he was open to talking to investigators. Prior to an interview on September 18, 2020, and also off-the-record, the investigator showed an officer diagrams of a prison dining hall and asked the officer clarifying question about his knowledge of what was depicted in the diagram. After the interview, and also off-the-record, the officer discussed his overall lack of recollection of the event with the investigator. Prior to the interviews on October 15, 2020, and also off-the-record, the investigator engaged in conversations with two other incarcerated persons during which he asked them if they knew the incarcerated person who initiated the staff complaint allegation. Prior to an interview on October 13, 2020, and again off-the-record, the investigator engaged in a conversation with yet another incarcerated person during which the investigator told him that the interview involved the incarcerated person who initiated the staff complaint allegation and described that incarcerated person as someone who files a lot of complaints. After the interview, and also off-the-record, the investigator further engaged in a conversation during which he explained the investigative process and discussed the possibility that the incarcerated person was confused with another incarcerated person who share the last name.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

Prior to an interview on September 8, 2020, and off-the-record, the investigator engaged in a conversation with an incarcerated person during which the investigator revealed that the incarcerated person might be involved in another active investigation, and failed to request relevant documentation in possession of the incarcerated person that may have been relevant to show he was previously interviewed in the other investigation. Prior to an interview on September 18, 2020, and off-the-record, the investigator engaged in a conversation with an officer during which he showed the officer diagrams of a prison dining hall and asked the

officer clarifying question about his knowledge of what was depicted in the diagram. After the interview, and also off-the-record, the officer discussed his overall lack of recollection of the event with the investigator. Prior to the interviews on October 15, 2020, and also off-the-record, the investigator engaged in conversations with two other incarcerated persons during which he asked them if they knew the incarcerated person who initiated the staff complaint allegation. Prior to an interview on October 13, 2020, and again off-the-record, the investigator engaged in a conversation with yet another incarcerated person during which the investigator told him that the interview involved the incarcerated person who initiated the staff complaint allegation and described that incarcerated person as someone who files a lot of complaints. After the interview, and also off-the-record, the investigator further engaged in a conversation with the incarcerated person during which he explained the investigative process and discussed the possibility that the incarcerated person was confused with another incarcerated person who share the last name.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

On May 19, 2020, the department learned of the staff misconduct allegation submitted by the incarcerated person. The deadline to take disciplinary action was May 19, 2021. The Office of Internal Affairs submitted its inquiry report to the hiring authority on March 23, 2021, leaving only one month and 27 days before to the deadline to take disciplinary action.

In the OIG's opinion, did the department handle the case with due diligence?

In the OIG's opinion, the department did not handle the case with due diligence. On May 19, 2020, the department learned of the staff misconduct allegation submitted by the incarcerated person. However, the department did not assign an investigator to conduct an inquiry into the allegation until August 7, 2020, two months and 18 days thereafter. The deadline to take disciplinary action was May 19, 2021. The Office of Internal Affairs submitted its inquiry report to the hiring authority on March 23, 2021, leaving only one month and 27 days before to the deadline to take disciplinary action.

Case Type

Departmental
Inquiry

Incident Date

April 23, 2020

Allegations

Discourteous
Treatment
Retaliation

Overall Rating

Poor

OIG Case Number

21-0037598-IQ

Incident Summary

On April 23, 2020, an officer allegedly denied an incarcerated person with a mental health disability permission to visit a mental health clinic and also mocked the incarcerated person. The officer, while laughing, allegedly repeated the incarcerated person's explanation of why he needed mental health treatment. The officer allegedly retaliated against the incarcerated person, who had previously filed a staff misconduct grievance against the officer, by issuing a rules violation report to the incarcerated person.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The Office of Internal Affairs poorly conducted the inquiry. The investigator did not adequately prepare for all aspects of the inquiry, did not ask all relevant questions during interviews, did not use effective interviewing techniques, did not address all appropriate allegations, and did not include all relevant facts in the final inquiry report. Due to the poor quality of the Office of Internal Affairs' inquiry work, the OIG did not reach a conclusion regarding whether there was a reasonable belief of staff misconduct. The OIG recommended the hiring authority request the Office of Internal Affairs conduct further inquiry work. The hiring authority did not accept the OIG's recommendation.

Overall Assessment

Overall, the department poorly conducted the inquiry. The department did not assign an investigator to conduct an inquiry concerning allegations of staff misconduct until eight months and seven days after it learned of the allegations. Also, the investigator did not adequately prepare for all aspects of the inquiry, did not ask all relevant questions during interviews, did not use effective interviewing techniques, did not address all appropriate allegations, and did not include all relevant facts in the final inquiry report.

Questions***In the OIG's opinion, did the investigator adequately prepare for all aspects of the inquiry?***

On January 28, 2021, during an interview of the incarcerated person who submitted the complaint, the investigator did not have a diagram of the housing unit prepared for the incarcerated person to describe where different events concerning the allegations occurred. Instead, the investigator asked the incarcerated person, who was disabled, to draw the housing unit, even after the incarcerated person stated he could not draw.

In the OIG's opinion, did the investigator ask all relevant questions during interviews?

The investigator did not ask all relevant questions during an interview of the incarcerated person on January 28, 2021. The incarcerated person alleged that, on a date other than the date of the allegations for which the incarcerated person was being interviewed, an officer pointed a rifle at him without justification, but the investigator did not ask the incarcerated person any follow-up questions regarding this issue. Also, the incarcerated person gave the investigator the names of three other incarcerated persons that had been routinely mistreated in the same housing unit as he had been mistreated but the investigator did not ask any follow-up questions regarding those individuals or those allegations.

In the OIG's opinion, did the investigator use effective interviewing techniques when conducting interviews?

In the OIG's opinion, on January 28, 2021, the investigator did not use effective interviewing techniques. The investigator did not have a diagram of the housing unit prepared for the incarcerated person to describe or indicate where misconduct occurred. Instead, the investigator asked the disabled incarcerated person to draw the housing unit, even after the incarcerated person stated he could not draw. Also, the investigator asked questions about the allegation of misconduct in this inquiry, and about an additional allegation of misconduct that occurred on a different date and is addressed in a separate inquiry. However, the investigator used the

same exhibit for both inquiries during the interview of the incarcerated person on January 28, 2021. The investigator should have prepared two diagrams of the housing unit for the incarcerated person to mark for each of the two separate incidents from the two separate inquiries.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

In the OIG's opinion, the investigator did not thoroughly and appropriately conduct the inquiry. The investigator did not follow up on additional allegations of staff misconduct that an incarcerated person presented to the investigator during an interview of the incarcerated person. Also, one investigator served in the contradictory roles of both investigator of the disabled incarcerated person and staff assistant to the disabled incarcerated person during the same interview on January 21, 2021.

In the OIG's opinion, did the investigator prepare a final inquiry report that included all relevant facts and evidence?

In the OIG's opinion, the investigator did not include all the relevant facts in the inquiry report. The investigator did not include in the inquiry report that a sergeant noted that the officer who allegedly committed misconduct had received many complaints from incarcerated persons in a short period of time, that a witness remembered an officer mocking the incarcerated person, that a witness stated the officer used inappropriate humor with the incarcerated person who submitted the complaint, and that a witness stated the incarcerated person has significant mental disabilities and that officers' conduct made those mental health issues worse.

In the OIG's opinion, did the investigator address all appropriate allegations as discovered during the inquiry in the final inquiry report?

In the OIG's opinion, the investigator did not address all appropriate allegations. An incarcerated person alleged that, on a date independent of the date of the allegations for which the incarcerated person was being interviewed, an officer pointed a rifle at him without justification, but the investigator did not ask the incarcerated person any follow-up questions regarding this issue. Also, the incarcerated person gave the investigator the names of three other incarcerated persons whom staff had routinely mistreated as he had been mistreated, but the investigator did not ask any follow-up questions regarding those individuals or those allegations. Instead, the investigator said he did not want to talk about other people's problems with staff misconduct.

In the OIG's opinion, did the department handle the case with due diligence?

In the OIG's opinion, the department did not handle the case with due diligence. On May 14, 2020, the department learned of the staff misconduct submitted by the incarcerated person. However, the department did not assign an investigator to conduct the inquiry into the allegation until January 21, 2021, eight months and seven days thereafter. Also, the investigator completed the final interview on February 19, 2021, but the Office of Internal Affairs did not provide its final inquiry report to the hiring authority until April 21, 2021, two months and one day thereafter.

Case Type

Departmental
Inquiry

Incident Date

April 27, 2020

Allegations

Neglect of Duty

Overall Rating

Poor

OIG Case Number

20-0036219-IQ

Incident Summary

On April 27, 2020, a control booth officer allegedly closed a cell door on an incarcerated person's wheelchair, trapping the incarcerated person against the cell door for approximately three to four minutes and damaging the incarcerated person's wheelchair, after which a second incarcerated person yelled at the officer twice to open the cell before the officer released the incarcerated person from being trapped in the doorway.

Disposition

The hiring authority identified potential staff misconduct, but did not refer the matter to the Office of Internal Affairs and instead implemented corrective action by providing training to staff members. The Office of Internal Affairs poorly conducted the inquiry. The investigator did not use effective interviewing techniques during interviews and did not search for and collect relevant evidence. Due to the poor quality of the Office of Internal Affairs' inquiry work, the OIG did not reach a conclusion regarding whether there was a reasonable belief of staff misconduct.

Overall Assessment

The department poorly conducted the inquiry. The department learned of the staff misconduct allegation by the incarcerated person on May 14, 2020, but did not assign an investigator to conduct the inquiry until June 16, 2020, one month and two days thereafter. The investigator did not adequately prepare for all aspects of the inquiry, did not use effective interviewing techniques during interviews, and did not search for all relevant evidence. The final inquiry report did not include all relevant facts and evidence. The investigator conducted the final interview on October 6, 2020, but the Office of Internal Affairs did not complete its final inquiry report until April 19, 2021, six months and 13 days after the last interview. Upon review of the final inquiry report, the hiring authority presented additional relevant evidence, which the investigator did not discover during the inquiry.

Questions***In the OIG's opinion, did the investigator adequately prepare for all aspects of the inquiry?***

During an interview on June 29, 2020, an investigator did not use photographs of staff to assist an incarcerated person in identifying individuals involved in the alleged misconduct. On October 6, 2020, a different investigator interviewed the incarcerated person a second time regarding the same allegations, even though another investigator had previously interviewed the incarcerated person regarding those allegations.

In the OIG's opinion, did the investigator use effective interviewing techniques when conducting interviews?

During an interview on June 29, 2020, an investigator did not use photographs of staff to assist an incarcerated person in identifying individuals involved in the alleged misconduct.

In the OIG's opinion, did the investigator properly search for and collect relevant documentary and other forensic evidence?

During an interview on June 29, 2020, an investigator did not use photographs of staff to assist an incarcerated person in identifying individuals involved in the alleged misconduct. The investigator did not search the housing control booth for evidence related to the opening and closing of cell doors.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

During an interview on June 29, 2020, an investigator did not use photographs of staff to assist an incarcerated person in identifying individuals involved in the alleged misconduct. On October 6, 2020, a different investigator interviewed the incarcerated person a second time regarding the same allegations, even though another investigator had previously interviewed the incarcerated person regarding those allegations.

In the OIG's opinion, did the investigator prepare a final inquiry report that included all relevant facts and evidence?

The final inquiry report did not include relevant evidence that housing control booth officers were using unauthorized items to open and close cell doors. The hiring authority later presented the evidence in a memorandum concerning his review of the final inquiry report.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was May 15, 2021. The Office of Internal Affairs did not provide the hiring authority with the inquiry report, exhibits, and recordings until April 19, 2021, only 26 days before the deadline to take disciplinary action. In the OIG's opinion, this is not sufficient time for the hiring authority to review the case materials and then request additional inquiry, if necessary, before the deadline to take disciplinary action.

In the OIG's opinion, did the department handle the case with due diligence?

The department learned of the staff misconduct allegation by the incarcerated person on May 14, 2020, but did not assign an investigator to conduct the inquiry until June 16, 2020, one month and two days thereafter. The deadline to take disciplinary action was May 15, 2021. The investigator completed the last interview on October 6, 2020, but the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until April 19, 2021, six months and 13 days after the last interview and only 26 days before the deadline to take disciplinary action. In the OIG's opinion, this is not sufficient time for the hiring authority to review the case materials and request additional inquiry, if necessary, before the deadline to take disciplinary action.

Case Type

Departmental
Inquiry

Incident Date

May 01, 2020

Allegations

Discrimination/Harassment
Other Failure of
Good Behavior
Neglect of Duty

Overall Rating

Poor

OIG Case Number

21-0037887-IQ

Incident Summary

Between May 1, 2020, through June 8, 2020, officers allegedly spread false information about an incarcerated person, placing the incarcerated person in danger of being assaulted by other incarcerated persons. On May 19, 2020, the incarcerated person reported the officers' actions to a captain who allegedly threatened to place the incarcerated person in the administrative segregation unit if the incarcerated person continued to report his concerns.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The OIG agreed with the hiring authority's decisions.

Overall Assessment

Overall, the department poorly conducted the inquiry. Although the department learned of the alleged misconduct on June 8, 2020, it did not assign an investigator to conduct an inquiry into the alleged misconduct until January 25, 2021, seven months and 17 days after learning of the misconduct. Also, the investigator did not include all relevant documentary evidence in the final inquiry report. The Office of Internal Affairs did not complete and submit its final inquiry report to the hiring authority until June 24, 2021, 30 days before the deadline to take disciplinary action.

Questions***In the OIG's opinion, did the investigator include all relevant documentary evidence in the final inquiry report?***

The Office of Internal Affairs failed to attach a recording of an interview of an incarcerated person that an investigator conducted on June 8, 2021, as an exhibit to the final inquiry report sent to the hiring authority.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was July 24, 2021. However, the Office of Internal Affairs submitted its final inquiry report to the hiring authority on June 24, 2021, only 30 days prior to the deadline to take disciplinary action. The Office of Internal Affairs failed to attach a recording of an interview of an incarcerated person that an investigator conducted on June 8, 2021, as an exhibit to the final inquiry report sent to the hiring authority, thus necessitating additional time for the hiring authority to be sent the recording and to review the recording.

In the OIG's opinion, did the department handle the case with due diligence?

The department learned of the alleged misconduct on June 8, 2020, but did not assign an investigator to conduct an inquiry into the alleged misconduct until January 25, 2021, seven months and 17 days after learning of the misconduct. The Office of Internal Affairs did not complete and submit its final inquiry report until June 24, 2021, 30 days before the deadline to take disciplinary action. The Office of Internal Affairs failed to attach a recording of an interview of an incarcerated person that an investigator conducted on June 8, 2021, as an exhibit to the final inquiry report sent to the hiring authority, thus necessitating additional time for the hiring authority to be sent the recording and to review the recording.

Did the department timely transmit documents or items of evidentiary value to the OIG?

The Office of Internal Affairs failed to attach a recording of an interview of an incarcerated person an investigator conducted on June 8, 2021, as an exhibit to the final inquiry report sent to the OIG.

Case Type

Departmental
Inquiry

Incident Date

May 09, 2020

Allegations

Neglect of Duty
Discourteous
Treatment

Overall Rating

Poor

OIG Case Number

20-0035160-IQ

Incident Summary

On May 9, 2020, after an incarcerated person cut himself and yelled for help, an officer allegedly delayed 30 minutes in responding and then told the incarcerated person he did not believe the incarcerated person to be suicidal, even as the incarcerated person slit one of his wrists in the presence of the officer. After an additional five minutes, the first officer, two additional officers, and a sergeant allegedly returned to the incarcerated person's cell, told the incarcerated person to bind his wounds with a shirt, handcuffed him, and transported the incarcerated person to the triage and treatment area. When the incarcerated person informed the sergeant that no one responded for 30 minutes, the sergeant allegedly replied, "Thank you, rat."

Disposition

The hiring authority identified staff misconduct and referred the matter to the Office of Internal Affairs. The Office of Internal Affairs poorly conducted the inquiry. The investigator did not ask relevant questions, asked leading questions, and inappropriately played the dual role of investigator and staff assistant for an incarcerated person. Despite the poor quality of the inquiry, the OIG agreed with the hiring authority's decision to refer the allegations to the Office of Internal Affairs' Central Intake Unit for an investigation.

Overall Assessment

Overall, the department poorly handled the inquiry. The department did not assign an investigator to conduct an inquiry until four months and 18 days after the department learned of the misconduct allegations. The investigator did not ask all relevant questions and asked leading questions during an interview, and an investigator inappropriately played the dual role of investigator and also staff assistant for an incarcerated person. Furthermore, the investigator did not provide a confidentiality advisement at the end of an interview with an incarcerated person. The department also did not timely provide requested items of evidentiary value to the OIG. Finally, the investigator included irrelevant information in the inquiry report.

Questions***In the OIG's opinion, did the investigator ask all relevant questions during interviews?***

The investigator did not ask logical follow-up questions during an interview on October 6, 2020. The investigator did not ask the incarcerated person who submitted the declaration containing staff misconduct allegations to provide further information concerning the incarcerated person's cellmate, who allegedly witnessed the incident, nor did the investigator ask logical follow-up questions concerning the description of the sergeant who allegedly made an unprofessional comment to the incarcerated person.

In the OIG's opinion, did the investigator use effective interviewing techniques when conducting interviews?

During an October 6, 2020, interview of the incarcerated person who submitted the declaration containing staff misconduct allegations, the investigator asked leading questions. In addition, the investigator failed to properly identify and note on the record demonstrative evidence provided by the incarcerated person regarding visible cut marks still appearing on the incarcerated person's right wrist at the time of the interview, until reminded by the incarcerated person's attorney, and then only noted which wrist had injuries.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

During an October 6, 2020, interview of the incarcerated person who submitted the declaration containing staff misconduct allegations, one of two investigators acted in a dual role, not only as an investigator, asking questions during the interview, but also as a staff assistant for the disabled incarcerated person. In addition, the investigator included in the inquiry report his personal assessment concerning the state of the evidence.

In the OIG's opinion, did the department handle the case with due diligence?

On May 19, 2020, the department learned of the misconduct allegations in this case. However, the Office of Internal Affairs did not assign an investigator to conduct an inquiry until October 6, 2020, four months and 18 days thereafter.

Did the department timely transmit documents or items of evidentiary value to the OIG?

The OIG requested a copy of the interview recordings from the Office of Internal Affairs on January 20, 2021, but the Office of Internal Affairs did not provide the recordings until February 17, 2021, 28 days thereafter.

Case Type

Departmental
Inquiry

Incident Date

May 13, 2020

Allegations

Confidential
Information
Discourteous
Treatment
Threat/Intimidation
Other Failure of
Good Behavior
Neglect of Duty

Overall Rating

Poor

OIG Case Number

20-0035240-IQ

Incident Summary

On May 13, 2020, an officer allegedly endangered the safety of an incarcerated person by stating to the incarcerated person over the public announcement system in the presence of other incarcerated persons, "It's time for you to go talk to Internal Affairs."

Disposition

The hiring authority did not identify staff misconduct and did not refer matter to the Office of Internal Affairs. The Office of Internal Affairs poorly conducted the inquiry. The investigator did not ask all relevant questions during interviews, did not use effective interviewing techniques, did not include all relevant evidence in the final inquiry report, and did not address material contradictions in the final inquiry report. Due to the poor quality of the Office of Internal Affairs' inquiry work, the OIG did not reach a conclusion regarding whether there was a reasonable belief of staff misconduct. However, the deadline to take disciplinary action had expired and, therefore, the OIG agreed that a referral to the Office of Internal Affairs for an investigation was not necessary.

Overall Assessment

Overall, the department poorly handled the inquiry. Although the department initially assigned an investigator to conduct the inquiry on June 29, 2020, the department did not complete the inquiry until July 6, 2021, one year and seven days later. During the inquiry, the investigator did not ask all relevant questions during interviews and did not use effective interviewing techniques. An investigator failed to provide the OIG with notice of his scheduling of interviews with three officers who were subjects of the inquiry, thereby preventing the OIG from fulfilling its real-time monitoring function. In the final inquiry report, the investigator did not include all relevant evidence and did not address material contradictions. Also, the department assigned three different investigators to conduct three different inquiries into allegations that were substantially similar in nature, occurred close in time and within the same housing unit, and were allegedly committed by the same officer. The investigators failed to consolidate the three inquiries into one inquiry, which would have demonstrated a repeated course of conduct by the same subject of the three inquiries. Also, the deadline to take disciplinary action was June 24, 2021, but the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until July 6, 2021, 12 days after the deadline to take disciplinary action had expired.

Questions***In the OIG's opinion, did the investigator ask all relevant questions during interviews?***

In an interview of an incarcerated person on March 15, 2021, the investigator did not ask relevant foundational questions and made reference to documents not clearly described on the record. In staff interviews the investigator conducted on June 15, 2021 and on June 16, 2021, the investigator made reference to documents not clearly described on the record.

In the OIG's opinion, did the investigator use effective interviewing techniques when conducting interviews?

In an interview of an incarcerated person on March 15, 2021, the investigator did not ask relevant foundational questions and made reference to documents not clearly described on the record. Additionally, during an interview of another incarcerated person who did not speak English, an investigator served as the translator, but had direct interaction in another language with the incarcerated person which the investigator did not capture on the record. In staff interviews the investigator conducted on June 15, 2021 and on June 16, 2021, the investigator made reference to documents not clearly described on the record.

In the OIG's opinion, did the investigator prepare a final inquiry report that included all relevant facts and evidence?

In the final inquiry report, the investigator did not include a statement a witness made during an interview on March 15, 2021, that noted the control booth officer in a particular building had the ability to make an announcement to those outside the building because the building has a working exterior public announcement system. In addition, the investigator also omitted a statement from a witness in which she said she heard officers tell an incarcerated person to to go "talk to the ADA lawyers."

In the OIG's opinion, did the investigator address material contradictions in the final inquiry report?

The investigator did not address the contradiction that a staff witness stated that a control booth officer in a particular building had the ability to make an announcement to individuals outside the building because the building had a working exterior public announcement system, whereas a subject of the inquiry stated that, as the control booth officer in that building, he could not make announcements to individuals outside the building.

Did the investigator complete and submit the final inquiry report before the deadline to take disciplinary action?

The deadline to take disciplinary action was June 24, 2021. However, the Office of Internal Affairs submitted its final inquiry report to the hiring authority on July 6, 2021, 12 days after the deadline to take disciplinary action had expired.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was June 24, 2021. However, the Office of Internal Affairs submitted its final inquiry report to the hiring authority on July 6, 2021, 12 days after the deadline to take disciplinary action had expired.

In the OIG's opinion, did the department handle the case with due diligence?

The department did not handle the case with due diligence. The department initially assigned an investigator to the inquiry on June 29, 2020, but the department did not complete the inquiry until July 6, 2021, one year and seven days later. In addition, the department assigned three different investigators to investigate three different inquiries into allegations that were substantially similar allegations and occurred close in time and in the same housing unit, and were allegedly committed by the same officer. The investigators failed to consolidate the three inquiries into one inquiry which would have demonstrated a repeated course of conduct by the same officer who was the subject of the three inquiries. Finally, the investigator interviewed an officer on June 23, 2021, failing to realize that the officer had previously been interviewed on March 16, 2021, by a previous investigator on this same inquiry for the same allegations. The deadline to take disciplinary action was June 24, 2021. However, the Office of Internal Affairs submitted its final inquiry report to the hiring authority on July 6, 2021, 12 days after the deadline to take disciplinary action had expired.

Case Type

Departmental
Inquiry

Incident Date

June 01, 2020

Allegations

Neglect of Duty
Retaliation

Overall Rating

Poor

OIG Case Number

21-0037906-IQ

Incident Summary

Between June 1, 2020, and July 31, 2020, an officer allegedly retaliated against an incarcerated person for reporting staff misconduct by not allowing the incarcerated person out of his cell to report for his job.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The Office of Internal Affairs poorly conducted the inquiry. The investigator did not ask all relevant questions during interviews, did not use effective interviewing techniques, and did not include all relevant policies, procedures, and documentary evidence in the final inquiry report. Due to the poor quality of the Office of Internal Affairs' inquiry work, the OIG did not reach a conclusion regarding whether there was a reasonable belief of staff misconduct. The OIG recommended that the hiring authority request additional inquiry work. The hiring authority rejected the OIG's recommendation.

Overall Assessment

Overall, the department poorly conducted the inquiry. The investigator did not ask all relevant questions during interviews, did not use effective interviewing techniques, and did not include all relevant policies, procedures, and documentary evidence in the inquiry report.

Questions***In the OIG's opinion, did the investigator ask all relevant questions during interviews?***

The investigator did not ask the officer who was the subject of the inquiry questions regarding how staff documented the work of incarcerated persons and also did not ask additional questions about the benefits incarcerated persons receive from working as porters. In the OIG's opinion, the investigator should have asked these questions. The incarcerated person who made the allegation stated in his interview that, although he was not allowed out of his cell to perform work, he still received credit for working. He also stated that the records incorrectly reflected that he did his job, thereby implying that his duties had been completed by other favored incarcerated persons so they would have the privilege of being out of their cells.

In the OIG's opinion, did the investigator use effective interviewing techniques when conducting interviews?

The investigator repeatedly asked the officer who was the subject of the inquiry to "bear with (him)," apologized for asking questions, revealed that he was not familiar with prison protocols and practices, and revealed that the incarcerated person who made the allegation "couldn't (provide) an exact date," but that the incident likely happened in June or July of 2020.

In the OIG's opinion, did the investigator properly search for and collect relevant documentary and other forensic evidence?

The investigator did not search for documents or records that could have supported or refuted the incarcerated person's assertion that he received credit for performing his job as a porter despite not being let out of his cell to work.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

The investigator repeatedly asked the officer who was the subject of the inquiry to "bear with (him)," apologized for asking questions, revealed that he was not familiar with prison protocols and practices, and revealed that the incarcerated person who made the allegation "couldn't (provide) an exact date," but that the incident likely happened in June or July of 2020.

In the OIG's opinion, did the investigator include all relevant policies and procedures in the final inquiry report?

In the OIG's opinion, the investigator did not identify and include the policies and procedures pertaining to how the work of incarcerated persons is recorded. The investigator should have identified these policies and

procedures during the inquiry and included them as attachments to the final inquiry report.

In the OIG's opinion, did the investigator include all relevant documentary evidence in the final inquiry report?

The investigator did not attempt to locate, or confirm the existence of, records the incarcerated person claimed showed that he was given credit for performing work despite not being let out of his cell.

Case Type

Departmental
Inquiry

Incident Date

June 09, 2020

Allegations

Neglect of Duty

Overall Rating

Poor

OIG Case Number

20-0035291-IQ

Incident Summary

Between June 9, 2020, and June 16, 2020, on multiple occasions, an officer allegedly failed to wear a face covering and gloves while preparing food for incarcerated persons in a housing unit.

Disposition

The hiring authority reviewed the final inquiry report and determined that he had previously referred the matter to the Office of Internal Affairs' Central Intake Unit. The OIG agreed with the hiring authority's determination that there was reason to believe staff misconduct occurred but that another referral was not needed, given the hiring authority's prior referral. The Office of Internal Affairs conducted an investigation. The hiring authority sustained the allegation that the officer failed to wear a face covering and failed to report an incarcerated person's injury, but he did not sustain the remaining allegations, and imposed a 5 percent salary reduction for 12 months. The officer filed an appeal with the State Personnel Board. As of the date of the writing of this report, the matter is still pending.

Overall Assessment

Overall, the Office of Internal Affairs poorly conducted the inquiry. The investigator failed to show an officer a photograph of the incarcerated person who made the staff misconduct allegation and did not attempt to refresh an officer's recollection regarding the incarcerated person's identity. The Office of Internal Affairs conducted an inquiry to determine whether there was reasonable belief of misconduct and submitted its report to the hiring authority on March 23, 2021, even though previously, on August 15, 2020, the hiring authority had already determined that there was a reasonable belief of misconduct and had referred the matter to the Office of Internal Affairs Central Intake Unit.

Questions***In the OIG's opinion, did the investigator ask all relevant questions during interviews?***

In an interview of an officer on October 15, 2020, the investigator failed to show the witness a photograph of the incarcerated person who made the staff misconduct allegation and did not attempt to refresh the officer's recollection regarding the incarcerated person's identity.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

In the OIG's opinion, the investigator failed to complete a thorough interview of an officer on October 15, 2020, when he did not show the witness a photograph of the incarcerated person who made the staff complaint allegation and did not attempt to refresh his recollection regarding the the incarcerated person's identity. Also, the Office of Internal Affairs conducted an inquiry to determine whether there was reasonable belief of misconduct and submitted its report to the hiring authority on March 23, 2021. However, on August 15, 2020, the hiring authority had previously determined that there was a reasonable belief of misconduct and had submitted the matter to the Office of Internal Affairs' Central Intake Unit.

In the OIG's opinion, did the department handle the case with due diligence?

On July 10, 2020, the department learned of the staff misconduct allegation submitted by an incarcerated person. The department did not assign an investigator to conduct an inquiry into the allegation until August 7, 2020, 28 days thereafter. On August 15, 2020, the hiring authority independently determined there was a reasonable belief of misconduct and referred the allegation to the Office of Internal Affairs Central Intake Unit. Nevertheless, the investigator continued to conduct inquiry work to determine whether a reasonable belief of staff misconduct existed and submitted the final inquiry report to the hiring authority on March 23, 2021, seven months and eight days after the hiring authority had already submitted a referral to the Office of Internal Affairs Central Intake Unit.

Case Type

Departmental
Inquiry

Incident Date

June 16, 2020

Allegations

Neglect of Duty

Overall Rating

Poor

OIG Case Number

20-0035292-IQ

Incident Summary

On June 16, 2020, after an incarcerated person complained to an officer about the officer not wearing a face covering or gloves while preparing food, the officer allegedly denied the incarcerated person food and explained that he did not need to wear a face covering. The incarcerated person complained to a sergeant about the officer denying him food. The officer allegedly handcuffed the incarcerated person from the back even though the incarcerated person had special handcuffing requirements that prevented the incarcerated person from being handcuffed from the back, grabbed the incarcerated person from behind, and then slammed the incarcerated person's shoulder against the frame of a cell door.

Disposition

The hiring authority reviewed the final inquiry report and determined that he had previously referred the matter to the Office of Internal Affairs' Central Intake Unit. The OIG agreed with the hiring authority's determination that there was reason to believe staff misconduct occurred but that another referral was not needed, given the hiring authority's prior referral. The Office of Internal Affairs conducted an investigation. The hiring authority sustained the allegation that the officer failed to wear a face covering and failed to report an incarcerated person's injury, but not the remaining allegations, and imposed a 5 percent salary reduction for 12 months. The officer filed an appeal with the State Personnel Board. As of the date of the writing of this report, the matter is still pending.

Overall Assessment

Overall, the Office of Internal Affairs performed poorly. The department conducted an inquiry to determine whether there was reasonable belief of misconduct and submitted its inquiry report to the hiring authority on March 23, 2021. However, on September 15, 2020, the hiring authority had previously determined that there was a reasonable belief of misconduct and had submitted the matter to the Office of Internal Affairs' Central Intake Unit.

Questions

In the OIG's opinion, did the investigator adequately confer with the OIG upon case initiation and prior to finalizing the inquiry plan?

The investigator did not confer with the OIG to discuss the inquiry plan.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

The Office of Internal Affairs conducted an inquiry to determine whether there was reasonable belief of misconduct and submitted its report to the hiring authority on March 23, 2021. However, on September 15, 2020, the hiring authority had previously determined that there was a reasonable belief of misconduct and had already submitted the matter to the Office of Internal Affairs' Central Intake Unit.

In the OIG's opinion, did the department handle the case with due diligence?

On July 10, 2020, the department learned of the staff misconduct allegation submitted by an incarcerated person. The department did not assign an investigator to conduct an inquiry into the allegation until August 7, 2020, 28 days thereafter. On September 15, 2020, the hiring authority independently determined there was a reasonable belief of misconduct and referred the allegation to the Office of Internal Affairs' Central Intake Unit. Nevertheless, the investigator continued to conduct inquiry work to determine whether a reasonable belief of staff misconduct existed and submitted the final inquiry report to the hiring authority on March 23, 2021, six months and eight days after the hiring authority had already submitted a referral to the Office of Internal Affairs Central Intake Unit.

Case Type

Departmental
Inquiry

Incident Date

June 17, 2020

Allegations

Assault
Discourteous
Treatment
Discrimination/Harassment
Other Failure of
Good Behavior
Neglect of Duty
Retaliation

Overall Rating

Poor

OIG Case Number

20-0034831-IQ

Incident Summary

On June 17, 2020, an officer allegedly failed to timely release an incarcerated person to receive medication. A second officer later allegedly lifted the incarcerated person out of his wheelchair and slammed the incarcerated person to the ground; placed his knee on the incarcerated person's neck and back, which prevented the incarcerated person from breathing; stabbed the incarcerated person with a sharp object; and told the incarcerated person, "This is for my homeboy." A third officer allegedly failed to intervene and stop the assault on the incarcerated person. An officer allegedly submitted a false rules violation report concerning the incident.

Disposition

The hiring authority identified staff misconduct and referred the matter to the Office of Internal Affairs. The Office of Internal Affairs poorly conducted the inquiry. The investigator did not use effective interviewing techniques when conducting interviews and did not complete all necessary and relevant interviews. Despite the poor quality of the inquiry, the OIG agreed with the hiring authority's decision to refer the allegations to the Office of Internal Affairs Central Intake Unit for an investigation. On May 12, 2021, the Office of Internal Affairs' Central Intake Unit subsequently approved an investigation. The Office of Internal Affairs conducted an investigation. On June 17, 2021, the hiring authority sustained allegations against the officers and served them with letters of instruction.

Overall Assessment

Overall, the department poorly conducted the inquiry. The investigator did not use effective interviewing techniques when conducting interviews, did not complete all necessary and relevant interviews, did not provide an advisement at the beginning of each interview and did not provide an admonishment regarding confidentiality at the conclusion of each interview. In addition, the Office of Internal Affairs completed and submitted its final inquiry report to the hiring authority sixty days prior to the deadline to take disciplinary action.

Questions***In the OIG's opinion, did the investigator use effective interviewing techniques when conducting interviews?***

The investigator failed to utilize a diagram of the housing unit which would have allowed witnesses to provide a clear description of their location and the location of the involved parties. In addition, the investigator did not use photographs of the named subjects of the inquiry, which would have allowed the investigator to confirm the identities of those involved.

In the OIG's opinion, did the investigator complete all necessary and relevant interviews?

The investigator did not interview the subjects of the inquiry named by the incarcerated person as having committed misconduct.

In the OIG's opinion, did the investigator prepare a final inquiry report that included all relevant facts and evidence?

The report fails to state that an additional investigator was present during a witness interview conducted on July 17, 2020. In addition, the writer of the report incorrectly states that he conducted one of the interviews on July 17, 2020, when in fact, a different investigator conducted that interview.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was June 18, 2021. However, the Office of Internal Affairs submitted its inquiry report to the hiring authority on April 19, 2021, 60 days prior to the deadline to take disciplinary action.

In the OIG's opinion, did the department handle the case with due diligence?

The deadline to take disciplinary action was June 18, 2021, but the Office of Internal Affairs did not submit its

final inquiry report to the hiring authority until April 19, 2021, 60 days prior to the deadline to take disciplinary action. The hiring authority requested an investigation from the Office of Internal Affairs' Central Intake Unit. On May 12, 2021, the Office of Internal Affairs' Central Intake Unit approved an investigation. An Office of Internal Affairs special agent subsequently conducted a rushed investigation, resulting in the hiring authority conducting the investigative and disciplinary conference on the day before the deadline to take disciplinary action. The OIG did not agree with the hiring authority's decision at the conference to impose corrective action in the form of letters of instruction rather than disciplinary action, but there was no time remaining for the OIG to invoke executive review.

Case Type

Departmental
Inquiry

Incident Date

June 17, 2020

Allegations

Discrimination/Harassment

Overall Rating

Poor

OIG Case Number

20-0035293-IQ

Incident Summary

On June 17, 2020, an officer allegedly encouraged incarcerated persons associated with security threat groups to assault another incarcerated person because the other incarcerated person "was always snitching on staff."

Disposition

The hiring authority reviewed the final inquiry report and determined that he had previously referred the matter to the Office of Internal Affairs' Central Intake Unit. The OIG agreed with the hiring authority's determination that there was reason to believe staff misconduct occurred but that another referral was not needed, given the hiring authority's prior referral. The Office of Internal Affairs conducted an investigation. The hiring authority sustained the allegation that the officer failed to wear a face covering and failed to report an incarcerated person's injury, but not the remaining allegations, and imposed a 5 percent salary reduction for 12 months. The officer filed an appeal with the State Personnel Board. As of the date of the writing of this report, the matter is still pending.

Overall Assessment

Overall, the Office of Internal Affairs performed poorly conducted the inquiry. The Office of Internal Affairs conducted an inquiry for the hiring authority to determine whether there was reasonable belief of misconduct and submitted its report to the hiring authority on March 23, 2021. However, on September 15, 2020, the hiring authority had previously determined that there was a reasonable belief of misconduct and had already submitted the matter to the Office of Internal Affairs' Central Intake Unit.

Questions

In the OIG's opinion, did the investigator adequately confer with the OIG upon case initiation and prior to finalizing the inquiry plan?

The investigator did not confer with the OIG to discuss the inquiry plan.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

The Office of Internal Affairs conducted an inquiry to determine whether there was reasonable belief of misconduct and submitted its report to the hiring authority on March 23, 2021. However, on September 15, 2020, the hiring authority had previously determined that there was a reasonable belief of misconduct and had submitted the matter to the Office of Internal Affairs' Central Intake Unit.

In the OIG's opinion, did the department handle the case with due diligence?

On July 10, 2020, the department learned of the staff misconduct allegation submitted by an incarcerated person. On August 7, 2020, the department assigned an investigator to conduct an inquiry into the allegations to determine whether there was a reasonable belief of misconduct. The hiring authority independently determined that there was reasonable belief misconduct occurred and, on September 15, 2020, referred the allegations to the Office of Internal Affairs' Central Intake Unit. Nevertheless, the investigator continued to conduct inquiry work to determine whether reasonable belief of staff misconduct existed and the Office of Internal Affairs submitted the final inquiry report to the hiring authority on March 23, 2021, six months eight days after the hiring authority had already submitted a referral to the Office of Internal Affairs' Central Intake Unit.

Case Type

Departmental
Inquiry

Incident Date

June 25, 2020

Allegations

Discourteous
Treatment
Discrimination/Harassment
Threat/Intimidation

Overall Rating

Poor

OIG Case Number

20-0035241-IQ

Incident Summary

On June 25, 2020, an officer allegedly told an incarcerated person, "I know you are snitching. Make sure you spell my name right." A second officer allegedly told the incarcerated person, "That's if you know how to spell." The comments caused the incarcerated person to fear for his safety.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The OIG agreed with the hiring authority's decisions.

Overall Assessment

Overall, the department poorly handled the inquiry. The investigator did not ask all relevant questions during interviews, did not use effective interviewing techniques, and did not provide an admonishment concerning confidentiality at the end of each interview. On June 29, 2020, the Office of Internal Affairs assigned an investigator to conduct an inquiry, but did not complete its final inquiry report and submit it to the hiring authority until May 21, 2021, 10 months and 22 days later.

Questions***In the OIG's opinion, did the investigator use effective interviewing techniques when conducting interviews?***

In an interview of an incarcerated person on March 16, 2021 the investigator made reference to documents not clearly described on the record. Also, investigators conducted interviews on March 16, 2021 in a facility chapel, which was not a confidential location. Multiple incarcerated persons walked into the chapel during an interview, which interrupted the interview. As the interviews were held in that particular location, other incarcerated persons were able to identify those incarcerated persons whom the investigator was interviewing as part of a confidential inquiry. The chapel also had poor acoustics, which made it difficult to hear and understand the witnesses.

In the OIG's opinion, did the department handle the case with due diligence?

On June 29, 2020, the Office of Internal Affairs assigned an investigator to conduct the inquiry, but did not complete its final inquiry report and submit it to the hiring authority until May 21, 2021, 10 months and 22 days later.

Case Type

Departmental
Inquiry

Incident Date

June 26, 2020

Allegations

Threat/Intimidation

Overall Rating

Satisfactory

OIG Case Number

20-0034832-IQ

Incident Summary

On June 26, 2020, an unknown staff member allegedly placed nail clippers and a note reading, "Kill yourself" under the cell door of an incarcerated person, after which the incarcerated person swallowed the nail clippers. On July 15, 2020, an unknown staff member placed a handwritten note containing a threat and derogatory references to the incarcerated person under the cell door of the incarcerated person.

Disposition

The hiring authority did not identify staff misconduct and refer the matter to the Office of Internal Affairs. The OIG agreed with the hiring authority's decisions.

Overall Assessment

Overall, the department conducted the inquiry in a satisfactory manner.

Questions***In the OIG's opinion, did the department handle the case with due diligence?***

The investigator conducted the final interview on September 21, 2020, but the Office of Internal Affairs did not complete its final inquiry report until May 21, 2021, eight months after the last interview.

Case Type

Departmental
Inquiry

Incident Date

June 29, 2020

Allegations

Dishonesty
Neglect of Duty

Overall Rating

Poor

OIG Case Number

20-0034833-IQ

Incident Summary

On June 29, 2020, after an incarcerated person allegedly assaulted officers, an officer allegedly retaliated by issuing a false rules violation report against the incarcerated person. The officer also allegedly failed to conduct a urinalysis test of the incarcerated person.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The Office of Internal Affairs poorly conducted the inquiry. The investigator did not complete all necessary and relevant interviews and did not properly search for and collect relevant documentary and other forensic evidence. Due to the poor quality of the Office of Internal Affairs' inquiry work, the OIG did not reach a conclusion regarding whether there was a reasonable belief of staff misconduct. The OIG recommended to the hiring authority that he request additional inquiry work from the Office of Internal Affairs. The hiring authority rejected the OIG's recommendation.

Overall Assessment

Overall, the department poorly conducted the inquiry. The investigator did not complete all necessary and relevant interviews and did not properly search for and collect relevant documentary and other forensic evidence. In addition, the Office of Internal Affairs did not finalize its report and submit it to the hiring authority until seven months and 18 days after the investigator completed the final interview in the case.

Questions***In the OIG's opinion, did the investigator complete all necessary and relevant interviews?***

The investigator did not interview the officer who authored the rules violation report that set forth an allegation that the incarcerated person possessed alcohol. In addition, the investigator did not interview a second escort officer and all medical staff who had contact with the incarcerated person at the time of the incident to determine whether those individuals smelled an odor of alcohol emitting from the incarcerated person.

In the OIG's opinion, did the investigator properly search for and collect relevant documentary and other forensic evidence?

The investigator failed to submit a request for departmental forensic investigators to retrieve and preserve data as to when the alleged false rules violation report against the incarcerated person was deleted from the departmental computer database and to determine the identity of the person who deleted the documents.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

The investigator did not interview the officer who authored the rules violation report that set forth an allegation that the incarcerated person possessed alcohol. In addition, the investigator did not interview a second escort officer and all medical staff who had contact with the incarcerated person at the time of the incident to determine whether those individuals smelled an odor of alcohol emitting from the incarcerated person.

In the OIG's opinion, did the department handle the case with due diligence?

The investigator conducted the final interview on September 3, 2020, but the Office of Internal Affairs did not complete its final inquiry report until April 21, 2021, seven months and 18 days after the last interview.

Case Type

Departmental
Inquiry

Incident Date

July 14, 2020

Allegations

Confidential
Information
Discourteous
Treatment
Neglect of Duty

Overall Rating

Poor

OIG Case Number

21-0037694-IQ

Incident Summary

On July 14, 2020, an officer allegedly failed to protect the confidentiality of an incarcerated person who reported that his cellmate, a second incarcerated person, assaulted him. The officer allegedly asked the incarcerated person whether he agreed to continue to remain in a cell with the second incarcerated person. Within the hearing of other incarcerated persons, the officer allegedly asked the incarcerated person, "So you're going to snitch on him?" Three other officers allegedly threatened to place the incarcerated person in the administrative segregation unit if he reported the assault to a sergeant. The officers also allegedly advised the incarcerated person to hide his injuries when a nurse examined him and informed him that the prison staff were aware of the second's incarcerated person's use of illegal drugs and assaultive behavior.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The OIG agreed with the hiring authority's decisions.

Overall Assessment

Overall, the department poorly conducted the inquiry. Although the department learned of the alleged staff misconduct on September 21, 2020, it did not assign an investigator to conduct the inquiry into the allegations until January 6, 2021, three months and 16 days thereafter. Also, the Office of Internal Affairs did not complete the inquiry for an additional six months from the time the department assigned an investigator. Lastly, the investigator did not ask relevant questions during interviews, did not use effective interviewing techniques, and did not provide confidentiality advisements to witnesses at the conclusion of multiple interviews.

Questions***In the OIG's opinion, did the investigator ask all relevant questions during interviews?***

The investigator failed to ask all relevant questions during interviews conducted on February 4, 2021, and on June 24, 2021. The investigator did not ask the witness to identify relevant documents on the record.

In the OIG's opinion, did the investigator use effective interviewing techniques when conducting interviews?

The investigator did not identify on the record exhibits shown to four separate witnesses during interviews conducted on February 4, 2021. The investigator did not ask foundational questions about a relevant document during an interview conducted on June 24, 2021.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

In the OIG's opinion, the department did not handle the case with due diligence. The department learned of the staff misconduct allegations on September 21, 2020. However, it did not assign an investigator to conduct an inquiry into the allegations until January 6, 2021, three months and 16 days after learning of the misconduct. Also, the Office of Internal Affairs took an additional six months to complete the inquiry. The Office of Internal Affairs began its inquiry on January 6, 2021, but did not complete it until July 6, 2021, six months thereafter.

In the OIG's opinion, did the department handle the case with due diligence?

The department learned of the staff misconduct allegations for this case on September 21, 2020. However, it did not assign an investigator to conduct an inquiry into the allegations until January 6, 2021, three months and 16 days after learning of the misconduct. Also, the Office of Internal Affairs took an additional six months to complete the inquiry. The Office of Internal Affairs began its inquiry on January 6, 2021, but did not complete it until July 6, 2021, six months thereafter.

Case Type

Departmental
Inquiry

Incident Date

July 20, 2020

Allegations

Threat/Intimidation

Overall Rating

Satisfactory

OIG Case Number

21-0037629-IQ

Incident Summary

On July 20, 2020, two Office of Internal Affairs lieutenants allegedly made statements to an incarcerated person that indicated they were not neutral investigators and that they represented the department during the inquiry.

Disposition

The hiring authority did not identify potential staff misconduct and did not refer the matter to the Office of Internal Affairs. The OIG agreed with the hiring authority's decisions.

Overall Assessment

Overall, the department conducted the inquiry in a satisfactory manner.

Case Type

Departmental
Inquiry

Incident Date

July 20, 2020

Allegations

Threat/Intimidation

Overall Rating

Poor

OIG Case Number

21-0037896-IQ

Incident Summary

On July 20, 2020, four officers allegedly arranged for three incarcerated persons to enter a building in which a fourth incarcerated person lived to threaten and intimidate the fourth incarcerated person for reporting staff misconduct.

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The OIG agreed with the hiring authority's decisions.

Overall Assessment

Overall, the department poorly conducted the inquiry. The department did not assign an investigator to conduct an inquiry until six months and two days after learning of the staff misconduct allegation and the investigator did not admonish witnesses concerning the confidentiality of interviews. Also, the Office of Internal Affairs did not submit its final inquiry report to the hiring authority until one month and 27 days prior to the deadline to take disciplinary action.

Questions

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The deadline to take disciplinary action was July 25, 2021. However, the Office of Internal Affairs submitted its final inquiry report to the hiring authority on May 28, 2021, only one month and 27 days prior to the deadline to take disciplinary action.

In the OIG's opinion, did the department handle the case with due diligence?

On July 25, 2020, the department learned of the staff misconduct allegation submitted by the incarcerated person. However, the department did not assign an investigator to conduct an inquiry into the allegation until January 27, 2021, six months and two days thereafter.

Case Type

Departmental
Inquiry

Incident Date

July 20, 2020

Allegations

Threat/Intimidation

Overall Rating

Poor

OIG Case Number

21-0037904-IQ

Incident Summary

On July 20, 2020, an Office of Internal Affairs lieutenant allegedly intimidated an incarcerated person during an interview by standing over the incarcerated person as the incarcerated person sat during and participated in an interview.

Disposition

A warden reviewed the case, did not identify staff misconduct, and did not refer the matter to the Office of Internal Affairs. However, the warden did not supervise the lieutenant and was not the lieutenant's hiring authority. The Office of Internal Affairs poorly conducted the inquiry. The investigator failed to include all relevant evidence in the final inquiry report and failed to conduct all relevant interviews. Due to the poor quality of the Office of Internal Affairs' inquiry work, the OIG did not reach a conclusion regarding whether there was a reasonable belief of staff misconduct.

Overall Assessment

Overall, the Office of Internal Affairs poorly conducted the inquiry. The investigator failed to conduct all relevant interviews and did not include all relevant evidence in the final inquiry report. Additionally, the Office of Internal Affairs submitted the inquiry report to the incorrect hiring authority.

Questions***In the OIG's opinion, did the investigator complete all necessary and relevant interviews?***

The investigator did not interview the lieutenant who was the subject of the inquiry, but the investigator should have done so, rather than simply accept a memorandum authored by the lieutenant concerning the incident.

In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?

The investigator did not include a relevant interview recording as an exhibit to the final inquiry report and the Office of Internal Affairs did not submit its final inquiry report to the appropriate hiring authority.

In the OIG's opinion, did the investigator include all relevant documentary evidence in the final inquiry report?

The final inquiry report did not include as an exhibit a copy of the recorded July 20, 2020, interview conducted by the Office of Internal Affairs lieutenant of the incarcerated person who submitted the allegation. The Office of Internal Affairs lieutenant's conduct during that interview was the basis of the staff misconduct allegation.

Did the investigator complete the inquiry with sufficient time for the hiring authority to submit a request for additional inquiry if necessary?

The investigator completed the inquiry with sufficient time for a hiring authority to submit a request for additional inquiry. However, the Office of Internal Affairs did not submit the inquiry to the lieutenant's hiring authority, but instead submitted it to a prison warden, who was not the lieutenant's hiring authority.

Case Type

Departmental
Inquiry

Incident Date

September 04,
2020

Allegations

Discourteous
Treatment

Overall Rating

Poor

OIG Case Number

20-0034906-IQ

Incident Summary

On September 4, 2020, a nurse allegedly engaged in a verbal argument with an incarcerated person while the incarcerated person waited to receive medication. The argument caused the incarcerated person to return to his cell without obtaining the medication. An officer allegedly told the incarcerated person, "I don't have to do what you want me to do. I do what I want to do." The officer then allegedly engaged in a verbal argument with the incarcerated person and denied the incarcerated person's request to speak to a sergeant by stating, "You're not gonna snitch on me like you snitched on the officers at [a previous prison]. I know you and [a second incarcerated person's name] are rats." The officer allegedly again denied a second request by the incarcerated person to speak to a sergeant. After the incarcerated person stated that he was going to cover his cell windows, the officer allegedly responded by saying, "Yeah, well if you do, I'll be the first one to come in your cell to [expletive] you up. [Expletive]."

Disposition

The hiring authority did not identify staff misconduct and did not refer matter to the Office of Internal Affairs. The OIG agreed with the hiring authority's decisions.

Overall Assessment

Overall, the department poorly conducted the inquiry. On June 16, 2021, the Office of Internal Affairs prepared and submitted a final inquiry report to the hiring authority that did not include all relevant facts and documentary evidence. After the OIG informed the hiring authority of the omissions, the Office of Internal Affairs later provided the missing evidence to the hiring authority, but not until July 15, 2021, 29 days later.

Questions***In the OIG's opinion, did the investigator thoroughly and appropriately conduct the inquiry?***

The investigator did not conduct the inquiry thoroughly and appropriately. On June 16, 2021, the Office of Internal Affairs prepared and submitted a final inquiry report to the hiring authority that did not include all relevant facts and documentary evidence. After the OIG informed the hiring authority of the omissions in the final inquiry report, the Office of Internal Affairs subsequently provided the missing evidence to the hiring authority, but not until July 15, 2021, 29 days later.

In the OIG's opinion, did the investigator prepare a final inquiry report that included all relevant facts and evidence?

In the final inquiry report, the investigator incorrectly identified multiple participants in an interview of the incarcerated person who made the allegations, including the investigator who conducted the interview and two attorneys who attended telephonically. On December 10, 2020, the investigator interviewed an incarcerated person regarding the allegations but the Office of Internal Affairs did not include a synopsis of the interview in the final inquiry report and did not include the recording of the interview as an exhibit. The Office of Internal Affairs submitted the final inquiry report to the hiring authority on June 16, 2021. The Office of Internal Affairs did not provide a supplemental report with a synopsis of the interview, along with the interview recording, to the hiring authority and to the OIG until July 15, 2021, 29 days later, and only after the OIG pointed out the missing evidence to the hiring authority.

In the OIG's opinion, did the investigator include all relevant documentary evidence in the final inquiry report?

The Office of Internal Affairs failed to include in its final inquiry report as an exhibit the recording of an interview of an incarcerated person. The OIG brought this omission to the attention of the hiring authority, who requested and reviewed the recording, but the failure caused a delay in the hiring authority's ability to review all the evidence until July 15, 2021.

In the OIG's opinion, did the department handle the case with due diligence?

The investigator conducted the final interview on February 18, 2021. However, the Office of Internal Affairs did not complete the final inquiry report until June 16, 2021, three months and 29 days after the last interview.

Did the department timely transmit documents or items of evidentiary value to the OIG?

The Office of Internal Affairs provided its final inquiry report to the OIG on June 16, 2021, but the report did not contain as an exhibit a recording of an interview. The Office of Internal Affairs did not provide the missing interview recording to the OIG until July 15, 2021.

Case Type

Departmental
Inquiry

Incident Date

September 18,
2020

Allegations

Discrimination/Hara
ssment

Overall Rating

Satisfactory

OIG Case Number

20-0036216-IQ

Incident Summary

On September 18, 2020, an officer allegedly called an incarcerated person a "rat."

Disposition

The hiring authority did not identify staff misconduct and did not refer the matter to the Office of Internal Affairs. The OIG agreed with the hiring authority's decisions.

Overall Assessment

Overall, the department conducted the inquiry in a satisfactory manner.

Response by the California Department of Corrections and Rehabilitation to This Report

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STATE OF CALIFORNIA — DEPARTMENT OF CORRECTIONS AND REHABILITATION

GAVIN NEWSOM, GOVERNOR

OFFICE OF THE SECRETARY

P.O. Box 942883
Sacramento, CA 94283-0001



February 24, 2022

Ms. Amarik K. Singh
Office of the Inspector General
10111 Old Placerville Road, Suite 110
Sacramento, CA 95827

Dear Ms. Singh:

The California Department of Corrections and Rehabilitation (Department) has reviewed the draft entitled *The California Department of Corrections and Rehabilitation's Processing of Disabled Incarcerated Persons' Allegations of Staff Misconduct at the Richard J. Donovan Correctional Facility*.

The Department takes every allegation of employee misconduct very seriously, and we are committed to ensuring all allegations are properly and fairly reviewed, whether at the Department or at the local level. The Department appreciates the Office of the Inspector General's (OIG) review, and recognizes the report provides valuable feedback that we will consider as we continue to improve how allegations of staff misconduct are evaluated.

The allegations of staff misconduct toward incarcerated people with a disability at Richard J. Donovan Correctional Facility (RJD) were brought to the Department's attention via declarations facilitated by the Rosen Bien Galvan & Grunfeld (RBGG) law firm. The Department formed an internal task force to review the allegations. At that time, the Department did not have a standardized process for conducting inquiries into allegations brought forward outside of the grievance process, and in hindsight, we recognize there were several shortcomings with that approach. However, since the time that this review was conducted, the Department has taken aggressive steps and made significant changes to address issues raised in this report with the goals of ensuring timely responses, increasing accountability, and instilling greater fidelity and trust of our investigations process.

Specifically, in January 2022, the Department implemented emergency regulations to standardize the process for addressing allegations of staff misconduct toward an incarcerated person or parolee statewide. These regulations represent a large-scale restructuring of the process for handling staff misconduct allegations, as a result in part of the feedback that the OIG has provided in this and prior reports. The changes include:

- Expanding the definition of "staff misconduct" to include all behavior that results in a violation of law, regulation, policy, procedure, or actions contrary to an ethical or professional standard.

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- Eliminating the “reasonable belief” standard as a requirement for an allegation of staff misconduct toward an incarcerated person or parolee that will be routed to the OIA for investigation. This change will increase the number of allegations going to OIA because it removes the requirement that an incarcerated person or parolee must provide evidence of misconduct at the time the allegation is submitted.
- Establishing a robust, independent process for centralized screening of grievances from incarcerated persons and parolees so all grievances received at the institution on a form 602-1 are routed to the Centralized Screening Team (CST) to determine if the grievance includes allegations of staff misconduct. This process will be expanded to allegations of staff misconduct toward incarcerated persons or parolees received outside the grievance process by July 1, 2023.
- Enabling CST staff to make decisions regarding the proper assignment for investigation or inquiry into allegations of staff misconduct toward an incarcerated person or parolee.
- Creating an Allegation Decision Index (ADI) to reduce subjectivity and increase consistency in decisions made by the CST. The ADI provides clarity in the proper assignment of a claim to OIA for an investigation or to a Locally Designated Investigator (LDI) for an allegation inquiry. As an example, all complaints involving staff use of force regardless of injury and staff sexual misconduct shall be assigned to OIA for investigation.
- Enhanced training by the OIA for LDIs who complete inquiries at the local level.
- Requiring the LDI to transfer an inquiry to OIA when, during the course of their inquiry, the LDI receives information about misconduct listed on the ADI.
- Mandating OIA managers review and approve inquiry reports completed by LDIs to ensure the report is complete and thorough before being reviewed by the hiring authority for determination.
- Creating a statewide tracking system that will capture all allegations of staff misconduct from all sources as well as improve the overall timeliness of the investigative process. This tracking system will allow data filtering to identify areas of concern or repeated allegations of a same or similar nature. Additionally, it will be used by Department managers to ensure inquiries and investigations are completed timely and any subsequent corrective or disciplinary action imposed within the applicable statute of limitations.

In addition, the Governor’s proposed 2022-23 Budget would add 175 positions and would allocate over \$34 million dollars annually to support these progressive changes. Some of these changes have already been implemented with the remaining changes to be phased in by July 2023, subject to funding approval. The first institutions identified to begin the implementation of these changes include RJD, as well as the California Institution for Women, California State Prison, Corcoran, the Substance Abuse Treatment Facility and State Prison, Corcoran, California State Prison Los Angeles County, and Kern Valley State Prison.

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Along with transforming the staff misconduct process, the Department took additional steps at RJD since the allegations came to light that are designed to curb misconduct and protect the integrity of the investigative process. These changes include installing more than a thousand video cameras throughout the institution and requiring body worn cameras for all of the nearly 800 officers and Sergeants who interact with the incarcerated population. Additional sergeants have also been hired to assist with supervision of officers. Extra training including discussion of reporting requirements, de-escalation techniques, whistleblower protections, non-retaliation expectations, and treatment of incarcerated people with disabilities has been provided for all custody, mental health, and medical staff who interact with incarcerated people with disabilities.

Finally, there have been some critical staffing changes that we believe will positively impact implementation of these changes going forward. RJD welcomed new acting Warden Raymond Madden last year. Warden Madden has over six years of experience as Warden at Centinela State Prison and is committed to accountability and process improvements. OIA hired new Deputy Director David Chriss. Deputy Director Chriss brings years of investigative expertise from outside of the Department and has been a leader in the development of improvements to the staff misconduct process.

We share the concerns raised by the OIG in this report and previous reports related to allegations of staff misconduct toward incarcerated persons or parolees, and we appreciate the feedback received from the OIG as well as internal and other external stakeholders in developing a completely restructured process aimed at addressing these concerns. We remain committed to working to improve our new process in this regard, and we value the observations of the OIG as they continue to monitor this process.

If you have further questions, please contact me at (916) 323-6001.

Sincerely,

DocuSigned by:
Diana Toche
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KATHLEEN ALLISON
Secretary

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Special Report

The California Department of Corrections and Rehabilitation's Processing of Disabled Incarcerated Persons' Staff Misconduct Allegations at the Richard J. Donovan Correctional Facility

OFFICE *of the*
INSPECTOR GENERAL

Amarik K. Singh
Inspector General

STATE of CALIFORNIA
March 2022

OIG