



Washington State Auditor's Office

Troy Kelley

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Whistleblower Investigation Report
Department of Corrections

For the period July 1, 2013 through June 30, 2014

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Washington State Auditor Troy Kelley

February 17, 2015

Bernie Warner, Secretary
Department of Corrections

Report on Whistleblower Investigation

Attached is the official report on Whistleblower Case No. WB 14-022 at the Department of Corrections.

The State Auditor's Office received an assertion of improper governmental activity at the Agency. This assertion was submitted to us under the provisions of Chapter 42.40 of the Revised Code of Washington, the Whistleblower Act. We have investigated the assertion independently and objectively through interviews and by reviewing relevant documents. This report contains the result of our investigation.

Questions about this report should be directed to Whistleblower Manager Jim Brownell at (360) 725-5352.

Sincerely,

TROY KELLEY
STATE AUDITOR

cc: Victoria DeBoer, Audit Director/Ethics Administrator
Governor Jay Inslee
Kate Reynolds, Executive Director, Executive Ethics Board
Joshua Collette, Assistant State Auditor

WHISTLEBLOWER INVESTIGATION REPORT

Assertion and results

Our Office received a whistleblower complaint asserting a Department of Corrections employee used his position to influence the placement of his child within a state program.

We found reasonable cause to believe an improper governmental action occurred.

Background

The Department of Social and Health Services' Children's Administration has an extensive screening process for placement into its Behavior Rehabilitation Services program. Although the program has guidelines, the caseworkers' have discretion on placement decisions. The process includes obtaining child evaluations and assessments, such as court, medical and psychiatric reports and documents from the Department of Social and Health Services' Juvenile Rehabilitation Administration.

The Department of Corrections (Corrections) provides mental health services to offenders. As part of this process, qualified staff use a form titled "Mental Health Appraisal" to document an evaluation of an offender's mental health and needs. The evaluation is based on staff observation and the offender's history. This form is intended to be used internally and the general public does not have access to it.

About the Investigation

Our Office obtained a copy of a form submitted to the Children's Administration, emails from the subject's work computer and conducted interviews.

We interviewed staff at the Children's Administration and gained an understanding of the program and placement process. Witnesses said the normal process was followed in this case. Parents are usually involved in the process by providing the child's records and evaluations. However, receiving a written evaluation on an official Department of Corrections form was unusual, as they did not expect a child to be in the Corrections system. Also, the witnesses did not expect the child to be evaluated by a parent.

Several witnesses said they believed the subject used the form in an attempt to influence the placement process. One witness believed the form was used to legitimize the subject's request to have his child placed in the program. He explained the form gave the impression that a formal evaluation was completed. Another witness noted the form included false information, which indicated the child was in the Corrections system and housed in a juvenile facility. The witness

believed this information was intended to bolster the case for the child's placement in the program. A third witness questioned why the subject submitted the form rather than providing a written statement if the subject did not intend to influence the decision. The witness believed the form was included to be used as an official independent evaluation of the subject's son.

We reviewed the form submitted to the Children's Administration and confirmed with the subject that he had prepared and submitted it. The document was dated October 24, 2013, and included a mental health assessment of the subject's child. Within this form, the child was referred to as an inmate and included a Corrections identification number assigned to the child and the location of the facility in which he resided. According to the document, the form was completed in compliance with Corrections' policy as a result of the child's placement in a juvenile facility. We found the identification number entered into the form was not assigned to the child. The child was not in a juvenile facility, nor had he ever been in the Corrections system.

During an interview the subject explained that he uses this form while performing his work duties, and since he was familiar with it, used it to present information related to his child. He wanted to present the information as if someone else was evaluating his child. He said he had no intention of providing it to the Children's Administration, nor did he intend to use it to influence the placement of his child. However, he ultimately did provide it during a meeting with Department staff. When asked about the false information included in the document the subject explained the identification number was fictitious and was entered into the form as a matter of habit and he included the name of the juvenile facility where he believed his child would be placed.

During our review of the subject's work emails, we found an email sent to a personal email address with a copy of the "Mental Health Appraisal" attached. This form was dated September 26, 2013, approximately one month earlier than the date entered on the form provided to the Children's Administration. It included similar information about the subject's child, but had some distinct differences. The child was not referred to as an inmate in this document and there was no Corrections identification number or named facility listed. Also, its stated purpose was to assist the assigned counselor and social worker with the child's recovery.

We found reasonable cause to believe the subject used a document only accessible due to his position with Corrections, as a means to influence the placement of his child.

Agency's Plan of Resolution

The Department has determined that the allegations against our employee merit additional review. Our plan of resolution includes a Just Cause investigation initiated by the Department's Health Services Division to ascertain if any disciplinary action is warranted. The process will abide by the

Collective Bargaining Agreement with Teamsters Local Union # 117. The Department will be requesting the auditor's working papers to assist in our investigation.

State Auditor's Office Concluding Remarks

We thank Department officials and personnel for their assistance and cooperation during the investigation.

WHISTLEBLOWER INVESTIGATION CRITERIA

We came to our determination in this investigation by evaluating the facts against the criteria below:

RCW 42.52.070 - Special privileges:

Except as required to perform duties within the scope of employment, no state officer or state employee may use his or her position to secure special privileges or exemptions for himself or herself, or his or her spouse, child, parents, or other persons.