



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

April 13, 2015

Bernie Warner, Secretary
Department of Corrections

Report on Whistleblower Investigation

Attached is the official report on Whistleblower Case No. 14-028 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
OLYMPIA, WA

cc: Vickie DeBoer, Audit Director/Ethics Administrator
Governor Jay Inslee
Kate Reynolds, Executive Director, Executive Ethics Board
Cheri Elliott, Investigator

WHISTLEBLOWER INVESTIGATION REPORT

Assertion and results

Our Office received a whistleblower complaint asserting a Department of Corrections (Department) employee (subject) grossly mismanaged her responsibilities by providing inaccurate data related to an inmate program, which resulted in the Department receiving an appropriation of over \$1.8 million to be used towards the expansion of the program.

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

Background

In 2012 the Department began to implement a program titled: Thinking for a Change (program). The program has three components: self-change, social skills and problem solving skills. The program was designed to create a safer environment for offenders and staff and reduce the rates of reoffending.

About the Investigation

The Department contracted with various entities, including the Washington State University (University), to assist with implementing the program. University researchers were contracted to "provide an independent outcome and process evaluation" of the program.

In early 2012, the Department began training staff and selecting offenders to participate as the first two pilot groups and two control groups. The program was up and running by December 2012.

On February 20, 2013, the subject emailed a Department employee regarding the collection of data needed to respond to inquiries made by the Legislature about the program. The subject, with the assistance of the Department's communications department, prepared an informational document to provide to the Legislature. According to the whistleblower, the document was also provided to the media and a representative of the Governor's Office. Although the subject did not recall giving a document to the Governor's representative, she said if she had it would have been the same document shared with the media. The subject also recalled the document being shared with a state Representative. The subject did not know who specifically had asked for the information, but provided the names of the Department staff who would have received the request for the information. Neither staff could locate any correspondence related to an inquiry from the Legislature regarding the program.

According to the subject, at the time the document was created the University had yet to provide any results to the Department. So, she compiled internal data related to infractions committed by offenders in the pilot groups and compared each group to its corresponding pod. The corresponding pods were not the control groups selected at the start of the program, as referenced above. The document stated the program pilot groups had 75 percent fewer violent infractions than the neighboring pods in the same unit.

We spoke with a WSU researcher who provided the following information:

“2/20/13: I emailed the Analyses Results and General Write up to [Department employee]. This report was the first review of *limited* outcomes. It was up to [employee] to distribute further, as she was lead researcher on the project at the time. I’m not sure about the distribution of the report.” (Emphasis in original document.)

This document stated in part, “For **violent infractions** and **grievances**, results indicated that there was not a significant change over time for in-program and control participants.” (Emphasis in original document.)

We spoke with the Department employee referenced above who said that after she received the report she went to the subject’s office and shared the information with her.

In December 2013, the University released an interim report which defined its task in part as, “The outcome evaluation portion of the report is focused on understanding if the program is indeed reducing grievances, violent and serious infractions for the participants, and reducing negative, criminal thinking as compared to matched control group.” According to a University researcher involved with the program, the 75 percent reduction reported in February 2013 by the Department was not based on the numbers the University was seeing. The researcher said that it is important to have people with statistical expertise conduct these projects. She said when they put the control groups together they matched them with the pilot groups on different variables. She said you cannot compare the program group with just any offender.

According to the researcher, the first pilot group was full of problems and issues so it was necessary to wait until the second pilot group all graduated to come to conclusions about how the program was working and if it needed to be changed in any way.

The researcher said when she presented to the Legislature in 2013 about the program, she advised participant outcomes were trending in a positive way, but cautioned them to wait until the second group was complete so they could get all the results together.

In March 2015, the final report from the University was submitted to the Department and stated in part:

The findings show some in-program effects, although it appears that the behavior changes do not maintain over time.

Objective and thorough investigations of the implementation and operation of taxpayer-supported programs improves the quality of state corrections by using only programs proven to achieve goals efficiently and effectively. To ensure the interventions are provided in a consistent and effective manner, process and outcome evaluations provide a tool for exploring the application of the chosen models, as well as measuring potential changes in inmate behaviors.

While both [pilot groups] showed some improvements across different measures during and directly after the program, it does not appear that those changes in behavior maintained over time.

In its final report the University did not “recommend the closure of the program, but rather a “retooling” of the efforts.” The report continues with recommendations to the Department on how to restructure the program.

We found no reasonable cause to believe the subject grossly mismanaged her responsibilities when she provided information based on an internal comparison and not on data collected through the program’s pilots and control groups. We found no evidence through the course of the investigation to support the assertion that the appropriation provided by the Legislature was based solely on the information found in the February 2013 report.

State Auditor’s Office Concluding Remarks

We thank Agency 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 42.40.020 Definitions.

As used in this chapter, the terms defined in this section shall have the meanings indicated unless the context clearly requires otherwise.

(4) "Gross mismanagement" means the exercise of management responsibilities in a manner grossly deviating from the standard of care or competence that a reasonable person would observe in the same situation.