



Office of the Washington State Auditor
Pat McCarthy

Whistleblower Investigation Report

Department of Corrections

Published February 12, 2018

Report No. 1020797





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February 12, 2018

Stephen Sinclair, Secretary
Department of Corrections

Report on Whistleblower Investigation

Attached is the official report on Whistleblower Case No. 17-029 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.

If you are a member of the media and have questions about this report, please contact Assistant Director for Communications Kathleen Cooper at (360) 902-0470. Otherwise, please contact Whistleblower Manager Jim Brownell at (360) 725-5352.

Sincerely,

Pat McCarthy
State Auditor
Olympia, WA

cc: Governor Jay Inslee

Liana Dupont-Smith, Audit Director/Ethics Administrator
Kate Reynolds, Executive Director, Executive Ethics Board
Jennifer Wirawan, Investigator

WHISTLEBLOWER INVESTIGATION REPORT

Assertion and Results

Our Office received a whistleblower complaint asserting a Department of Corrections (Department) employee (subject) was in a position that created a conflict of interest.

We found no reasonable cause to believe an improper governmental action occurred.

Background

The subject is an appointing authority in the Department; as such, she has the authority to take disciplinary actions against employees who have violated Department policies.

The subject's husband works in a different division of the Department. As part of his work duties, he conducts surveillance and searches of facilities and job sites where inmates are located.

The whistleblower asserted this arrangement created a conflict of interest, as the subject determines what disciplinary actions to take in matters in which her husband was involved.

About the Investigation

Between April 1, 2016, and April 1, 2017, the subject was the appointing authority for two investigations that included information provided by her husband.

In the first investigation, the subject's husband conducted a security surveillance check of a worksite and found minor violations committed by multiple employees. He provided a report to the supervisor, who interviewed the employees present. During the interviews, they informed the supervisor of two more serious violations committed by one employee, which the subject's husband had not discovered during his security check.

The supervisor informed the subject of the additional violations and the subject assigned a third party to investigate. The investigation substantiated the new violations, but did not address the violations raised by the subject's husband. Based on this third-party investigation's results, the subject took disciplinary action against the employee; however, she did not address the minor violations initially discovered by her husband.

The subject said that before she assigned the investigator, she discussed the possible conflict with the Department head, and with a member of human resources. She said they determined she could proceed as the appointing authority because she based the disciplinary action on the information obtained by the supervisor. Moreover, the violations brought forward by her husband were not severe enough to rise to the level of an appointing authority.

In the second investigation, her husband's co-worker discovered a violation and forwarded it directly to the subject. The subject appointed an investigator, and ultimately determined no discipline was necessary. The subject's husband was not directly involved in this matter.

Because the subject did not use information provided by her husband to make disciplinary decisions, we found no reasonable cause to believe an improper governmental action occurred.

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 42.52.020 - Activities incompatible with public duties.

No state officer or state employee may have an interest, financial or otherwise, direct or indirect, or engage in a business or transaction or professional activity, or incur an obligation of any nature, that is in conflict with the proper discharge of the state officer's or state employee's official duties.