IN THE EXECUTIVE ETHICS COMMISSION
OF THE STATE OF ILLINOIS

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| In re: | ISABELLA GORDON, | ) | OEIG Case #11-02202 |
| | DERRICK VENTON, | ) | |
| | JILL PARKER, and | ) | |
| | DEAN REED | ) | |

OEIG FINAL REPORT (REDACTED)

Below is a final summary report from an Executive Inspector General. The General Assembly has directed the Executive Ethics Commission (Commission) to redact information from this report that may reveal the identity of witnesses, complainants or informants and "any other information it believes should not be made public." 5 ILCS 430/20-52(b).

The Commission exercises this responsibility with great caution and with the goal of balancing the sometimes-competing interests of increasing transparency and operating with fairness to the accused. In order to balance these interests, the Commission may redact certain information contained in this report. The redactions are made with the understanding that the subject or subjects of the investigation have had no opportunity to rebut the report's factual allegations or legal conclusions before the Commission.

The Commission received a final report from the Governor's Office of Executive Inspector General ("OEIG") and a response from the agency in this matter. The Commission, pursuant to 5 ILCS 430/20-52, redacted the final report and mailed copies of the redacted version and responses to the Attorney General, the Governor's Executive Inspector General and to Isabella Gordon, Derrick Venton, Jill Parker and Dean Reed at their last known addresses.

The Commission reviewed all suggestions received and makes this document available pursuant to 5 ILCS 430/20-52.

## EXECUTIVE SUMMARY

Under Illinois law, persons who have claims of discrimination may file a complaint with the Illinois Department of Human Rights (DHR). DHR employs investigators whose job is to investigate the claims, as well as supervisors who must supervise investigators. By statute, DHR only has 365 days to investigate. DHR investigators may take additional time to investigate, but only if they obtain an "extension," or agreement from both the complainant and the respondent that allows them to continue investigating. DHR policy requires extension forms to be signed by the complainant and respondent, or their representatives. If a DHR investigator obtains additional time to investigate (e.g. 180 or more days) the extension time period is then to be entered into DHR's internal computer database. DHR does not limit the number of extensions its investigators can seek.

The Office of Executive Inspector General for the Agencies of the Illinois Governor (OEIG) investigation revealed that four DHR investigators engaged in misconduct by:

- falsely representing in the internal DHR database that extensions had been agreed to by both parties when they had not been so agreed to by the parties; and
- falsely creating or altering DHR extension forms by superimposing complainant or respondent signatures on extension forms, among other ways.

In other words, the very persons DHR hired to investigate claims of unlawful discrimination themselves engaged in misconduct. In addition, an OEIG review of at least one investigative file each of the four DHR investigators worked on—to determine what activity, if any, each performed *after* they obtained a falsified extension—reflected that they each performed little to no investigative activity for periods of anywhere from 180 to 690 days, or 6 to 23 months, on the investigative files the OEIG reviewed.

In light of the misconduct committed by four DHR investigators, the OEIG investigated the manner and means of oversight DHR supervisors and managers employed to oversee DHR investigative activity and discovered that DHR supervisors generally:

- stopped closely monitoring DHR investigators after six months of their employment;
- did not and were not expected to monitor whether DHR investigators employed for more than six months complied with DHR's policies and best practices while DHR investigations were in progress; and
- did not and were not expected to, oversee investigative files until after the investigative process was completed and only after DHR investigators submitted the investigative reports for review to their supervisors.

The OEIG finds that four DHR investigators engaged in misconduct. In addition, in light of the OEIG's investigative findings, we recommend that DHR take immediate steps aimed at requiring investigative supervisors to conduct more than just perfunctory oversight of DHR investigators. The OEIG recommends that DHR take steps to make certain its investigators follow DHR policies and conduct appropriate investigations using DHR best practices, even if some DHR investigators might believe that requiring them to conduct adequate investigations is an unfair labor practice and may file a grievance. Both complainants and respondents to a discrimination complaint filed with DHR deserve far better than what OEIG investigators discovered in DHR's Charge Processing Division.

## I. INTRODUCTION AND ALLEGATIONS

On December 28, 2011, the Office of Executive Inspector General (OEIG) received a complaint from the Illinois Department of Human Rights (DHR or Agency)[1] involving allegations of misconduct relating to DHR Investigator Isabella Gordon. According to the complaint, Ms. Gordon failed to timely investigate DHR discrimination complaints and also falsified DHR records. For the reasons set forth below, the OEIG concludes that the allegations against Ms. Gordon are **FOUNDED**.

In February 2012, DHR received an allegation that DHR Investigator Derrick Venton falsified a DHR record. When DHR officials confronted Mr. Venton with the allegation, he admitted to the wrongdoing and subsequently resigned. DHR referred the allegation against Mr. Venton to the OEIG. For the reasons set forth below, the OEIG concludes that the allegation against Mr. Venton is **FOUNDED**.

The OEIG then expanded its investigation to examine potential further misconduct. After the OEIG's investigation expanded, allegations surfaced that DHR Investigator Jill Parker falsified DHR records. For the reasons set forth below, the OEIG concludes that the allegations against Ms. Parker are **FOUNDED**.

Moreover, in the course of its expanded investigation, the OEIG learned of allegations that DHR Investigator Dean Reed falsified DHR records. For the reasons set forth below, the OEIG concludes that the allegations against Mr. Reed are **FOUNDED**.

In light of the fact that the OEIG concluded that no fewer than four DHR investigators falsified documents relating to complaints of discrimination they were hired to investigate, OEIG investigators looked into the manner and means by which so many DHR investigators may have been able to engage in this misconduct.[2] The OEIG investigation revealed that during the time period in which the four investigators were employed by DHR, DHR investigative supervisors typically were *not involved* in overseeing DHR investigative activities until the very end of the investigative process. Thus, prior to presentation of a DHR discrimination investigation for closure, DHR investigators conducted their own investigations generally free from DHR supervision.

The OEIG recommends that DHR take immediate steps to require investigative supervisors to provide additional oversight of DHR investigations. Specifically, the OEIG recommends that investigative supervisors review DHR investigations on an ongoing basis and end the practice of waiting to review DHR investigations, including DHR physical investigative files, until DHR investigators complete their assigned investigations and submit them for

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[1] DHR officials agreed to release the Agency's identity as the complainant.

[2] During its investigation, the OEIG received yet another allegation of misconduct regarding a fifth DHR investigator. The OEIG initially assigned this complaint unique OEIG Case Number 13-00622. According to the complaint, the DHR investigator attempted to fabricate a 300-day extension by cutting and pasting a complainant's signature. The OEIG discovered that the conduct had allegedly occurred in late 2007 or early 2008, outside of the timeframe in which the OEIG is permitted to open and investigate a complaint. *See* 5 ILCS 430/20-20. However, based on related evidence adduced during the course of that investigation, the OEIG subsequently closed OEIG Case 13-00622 into the instant matter.

supervisory review. Supervision of investigative activity while an investigation is proceeding makes it more likely that supervisors will flag and correct investigative errors and may discourage some future misconduct by DHR investigators. Finally, the OEIG recognizes that some DHR investigators may believe that requiring them to conduct adequate investigations may be an unfair labor practice and may file a grievance with their union. However, DHR's stated and statutory mission is to investigate allegations of discrimination. Both the complainants and respondents of discrimination allegations deserve far better than what OEIG investigators discovered has been occurring in DHR's Charge Processing Division relating to investigations of discrimination.

## II. BACKGROUND

### A. The Illinois Human Rights Act

Individuals alleging they have been victims of unlawful discrimination may seek redress by filing a complaint in accordance with the Illinois Human Rights Act (the "Act").[3] After a charge of discrimination has been timely filed with DHR,[4] the Agency must, generally, conduct an investigation into the alleged discrimination and issue a report of findings within 365 days.[5]

### B. Illinois Department of Human Rights' Mission, Vision Statement and Personnel

According to information posted on its website[6] it is DHR's Mission:

- to secure for all individuals within the State of Illinois freedom from unlawful discrimination, and;
- to establish and promote equal opportunity and affirmative action as the policy of this state for all its residents.

In addition, DHR's Vision Statement includes the following language:

> We, the employees of the Illinois Department of Human Rights, believe that everyone has an inalienable right to live free from discrimination of any kind, in every aspect of life. We are dedicated to delivering quality service to the people of Illinois with integrity, honesty and respect.

In order to carry out its statutory duties and responsibilities, DHR employs various personnel, including:

- investigators, who investigate complaints of discrimination;
- investigative supervisors, who supervise the investigators;

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[3] 775 ILCS 5/1-101, *et seq.*

[4] An individual must file a complaint with DHR within 180 days after the alleged discriminatory action. 775 ILCS 5/7A-102. However, an individual challenging a fair housing practice must file his or her complaint within one year of the alleged discriminatory action. *Id.*

[5] *See* 775 ILCS 5/7A-102(G)(1).

[6] Available at http://www2.illinois.gov/dhr/AboutUs/Pages/default.aspx.

- assistant managers, who supervise the investigative supervisors; and
- division managers, who supervise assistant managers.

In addition, DHR is divided into several divisions, including the Charge Processing Division, which is described below.

### C. DHR's Charge Processing Division

The Charge Processing Division is the largest division within DHR. It is responsible for investigating complaints of discrimination. The Charge Processing Division consists of over 50 DHR investigators, seven investigative supervisors, and two assistant managers.[7]

The Charge Processing Division is led by [Employee 1]. [Employee 2] is an assistant manager of the Charge Processing Division in Chicago.[8] DHR investigators are required to carry out their duties and responsibilities consistent with various DHR provisions, which are set forth in great detail in a number of documents, including:

- the DHR Administrative Policy and Procedures Manual;[9]
- the DHR Investigator's Manual, including the Appendix, which contains an index of forms;[10] and
- the DHR Supervisor's Manual.[11]

#### 1. DHR's Investigative Activities Relating to Discrimination Complaints

The following processes occur once DHR receives a complaint of discrimination: intake, mediation, investigation, and legal review. As stated above, the Act generally allows DHR 365 days to complete these processes.

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[7] DHR personnel are staffed in Chicago, Springfield, and Marion offices, with the majority located in Chicago.

[8] For the purposes of this report, the OEIG will refer to [Employee 2], [Employee 1] and higher ranking DHR officials as "managers." The OEIG will refer to investigative supervisors as "supervisors."

[9] The DHR Administrative Policy and Procedures Manual contains regulations, which set forth "the official policies and procedures for the [DHR]. The intent of this document is to inform, standardize and assist in the day to day implementation of [DHR] business."

[10] Specifically, the Investigator's Manual and Appendix include, among others, the following forms designed to aid in planning and conducting investigations: An Investigative Plan Form; Case Planning Sheet; Complainant Interview Planning Form. The Investigator's Manual and Appendix also include instructions with respect to planning and conducting investigations. Chapter IV, Section E of the Investigator's Manual instructs that for each assigned investigation, DHR investigators maintain a "case chronology" in which they must make "contemporaneous entries . . . [and] the events, telephone conversations, etc., must be recorded in the case chronology as they occur." Chapter VI, Section A of the Investigator's Manual instructs that prior to interviews DHR investigators "review the file to determine what information is needed." Chapter V, Section C of the Investigator's Manual includes suggestions for processing investigations, including the suggestion to develop "a habit of writing the [investigative] report to the extent possible immediately following the [Fact Finding] conference."

[11] The DHR Supervisor's Manual contains, among other things, "Supervisor's Duties and Responsibilities" as well as chapters on the "Approval of Work Output" and "Counseling and Discipline." A supervisor's aim, according to the manual, "is to enable investigators to produce quality work, in a timely manner, and in sufficient quantity to meet the agency's needs." The DHR Supervisor's Manual also advises on best practices.

**Intake:** Once a complaint is made with DHR's intake unit, a formal written "charge" is prepared against the respondent, signed by the complainant, and served on the respondent. A written charge signed and dated by the complainant, and containing sufficient detail of the alleged violation, is deemed properly filed with DHR, or "perfected."

**Mediation:** If both parties consent, DHR mediators will meet with the parties to determine if voluntary resolution is possible. Should either party refuse to mediate, or if the mediation is unsuccessful, the charge will then be investigated.

**Investigation:** Each investigation is assigned to a DHR investigator within DHR's Charge Processing Division. Absent an extension agreed to by the parties, an investigation is expected to take approximately 180 days,[12] during which the DHR investigator will gather evidence, conduct interviews, analyze the evidence, and prepare a written report summarizing the investigation and making findings regarding whether substantial evidence exists to support the charge.

**Legal Review:** A DHR investigator's report and findings are subject to supervisory and legal review. Supervisory and legal staff can order additional investigation where necessary.

**Conclusions and Notice of Findings:** After the investigation and legal review are completed, if DHR concludes that there is "no substantial evidence" to support the complainant's charge of discrimination, DHR shall dismiss the charge and authorize the complainant to seek review of the dismissal order before the Illinois Human Rights Commission, or commence a civil action in the appropriate circuit court.[13] If DHR concludes that there is "substantial evidence" to support a charge, DHR will issue a notice authorizing the complainant either to commence a civil action in the appropriate circuit court or to request that DHR file a complaint with the Illinois Human Rights Commission.[14]

### 2. DHR's Statutory Investigatory Time Constraints and Extensions of Time

State law sets forth time constraints on DHR investigations. For example, if DHR fails to reach a conclusion and fails to send a notice of finding within 365 days, the complainant is authorized under the Act to either file his or her own complaint with the Illinois Human Rights Commission or to commence a civil action in the appropriate circuit court.[15]

Despite the 365-day limitation, the parties to a discrimination charge – complainant and respondent – are permitted to allow DHR, and in particular DHR investigators, additional time to investigate the discrimination claim.[16] Therefore, if a DHR investigator informs the complainant

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[12] According to the Investigator's Manual, DHR allocates 180 days to complete its investigation, or about half of the 365 days that are allocated to the Agency to make a determination on the charge.

[13] 775 ILCS 5/7A-102(D)(3).

[14] 775 ILCS 5/7A-102(D)(4).

[15] 775 ILCS 5/7A-102(G)(2).

[16] *See* 775 ILCS 5/7A-102(G)(1).

and the respondent that he or she needs more than 365 days to complete the investigation, the DHR investigator is authorized to seek an agreement by the parties to allow the DHR investigator additional time to complete the investigation. However, in order for a DHR investigator to obtain more time to investigate, the DHR Investigator's Manual requires:

- that both parties (complainant and respondent) agree to the extension; and
- that the (extension) agreement be confirmed in writing.

In order to comply with the DHR Investigator's Manual requirements, DHR created a preformatted "extension form." DHR investigators ask each party or the party's legal representative to sign the extension form in order to document the parties' written joint extension agreement.[17] DHR policy does not limit the number of extensions DHR investigators may seek or obtain during their investigation.

### 3. DHR Extension Form Retention, Physical Investigative File, and the A/S 400 System

Per DHR's Investigator's Manual, once an extension is agreed to in writing, the DHR investigator *must retain* the original extension form in the physical investigative file. In addition, after obtaining consent from the parties in writing via the extension form, a DHR investigator must update DHR's internal electronic recordkeeping system – known as the "AS/400" system – to reflect the extension and its duration.

The AS/400 system is relied upon by investigative supervisors to monitor the progress of discrimination complaint investigations. Investigative supervisors use information in the AS/400 system to ensure that DHR investigators are completing their investigations within 365 days or within the extension period.

### 4. Typical Investigatory Case Loads, Action Plans, and Bottleneck Reports

DHR investigators in the Charge Processing Division typically have a maximum caseload of about 37 investigations at one time. According to the agreement between DHR and the union representing the DHR investigators, in the Charge Processing Division, DHR investigators are expected to complete, or "close out," approximately seven investigations each month. As indicated above, DHR investigators are generally allotted 180 days of the 365-day statutory total to complete an investigation. DHR investigators are disciplined if their investigations "expire," meaning that the initial 365-day timeframe or the subsequent extension period lapses before the investigation has been completed. Moreover, if a DHR investigator has not submitted a report of investigation for review after the expected 180 days, an investigative supervisor may place a DHR investigator on an "action plan." An action plan is a formal writing that states that a DHR investigator must prioritize investigations that are in danger of expiring and must close them by a set deadline.

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[17] The extension form includes the following: a title denoting it is the "extension," "second extension," or as appropriate under the circumstances; the number of days the extension would extend the investigation (e.g. 30 days, 60 days, 90 days, or more); the number of days the investigation had already been extended, if applicable; and signature lines for each party, or their legal representative, to execute and date.

Twice a month, DHR supervisors receive so-called "bottleneck reports." These reports are printouts, which display the case names and numbers assigned to each DHR investigator, the number of days DHR has been investigating the case, the last investigative "event" recorded in the AS/400 system, and the number of days that have elapsed since that last event. DHR supervisors are responsible for reviewing the bottleneck reports of their investigators and identifying any cases where DHR investigators have failed to meet DHR deadlines.

## D. Preliminary DHR Investigations Involving DHR Investigator Misconduct and Subsequent Referral to the OEIG

### 1. DHR Investigator Isabella Gordon's Resignation

Prior to the December 2011 DHR referral of this matter to the OEIG, DHR discovered that DHR investigator Isabella Gordon, an investigator who began her employment in December 2009 and worked in the Charge Processing Division, was entering extensions into the AS/400 system when, in fact, the parties had not consented to the extensions.

Along with reporting this alleged misconduct to the OEIG, DHR officials initiated an internal investigation into Ms. Gordon's conduct. During DHR's internal investigation, Ms. Gordon resigned from State employment effective December 9, 2011. Ms. Gordon did not admit to having engaged in any misconduct prior to her resignation.

### 2. DHR's Internal Investigation Leads to the Discovery of Additional Misconduct by Ms. Gordon

As part of the DHR internal investigation, DHR reviewed all of Ms. Gordon's active files at the time of her departure and noted numerous discrepancies regarding extensions in several of her investigations. DHR provided OEIG investigators with a list of the suspected discrepancies.[18]

### 3. Discovery of Misconduct by Another DHR Investigator, Derrick Venton, and His Resignation

After the allegations against Ms. Gordon surfaced, and while the OEIG and DHR were conducting parallel investigations, allegations of misconduct against another DHR investigator, Derrick Venton, arose.[19] According to DHR, a complainant in a DHR investigation contacted DHR to inquire why DHR was still investigating a complaint that the complainant believed expired. The DHR physical investigative file contained an extension form with both parties' signatures. The discovery revealed that Mr. Venton may have forged a signature on the extension form. When DHR officials asked Mr. Venton about the alleged falsified extension, he

[18] The OEIG reviewed DHR's findings, and conducted its own independent analysis of DHR's investigative files (physical files), including Isabella Gordon's investigative files, as set forth in more detail in this report.

[19] Derrick Venton was also a subject of OEIG investigation 11-00384 *available at* https://www2.illinois.gov/oeig/Documents/11-00384_Venton_Barfield_Leon_and_McCann_07.23.13.pdf.

admitted to forging one extension and making a false AS/400 entry. DHR investigator Derrick Venton then resigned.

## III. INVESTIGATION

### A. OEIG's Request to Review DHR Physical Investigative Files Leads to Discovery of Additional DHR Investigator Misconduct

In the course of its investigation, the OEIG reviewed physical investigative files assigned to DHR Investigators Isabella Gordon and Derrick Venton for the purpose of attempting to determine the extent of their misconduct. The OEIG's review of physical investigative files not already identified by DHR revealed numerous instances in which Ms. Gordon had updated DHR's AS/400 system to reflect that extensions had been granted, but where the physical investigative file did not contain any written extensions. This discovery led the OEIG to conclude that the parties may not have authorized the extensions.

The fact that at least two DHR investigators may have falsified extensions revealed that the misconduct involving the extension forms may not have been isolated. Thus, the OEIG broadened its investigation to determine if other DHR investigators in the Charge Processing Division may have engaged in misconduct. The OEIG requested to review a targeted sample of investigative files OEIG investigators believed were ones most likely to contain extension discrepancies. Specifically, OEIG investigators requested to review physical investigative files for investigations that met the following criteria:

- the 25 oldest active investigative files within DHR's Charge Processing Division; and
- the five oldest investigative files assigned to each of the 17 DHR investigators who had been disciplined since January 2011 for failing to advance their investigative activities in a timely manner.

Based on the above criteria, OEIG investigators obtained and reviewed 85 DHR physical investigative files assigned to a variety of DHR investigators, two of whom were DHR investigators Jill Parker and Dean Reed.[20] As part of this review, OEIG investigators examined the extension forms found in the physical investigative files and compared them against the extensions the DHR investigators noted in the AS/400 system to determine whether there were any discrepancies. Where extension documentation was not found in the physical investigative files, OEIG investigators contacted the parties (complainant and respondent) to the DHR investigations to inquire whether they had provided the DHR investigator consent for each respective extension.

#### 1. Discovery of Extension Discrepancies in Investigative Files of DHR Investigators Jill Parker and Dean Reed

[20] The 25 oldest investigative files (physical files) targeted by the OEIG also happened to be included in the five oldest investigative files assigned to the 17 DHR investigators.

In addition to gathering the physical investigative files detailed above, DHR staff also apparently reviewed the physical investigative files, because before DHR turned the physical investigative files over to OEIG investigators, DHR stated that *it* had identified investigative files belonging to DHR Investigators Jill Parker and Dean Reed which also contained extension discrepancies that could not be reconciled. In other words, the OEIG's expanded investigation and file request led to DHR staff's discovery of two additional DHR investigators who, as it turned out, also engaged in misconduct. Specifically, DHR staff informed the OEIG that some of Ms. Parker's and Mr. Reed's physical investigative files that *it* identified contained corrective marks, including signatures which appeared to be superimposed and signature lines which appeared to be out of place on the extension forms.

Because only a sampling of Ms. Parker's and Mr. Reed's physical investigative files had been reviewed, OEIG investigators and DHR officials each began independent reviews of all of Ms. Parker's and Mr. Reed's active physical investigative files. During their review, DHR officials placed Ms. Parker and Mr. Reed on administrative leave effective May 24, 2012.

### 2. Resignations of DHR Investigators Jill Parker and Dean Reed

DHR investigator Jill Parker, who began her DHR employment in December 2006, submitted her letter of resignation on September 4, 2012, after DHR questioned her about allegations of misconduct regarding the extensions. Ms. Parker's resignation specifically came after OEIG investigators contacted her for the purpose of scheduling an interview with her regarding extensions found in physical investigative files assigned to her.

On June 28, 2012, after being placed on administrative leave, DHR Investigator Dean Reed resigned. Mr. Reed's resignation occurred on the same day that DHR officials met with him to discuss the allegations relating to discrepancies with extension entries on his assigned investigations.

## B. Specific Investigator Misconduct, Related Document Review, and Interviews

The OEIG's investigation revealed that each of the four DHR investigators who resigned when questioned about extensions of time engaged in misconduct as set forth below. During the OEIG investigation, the parties (complainant and respondent) in the DHR investigations where DHR investigator misconduct may have occurred were questioned about extensions OEIG investigators either located in the physical investigative files or in AS/400.

This report only identifies and addresses extensions where wrongdoing was identified. For other extensions discovered in the various physical investigative files, the parties either confirmed the validity of the extensions or could not recall one way or the other whether the extension was valid.

### 1. DHR Investigator Isabella Gordon

#### a. Past Discipline

DHR Investigator Isabella Gordon's personnel file revealed that she began her DHR employment in December 2009. Prior to her resignation, effective December 9, 2011, Ms. Gordon had a history of being disciplined for not keeping up with her casework in a timely manner.

DHR records revealed that Ms. Gordon was orally disciplined in June 2011. In addition, she was disciplined in writing in October 2011 based on her failure to complete investigative tasks within the time allotted.[21]

### b. Suspicious Extensions and Subsequent Resignation

On or about November 17, 2011, DHR received an inquiry from an attorney for a respondent in one of the DHR investigations assigned to Ms. Gordon. The attorney called to ask why the charge was still pending before DHR when the respondent had only agreed to one 30-day extension and the investigation time had already lapsed.

A DHR review of the entries made by Ms. Gordon in the AS/400 system indicated that Ms. Gordon had entered *five extensions* in that case. However, only one 30-day extension form was located in the physical investigative file for the case in question.

After [Employee 3], Ms. Gordon's supervisor, reviewed the physical investigative file and was unable to locate documentation of the other four extensions, [Employee 3] asked Ms. Gordon to locate copies of the missing extensions. After being given time to search for forms, Ms. Gordon produced none.

As a result of Ms. Gordon's failure to provide any written documentation of the parties' agreement to the extensions, a full review of all of Ms. Gordon's investigations was conducted by DHR to determine the extent of any extension-related discrepancies among her other physical investigative files. As a result of the DHR review, several additional instances of extensions that were recorded in the AS/400 system, but not documented in the physical investigative files, were identified. Ms. Gordon took several days of benefit leave immediately after it was uncovered that documentation was missing. Ms. Gordon resigned from her employment, effective December 9, 2011.

### c. OEIG Interview of DHR Investigator Isabella Gordon

On November 1, 2012, OEIG investigators interviewed DHR Investigator Isabella Gordon.[22] During her interview, Ms. Gordon indicated that when she was an employee of DHR, she reviewed the DHR Investigator's Manual, was familiar with it, and abided by it, including the policy that obligated her to contact both parties and obtain their agreement and signatures on extension forms prior to entering any extension in the AS/400 computer system. Ms. Gordon indicated that it was her practice to only enter an extension into the AS/400 computer system

[21] DHR has a practice of progressive discipline, meaning that the extent of the discipline is greater each subsequent time an employee is disciplined.
[22] The interview occurred after Ms. Gordon's resignation.

after she was in receipt of a signed extension form from both parties. Ms. Gordon stated that it was difficult to complete an investigation within 180 days, and extensions were often a necessity.

OEIG investigators asked Ms. Gordon about specific investigations wherein she had recorded extensions in the AS/400 system while a DHR investigator, but where no signed written extension form could be found in the physical investigative file. In general, Ms. Gordon provided the same answer in each instance. She indicated that she could not explain the absence of the physical extension forms from the investigative files, but affirmed the accuracy of all of her entries in the AS/400 system. Ms. Gordon stated that she would only make an entry into the AS/400 system when she was in possession of a physical copy of a signed extension form denoting both parties' consent to the extension. According to Ms. Gordon, if she made an entry in the AS/400 system indicating that an extension was agreed to by both parties, it was because, at the time of the entry, she was in possession of the necessary documentation supporting both parties' consent.[23] Ms. Gordon stated that she would not have risked fabricating any extension because her supervisor could and did review her physical investigative files. Ms. Gordon stated that she believed that if asked, the parties would confirm all of the extensions noted in the AS/400 system. As reflected below, that is not what OEIG investigators discovered.

When asked about her resignation, Ms. Gordon told OEIG investigators she resigned because her position was slated for a potential layoff, and she was no longer satisfied with the treatment that she was getting as a State employee. Ms. Gordon also indicated that she left her employment to become a full-time student.[24] She stated that being questioned about the missing extension forms in late November and early December 2011 was *not the reason* she left her DHR employment.

### d. Parties' Statements Regarding Extensions

The OEIG reviewed nine investigations assigned to DHR Investigator Isabella Gordon in which the number of extensions she recorded in the AS/400 system differed from the number of properly executed extension forms located in the physical file. During its review, OEIG investigators attempted to interview both parties to each complaint – complainant and respondent – or a legal representative of each party to verify whether they agreed to extensions noted in the AS/400 system.[25]

In two of the nine investigations reviewed, both parties either verified that the extensions noted in the AS/400 system were valid or were unable to recall whether the extensions were valid. However, in the remaining investigations, as noted in the chart below, the parties (or their legal representatives) provided information to the OEIG indicating that the extensions that Ms. Gordon recorded in the AS/400 system were *unauthorized* or extension forms in the physical investigative files were *forged.*

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[23] With regard to one particular investigation, DHR investigation number 2009 CN 1852, wherein there were six extensions in the physical investigative file, but where the AS/400 system only indicated that five extensions were approved, Ms. Gordon stated that she probably made a mistake and forgot to enter the sixth extension.

[24] Following her November 1, 2012 interview, OEIG investigators subpoenaed records from the school Ms. Gordon said she had attended – the school had no record of her being enrolled or having ever attended classes there.

[25] OEIG investigators were unable to locate complainants in two investigations and a respondent in another.

The chart below contains the DHR case number of the investigation in question, the date of extension as entered into the A/S 400 system, whether a signed extension form was contained in the DHR physical investigative file, and complainant's and respondent's statements regarding the extension.

| DHR Case No. | Date of Extension (AS/400) | Signed Extension in File | Complainant's Statements Re: Extension | Respondent's Statements Re: Extension |
|---|---|---|---|---|
| 2009 CA 4360 | July 18, 2011 | Yes | Believed it was forged | Believed it was forged |
| | Aug. 5, 2011 | No | Did not agree to it | Did not agree to it |
| | Aug. 26, 2011 | No | Did not agree to it | Did not agree to it |
| | Oct. 17, 2011 | No | Did not agree to it | Did not agree to it |
| 2010 CF 0425 | Aug. 26, 2011 | No | Could not be reached | Did not agree to it |
| 2010 CF 2229 | June 24, 2011 | No | Did not agree to it | Could not recall |
| | Aug. 24, 2011 | No | Did not agree to it | Could not recall |
| | Sept. 2, 2011 | No | Did not agree to it | Could not recall |
| | Oct. 25, 2011 | No | Did not agree to it | Could not recall |
| 2010 CA 2884 | Sept. 8, 2011 | No | Did not agree to it | Did not agree to it |
| 2010 CF 4005 | Jan. 13, 2011 | No | Did not agree to it | Could not recall |
| | Aug. 5, 2011 | No | Did not agree to it | Could not recall |
| | Sept. 2, 2011 | No | Did not agree to it | Could not recall |
| 2010 CA 4069 | July 26, 2011 | No | Agreed to it | Did not agree to it |
| | Aug. 24, 2011 | No | Agreed to it | Did not agree to it |
| | Sept. 2, 2011 | No | Agreed to it | Did not agree to it |
| | Oct. 25, 2011 | No | Agreed to it | Did not agree to it |
| 2010 CF 4315[26] | Sept. 2, 2011 | Yes | Did not agree to it | Agreed to it |
| | Oct. 21, 2011 | Yes | Believed was forged | Did not agree to it |
| 2010 CF 0460 | Nov. 10, 2011 | No | Did not agree to it | Could not recall |
| 2010 CA 2724 | Sept. 1, 2011 | No | Did not agree to it | Could not recall[27] |
| | Nov. 4, 2011 | No | Did not agree to it | Could not recall |

### 2. DHR Investigator Derrick Venton

[26] There was an extension form dated September 23, 2011 that appeared to only be signed by the complainant. The representative for the complainant said he believed that an extension form dated September 23, 2011 was forged because he only agreed to one extension and, while the extension he agreed to was dated September 23, 2011, the same date as the one found in the physical file, the extension form he signed that day contained a heading ("Extension") that differed from the heading of the extension form in the physical investigative file ("Second Extension"). The representative for the complainant retained a copy of the form that he signed and submitted to DHR and provided it to OEIG investigators. He also indicated that the form in the DHR physical file referenced a previous 30-day extension, and the copy that he signed and retained did not reference any previous extension.

[27] There were five extensions recorded in AS/400. The respondent said she only agreed to two extensions.

During the course of the OEIG's investigation, DHR received an allegation that DHR Investigator Derrick Venton may have falsified a DHR extension form. DHR investigated the allegation and referred it to the OEIG.

### a. Past Discipline

Mr. Venton's personnel file revealed that he began DHR employment in June 2008. He had been disciplined orally on October 2010 and in writing in April 2011. In addition, Mr. Venton's file also revealed that he had been suspended in June and July 2011 for issues arising from his failure to meet assigned deadlines for his investigative work.

### b. Suspicious Extensions and Resignation

DHR officials received an allegation that the complainant in an investigation in which an extension had been recorded in the AS/400 system on October 19, 2010 by Mr. Venton, had not, in fact, agreed to the extension. What appeared to be an extension form signed by both the complainant and the respondent's attorney was contained in the physical investigative file.

As a result of the allegation, on February 2, 2012, [Employee 4], Mr. Venton's supervisor, as well as Lon Meltesen, DHR General Counsel, and [Employee 1], the Charge Processing Division manager, met with Mr. Venton to discuss the extension. At the meeting, [Employee 4], [Employee 1], and Mr. Meltesen questioned Mr. Venton about the allegation that he (Mr. Venton) had falsified the extension in the physical investigative file and made an invalid entry into the AS/400 system. Subsequently, Mr. Venton signed the following typewritten statement:

> *Complainant [in 2010 CN 2598] did not sign the 180-day extension [,] which is located in the file 2010CN2598. Due to the pressures of the job, I took complainant's signature from another document and superimposed it on the signature line of the extension. I did the same with Complainant's printed name. I then falsely entered the extension into the AS/400 system. When I told the Respondent's attorney in August 2011 that there was a 180[-]day extension, that was not true. I then faxed the fabricated extension to Respondent's attorney. This is the only case where I fabricated an extension.*

Following the meeting, Mr. Venton met privately with [Employee 4] during which time he (Mr. Venton) handwrote a resignation letter effective that day, February 2, 2012.

### c. Party Statements Regarding Extensions

When interviewed by OEIG investigators, the complainant in DHR investigation 2010 CN 2598 stated that he did not sign the 180-day extension that was located in the physical investigative file, and which appeared to bear his signature.

### d. OEIG's Attempted Interview of DHR Investigator Derrick Venton

Although DHR Investigator Derrick Venton appeared for his scheduled interview with OEIG investigators, he invoked his right to remain silent.

### 3. DHR Investigator Jill Parker

As indicated above, following the discovery of misconduct by Ms. Gordon and Mr. Venton, the OEIG broadened its investigation into the possible falsification of documents by additional DHR investigators and ultimately uncovered evidence of wrongdoing by DHR Investigators Jill Parker and Dean Reed, as set forth below.

#### a. Past Discipline

From February 26, 2007, through June 15, 2011, there were approximately ten notices of discipline in Ms. Parker's personnel file based on her inability to meet case production and management expectations.

Ms. Parker's personnel records revealed that she had received progressive discipline in each of the above referenced instances, meaning that she was first counseled, then disciplined, and then suspended without pay for increasingly greater periods of time.

#### b. Suspicious Extensions and Resignation

From a review of Ms. Parker's investigations, in addition to a search of her credenza conducted by DHR officials, OEIG investigators identified several DHR investigations in which the signatures on the extensions in Ms. Parker's physical investigative files appeared to be forgeries. For instance, several extension forms located in a box below Ms. Parker's desk appeared to have been created by Scotch taping various documents together. Specifically, the OEIG noted:

- extension forms bearing copies of parties' signatures, cut out from other documents and affixed with Scotch tape over the space on the extension form where that party's signature should have been made by hand;
- photocopies of extension forms bearing signatures that aligned identically in script and placement with signatures on other extension forms;
- flecks or markings on extension forms indicating forms/signatures were photocopies;
- indicators that some lines/signatures on extension forms were drawn/altered by hand;
- non-extension related documents in physical investigative files containing cut out sections where the signatures of a party or legal representative should have been; and
- instances of the use of correction fluid on some extension forms.

Pursuant to DHR's internal investigation and following a corresponding pre-disciplinary hearing into Ms. Parker's failure to maintain signed extension forms in accordance with DHR policy, she was placed on leave on May 25, 2012. After a pre-disciplinary hearing was concluded, her status was changed to administrative leave pending discharge, effective August 23, 2012. On September 4, 2012, less than two weeks later, Ms. Parker resigned her position.

Her resignation was submitted the same day the OEIG scheduled her first interview regarding matters pertaining to this investigation. The interview was subsequently rescheduled, and occurred two months later as set forth below.

### c. OEIG Interview of DHR Investigator Jill Parker

DHR Investigator Jill Parker was interviewed on November 7, 2012[28] and told OEIG investigators that as a DHR employee, she was aware of and abided by the policies contained in the DHR Investigator's Manual. Ms. Parker stated that she mostly abided by the DHR policy that required her to contact both parties and receive a signed extension from them before making an AS/400 system entry to extend the investigation timeframe. In addition, she said she strayed only a few times when she made an AS/400 entry based on verbal consent from both parties.

Ms. Parker acknowledged that she had been disciplined on several occasions by DHR for conducting untimely investigations. Ms. Parker stated that being an investigator at DHR was a difficult job. Ms. Parker explained that she had a full workload, which meant that she had limited time to investigate and draft recommendations at the end of her investigations. Ms. Parker said it is difficult to complete an investigation within the allotted 180 days because one must coordinate the schedules of both parties and perform extensive report writing. Ms. Parker recalled informing her supervisor, [Employee 3], that her job was overwhelming on at least one occasion. Ms. Parker stated that it was her practice to request an extension when she knew that she would not be able to complete the investigation within the time allotted.

OEIG investigators showed Ms. Parker five of her DHR physical investigative files.[29] As to the extensions in each of the five physical investigative files, she denied any deviations from DHR policy regarding extensions. Ms. Parker indicated that if she entered an extension into the AS/400 system, it was because she had a copy of a signed extension form in her possession.

With regard to the existence of correction fluid on some of the extension forms, Ms. Parker confirmed having affixed the correction fluid to change the original dates noted on the forms because, she said, the dates originally noted had been incorrect. Nevertheless, she denied transferring any signature from any document to the extension forms to make it appear as if one of the parties had consented to an extension when, in fact, they had not.

As for the documents found in her credenza which appeared to be forgeries or cut-out signatures relating to five files, referenced above, which were assigned to her, Ms. Parker denied knowledge of how the documents got into her credenza. Ms. Parker specifically denied creating any of these documents or cut-outs. She also denied altering any extension form to make it falsely appear that a party agreed to an extension when they had not, in fact, agreed. Ms. Parker also stated that she was unaware of who would put any cut-out signatures in her credenza and said the box found below her desk consisted of documents she had intended to shred.

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[28] Ms. Parker was no longer a State employee at the time of the interview.

[29] Ms. Parker was shown DHR investigative files 2008 CF 0230, 2010 CA 2755, 2011 CA 3437, 2010 CA 1542, and 2009 CF 3789.

Ms. Parker stated that if asked, the parties to the extensions would have no reason to deny they signed extension forms in the instances where the AS/400 system reports an extension was authorized. As reflected below, that is not what OEIG investigators discovered.

### d. Parties' Statements Regarding Extensions

The OEIG reviewed five investigative files assigned to Ms. Parker in which the number of extensions recorded by her in the AS/400 system differed from the number of extension forms located in the physical investigative file. During its review, OEIG investigators tried to interview both parties to the complaint – complainant and respondent – or a legal representative of each to verify whether they agreed to the extensions noted in the AS/400 system.

In two investigations, individuals for both complainant and respondent were able to either verify their signatures or were unable to conclude whether their signatures were genuine. In the remaining three investigations, the parties (or their legal representatives) provided information to the OEIG indicating that the extensions that Ms. Parker recorded in the AS/400 system were unauthorized or extension forms in the physical investigative files were forged or altered.

The chart below contains the DHR case number of the relevant investigation, the date of extension as entered into the A/S 400 system, whether a signed extension form was contained in the DHR physical investigative file, and complainant's and respondent's statements regarding the extension.

| **DHR Case No.** | **Date of Extension (AS/400)** | **Signed Extension in File** | **Complainant's Statements Re: Extensions** | **Respondent's Statements Re: Extensions** |
|---|---|---|---|---|
| 2010 CA 2755 | Oct. 3, 2011 | Yes[30] | Could not recall | Did not agree to it |
| 2011 CA 3437 | May 22, 2012 | No[31] | Agreed to it | Did not agree to it |
| 2010 CA 1542 | Nov. 10, 2010 | Yes[32] | Could not be reached | Did not agree to it[33] |
| | Dec. 15, 2010 | No | Could not be reached | Did not agree to it |

[30] OEIG investigators identified a copy of an extension with "October 3, 2011" as the date of respondent's signature, and taped cut-outs of the signature and printed name of the respondent's representative. The physical investigative file also had a photocopy of an April 14, 2010 letter signed by the respondent's representative. The signature on the cut-out was an exact replica of the signature on the April 14, 2010 letter, except it was in blue ink.

[31] A blank extension form bearing a cut-out of the signature of the representative for the complainant was located in or around Ms. Parker's credenza. There was no date indicated on the form. Another document in the physical investigative file had a rectangular hole in it where the signature of the representative for the respondent should have been. The height of the cut out signature that was taped over the extension form matched the height of the hole in the document missing the respondent's signature.

[32] OEIG investigators identified a copy of an extension dated November 10, 2010, extending the investigation for 60 days, in the investigative file and there were no corrective marks on it. There was also a copy of an extension extending the investigation for sixty days located in Ms. Parker's credenza. The preprinted number "60" before the word "days" was crossed off, and "30" written on the form. The initials "SH" were made next to the correction. The extension had a square cut-out in it where the respondent's signature and date should have been.

[33] The respondent's representative recalled signing an extension on November 10, 2010, but that extension originally sought a 60-day extension. The representative for the respondent recalled crossing off the number "60" and writing "30" on the form along with his initials, "SH," next to the change. The representative for the respondent retained a copy of the extension he signed noting the correction to 30 days.

### 4. Dean Reed

As set forth above, as a result of the OEIG's request to review DHR physical investigative files, DHR identified extension discrepancies in the physical investigative files of DHR Investigator Dean Reed. DHR informed the OEIG of Mr. Reed's possible misconduct.

#### a. Past Discipline

Mr. Reed's DHR personnel file revealed he had been disciplined three times for failing to complete his casework in a timely manner. He received an oral reprimand in August 2009 for failing to meet deadlines, and two written reprimands, in August 2010 and March 2011, for letting investigations expire prior to his completion of the investigations.

#### b. Suspicious Extensions and Resignation

A review of the physical investigative files assigned to Mr. Reed revealed that seven of the physical investigative files appeared to contain extension forms with signatures closely resembling those on other documents in the physical investigative files. In addition, there was one instance of a physical investigative file lacking a signed extension form even though one was recorded in the AS/400 system. In another instance, the physical investigative files contained more signed extension forms than the number recorded in the AS/400 system.

In May 2012, Mr. Reed was placed on administrative leave. On June 22, 2012, Mr. Reed was interviewed by DHR employees and denied any wrongdoing. Mr. Reed told DHR that there were occasions where he would "recreate" extension forms if he had lost any documents and said any similar signatures on documents was the result of people generally signing documents in the same way. On June 27, 2012 Mr. Reed submitted his resignation effective June 28, 2012.

#### c. OEIG Attempted Interview of DHR Investigator Dean Reed

DHR Investigator Dean Reed appeared for his scheduled interview with OEIG investigators on November 13, 2012. He invoked his right to remain silent under the Fifth Amendment to the U.S. Constitution in response to all questioning about his prior State employment, except to acknowledge his name and home address.

#### d. Parties' Statements Regarding Extensions

The OEIG reviewed four physical investigative files assigned to Mr. Reed in which the number of extensions recorded by him in the AS/400 system differed from the number of extension forms located in the physical investigative file. During its review, OEIG investigators made every effort to interview both parties – complainant and respondent – or a legal representative of each to verify whether they agreed to extensions noted in the AS/400 system.

In two of the investigations, the parties provided information to the OEIG indicating that the extensions that Mr. Reed recorded in the AS/400 system were unauthorized or extension forms in the physical investigative files were forged or altered. The chart below contains the

DHR case number of the investigation in question, the date of extension as entered into the A/S 400 system, whether a signed extension form was contained in the DHR physical investigative file, and complainant's and respondent's statements regarding the extension.

| DHR Case No. | Date of Extension (AS/400) | Signed Extension in File | Complainant's Statements Re: Extensions | Respondent's Statements Re: Extensions |
|---|---|---|---|---|
| 2009 CF 4364 | Dec. 20, 2011 | Yes[34] | Agreed to it | Did not agree to it[35] |
| | April 11, 2012 | Yes[36] | Agreed to it | Did not agree to it[37] |
| 2010 CF 3980[38] | Sept. 30, 2011 | Yes[39] | Did not agree to it[40] | Could not recall[41] |

### C. Extensions Were Followed by Long Periods of Time Revealing that DHR Investigators Conducted No Substantive Investigative Activities

In light of the number and length of extensions each of the four DHR investigators purportedly requested and obtained, OEIG investigators sought to question managers of DHR's Charge Processing Division to identify what, if any, investigative steps were documented or undertaken by each of the four DHR investigators following their receipt of an extension in a particular investigation. OEIG investigators reviewed one of the DHR physical investigative files for each of the four DHR investigators identified above where the OEIG found the DHR investigator had falsified an extension(s). The four DHR physical investigative files included: case chronology notes; notes of interviews; available witness lists; and other documentation that might shed light on the activity that may have been undertaken in the investigations, relative to the timing of extensions the DHR investigator recorded receiving. An OEIG review of the investigative files revealed that little activity on each file, for months on end, was undertaken *after* the DHR investigator obtained their respective extension. The length of non-activity ranged depending upon the particular DHR investigator. Specifically, OEIG investigators

[34] An entry was made in the AS/400 system by Mr. Reed indicating that an extension was agreed to by the parties on December 20, 2011. The physical investigative file contains one extension signed by the representative for the complainant on December 20, 2011, and by the representative for the respondent on November 21, 2011. The extension form states that it is an extension for "120 days in addition to the 540 day extension agreed to previously." There are no corrective marks on the form.

[35] The respondent's representative retained records indicating that while she agreed to an extension on November 21, 2011, the extension was only for 120 days in addition to the 420 day extension agreed to previously. The representative stated that a 540 day extension had not previously been agreed to.

[36] An entry was made in the AS/400 system by Mr. Reed indicating an extension was agreed to by the parties on April 11, 2012. The physical file contains an extension signed by the representative for the complainant on April 11, 2012 and by the representative for the respondent on February 21, 2012. It states that it is an extension for "120 days in addition to the 660 day extension agreed to previously." There are no corrective marks on the form.

[37] The respondent's representative retained records indicating that while she agreed to an extension on February 21, 2012 the extension was only for 90 days, *not* 120 days, in addition to the 660 day extension agreed to previously.

[38] This DHR investigation had a companion DHR investigation, 2012 CF 0121.

[39] The physical files for DHR companion investigations 2010 CF 3980 and 2012 CF 0121 each contain an original extension form dated September 20, 2011. The AS/400 system contains entries by Mr. Reed indicating that the parties to 2010 CF 3980 and 2012 CF 0120 agreed to an extension in each investigation on September 30, 2011.

[40] The complainant recalled signing only one extension on any given date, and therefore stated that at least one of the September 20, 2011 extensions is forged.

[41] Respondent could not recall specifics, but said she may have signed multiple extensions the same date.

discovered that extensions in each of the four physical investigative files revealed no activity for the following periods of time:[42]

- 690 days, or about 23 months, in one of Mr. Reed's files (six extensions);[43]
- 270 days, or about 9 months, in one of Ms. Parker's files (three extensions);[44]
- 240 days, or about 8 months, in one of Ms. Gordon's files (four extensions);[45]
- 180 days, or about 6 months, in one of Mr. Venton's files (one extension).[46]

OEIG investigators showed the four DHR physical investigative files and the related printouts from DHR's AS/400 electronic recordkeeping system reflecting case activity to [Employee 1] and [Employee 2] for the purpose of determining whether they could ascertain what investigative activity had been undertaken after the extensions had been obtained. After reviewing the contents of each of the four DHR investigative files selected by the OEIG, [Employee 1] confirmed that DHR investigators had obtained one or more extensions in each of the four files he reviewed and also said that based on his review of each of the four investigative files, he could confirm that no substantive investigative activity had been conducted in any of the four files *after* the above-mentioned extensions were obtained. [Employee 2] was afforded the opportunity to review the same four files and her conclusion was consistent with [Employee 1's] findings.

Therefore, [Employee 1] and [Employee 2] confirmed the OEIG's initial discovery that no substantive investigative activity was performed for long stretches of time in each of the four DHR investigations *after* extensions were obtained. In addition, in three of the four DHR investigations, OEIG investigators were able to obtain a draft or final investigative report submitted by the DHR investigator assigned to the investigation. Those reports did not reflect any substantive investigative activities not already memorialized in the DHR physical investigative files.

### D. OEIG Investigation Relating to the Oversight of DHR Investigators in the Charge Processing Division

In light of the numerous instances of misconduct uncovered in the course of this investigation, and the lack of activity undertaken after extensions were obtained, the OEIG examined the oversight and controls exercised by DHR supervisors and managers to determine whether a lack of oversight may have contributed to or allowed the misconduct to occur or go undetected. OEIG investigators conducted interviews with all the supervisors and managers in the supervisory chain of the four DHR investigators who falsified documents (Ms. Gordon, Mr. Venton, Ms. Parker and Mr. Reed) – two investigative supervisors, an assistant manager and the manager of the Charge Processing Division. OEIG investigators also interviewed DHR's Director and Deputy Director. The OEIG focused this aspect of the investigation on DHR's

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[42] The review only focused on extensions obtained by the four DHR investigators subject to the OEIG's investigation.
[43] This information was obtained from DHR investigative file number 2009 CF 4364.
[44] This information was obtained from DHR investigative file number 2010 CA 2755.
[45] This information was obtained from DHR investigative file number 2010 CA 2724.
[46] This information was obtained from DHR investigative file number 2010 CN 2598.

supervisory and managerial responsibilities with respect to monitoring ongoing DHR investigations. The OEIG aimed to determine, among other things, whether DHR investigators performed investigative tasks in accordance with DHR policies, and whether DHR supervisors ensured that DHR investigators conducted quality investigations.

### 1. Interviews of DHR Supervisor [Employee 3]

OEIG investigators interviewed [Employee 3], one of six DHR supervisors in Charge Processing, on April 9 and October 4, 2012 as well as on January 23, 2014. [Employee 3] said that he supervised six DHR investigators, including Ms. Gordon and Ms. Parker.

#### a. [Employee 3's] Supervision of Trainees Versus Experienced Investigators

[Employee 3] indicated that new DHR investigators go through a six to eight-week training and a six-month probationary period. During this training, [Employee 3] said trainees receive instruction on the contents of the Investigator's Manual.[47] He also indicated that his supervision of DHR investigators during the six-month probationary period differs from his supervision of DHR investigators thereafter. For instance, he stated that he requires trainees to complete written investigation plans and utilize the Investigative Plan Form and sits in on complainant interviews with the trainees, but not experienced DHR investigators.

While the manner in which he supervises DHR investigators changes after DHR investigators complete six months of employment, according to [Employee 3], it takes two and a half years to "learn" the investigator position and to have "problem free" investigations.

#### b. [Employee 3's] Monitoring of Ongoing Investigations for Compliance with DHR's Best Practices

[Employee 3] was also asked about whether he monitors DHR investigator activity, both trainees and experienced, in the course of an investigation to make sure that they are following DHR's best practices as memorialized in the Investigator's Manual. For both trainees and experienced DHR investigators, he stated that he *does not* ensure that the DHR investigator has reviewed a case file before conducting an interview, recorded events in case chronology as they occurred or drafted the final report immediately after the Fact Finding Conference, which are all best practices according to the Investigator's Manual.

#### c. [Employee 3's] Supervision of Investigations During the Investigative Process

[Employee 3] said he supervises investigations by reviewing reports and investigative files that are submitted by his investigators on a monthly basis. [Employee 3] said that unless he is contacted by a party (complainant or respondent) or one of his investigators asks for

[47] In light of the differences in how DHR investigators are supervised during and after the six-month probationary period, the OEIG will refer to DHR investigators in their six-month probationary period as "trainees" and DHR investigators who have completed the six-month probationary period as "experienced" DHR investigators.

assistance, he generally *does not* review investigative files until his investigators submit investigative files to him for closure.

#### d. [Employee 3's] Knowledge that DHR Investigator Gordon and DHR Investigator Parker Were Falsifying Extensions

According to [Employee 3], when investigations are submitted to him for review, he does at least the two following things: (1) he reviews all hard copy extensions; and (2) he determines whether the investigative file should be returned to the DHR investigator for additional investigative work.

During his OEIG interview, [Employee 3] said he had no reason to believe either Ms. Gordon, Ms. Parker, or any other DHR investigator for that matter, had been falsifying extensions prior to when the facts noted in this matter surfaced. In addition, he stated he had never instructed any DHR investigator to falsify an extension and further stated that as part of the supervisory file review at the end of the investigative process, supervisors are responsible for ensuring that the file contains hard copies of all the extensions entered into the AS/400. [Employee 3] stated, however, that given his own case load, examining every extension form requires a lot of time because he examines about 30 to 40 physical investigative files per month, and a falsified extension form often would not be evident on its face. [Employee 3] stated that Ms. Gordon and Ms. Parker eluded detection because supervisors only review physical investigative files when investigative files are submitted by DHR investigators for approval to close. Finally, [Employee 3] would not speculate as to why Ms. Gordon and Ms. Parker would falsify an extension, but indicated that DHR investigators are often embarrassed when the time in which to investigate a matter expires.

### 2. Interviews of DHR Supervisor [Employee 4]

[Employee 4], who was interviewed on November 1, 2012 and December 12, 2013, has been a supervisor at DHR since February 2007. [Employee 4] explained that he supervised seven DHR investigators, including Mr. Venton and Mr. Reed.

#### a. [Employee 4's] Supervision of Trainees Versus Experienced Investigators

[Employee 4] said that he works side-by-side with trainees and closely monitors the trainees' investigations to the end. For instance, [Employee 4] stated that he requires trainees to complete written investigation plans and utilize the Investigative Plan Form. In addition, [Employee 4] sits in on some of the interviews conducted by his trainees.

While the manner in which he supervises DHR investigators changes after investigators complete six months of employment, according to [Employee 4] "it takes everyone about a year to get acquainted with everything."

### b. [Employee 4's] Monitoring of Ongoing Investigations For Compliance with DHR's Best Practices

[Employee 4] was also asked about whether he monitors DHR investigators, both trainees and experienced, in the course of an investigation to make sure that they are following DHR's best practices as memorialized in the Investigator's Manual.

For trainees, [Employee 4] stated that he ensures that the DHR investigator has reviewed a case file before conducting an interview, recorded events in the case chronology as they occurred and started drafting a final report immediately after a Fact Finding Conference. [Employee 4] added that he *does not* monitor experienced DHR investigators in the same manner and *does not* monitor them to ensure they comply with any of these DHR best practices.

### c. [Employee 4's] Supervision of Investigations at the End of the Investigative Process

[Employee 4] indicated that for experienced DHR investigators, his review of physical investigative files typically occurs only at the end of an investigation, when the DHR investigator submits the final report for approval. [Employee 4] indicated that for experienced DHR investigators, supervisors only get involved in an ongoing investigation if a complaint is made regarding a DHR investigator.

### d. [Employee 4's] Knowledge that DHR Investigator Venton and DHR Investigator Reed Were Falsifying Extensions

When the investigations of Mr. Venton and Mr. Reed were reviewed with [Employee 4], he pointed out that only one of the DHR investigations that was the subject of the OEIG investigation[48] had been presented to him for review by Mr. Reed; otherwise all of the extensions where the OEIG or DHR had identified errors had been in active investigations, and he had not yet had the chance to review the files at the time when the extension issues were identified.

[Employee 4] described Mr. Venton and Mr. Reed as being "lazy" investigators, and said Mr. Venton had difficulty writing reports. Regardless, [Employee 4] said he had no prior suspicion that either Mr. Venton or Mr. Reed were fabricating extensions prior to being alerted to that fact by DHR officials. [Employee 4] denied instructing any DHR investigator to fabricate extensions.

## E. Interviews of DHR Charge Processing Division Managers

The Charge Processing Division is overseen by [Employee 1] and [Employee 2]. In an effort to determine the extent of manager supervision of ongoing DHR investigations, OEIG investigators interviewed the two managers.

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[48] The one investigation presented to [Employee 4] for review by Mr. Reed was DHR investigation 2009 CF 3052. OEIG investigators interviewed the complainant and a legal representative for the respondent in that investigation. Both individuals confirmed the signatures on the nine extensions located in the physical file and recorded in the AS/400 system.

### 1. [Employee 2]

On February 20, 2014, [Employee 2] was interviewed and confirmed that she supervises [Employee 4] and [Employee 3], who in turn supervise DHR investigators. She stated that the bulk of her time is spent reviewing the bimonthly bottleneck reports and assisting investigative supervisors resolve problems they are facing.

#### a. Supervisors Oversee Trainees More Closely than Experienced Supervisors

[Employee 2] confirmed that DHR supervisors work more closely with trainees than with experienced DHR investigators. [Employee 2] stated that supervisors attend complainant interviews and Fact Finding Conferences with trainees and also stated that trainees have to complete written investigative plans.

According to [Employee 2], however, after six months of employment a DHR investigator becomes a "regular investigator," but it takes one to two years before he or she may be considered a "seasoned" investigator.

#### b. Supervisors Are Not Expected to Monitor the Ongoing Investigations of Experienced Investigators for Compliance with DHR's Best Practices

When asked about supervisory monitoring of ongoing investigations for compliance with DHR best practices and utilization of DHR forms, [Employee 2] stated that requiring a written investigative plan for every investigation would be unreasonable and would double the supervisor's workload. [Employee 2] added that it would be a "waste of time" to have supervisors review investigative plans of experienced DHR investigators because experienced DHR investigators should know how to conduct an investigation. [Employee 2] stated that the Case Planning Sheet is useful for trainees but when asked if she requires the supervisors to mandate that experienced DHR investigators use the form, she replied that experienced DHR investigators should know how to plan an investigation.

[Employee 2] stated that she *does not* require supervisors to monitor whether DHR investigators are recording contemporaneous notes (as required by DHR policy). She stated that such a requirement would be "too much," because each supervisor could have up to seven DHR investigators with 37 matters per DHR investigator. [Employee 2] stated that supervisors *do not* observe interviews DHR investigators conduct as part of their investigations after the first six months of employment. Thus, she stated that a supervisor would not know if a DHR investigator had not reviewed the investigative file prior to conducting his or her witness interview if the supervisor was not present during the interview. She also stated that she *does not* require supervisors to monitor that experienced DHR investigators start drafting reports immediately after Fact Finding Conferences, because DHR investigators cannot be "forced" to draft a report before having the investigation for 180 days. She stated that approximately 25 percent of the DHR investigators type the reports immediately after a Fact Finding Conference.

### c. Supervisors Are Not Expected to Review Investigations Until the End of the Investigative Process

When asked about supervisory review of DHR investigator work product, [Employee 2] stated that after a DHR investigator's first six months of employment, supervisors are not expected to review investigations until the end of the investigation process. According to [Employee 2], a supervisor's review of a DHR investigator's physical investigative file takes place when the DHR investigator submits an investigation for supervisory review.

[Employee 2] stated that supervisors mainly use bottleneck reports and action plans to supervise experienced DHR investigators. [Employee 2] confirmed that these tools help supervisors monitor that DHR investigators are meeting DHR timeliness guidelines.

### d. The Charge Processing Division Lacks the Resources to Provide Greater Supervisory Oversight of Ongoing Investigations

[Employee 2] stated that there are several reasons why she *does not* require supervisors to review investigative files during an investigation. She stated that one reason that supervisors are not required to review files during an investigation is the volume of their existing workload.

In addition, [Employee 2] told OEIG investigators that it is hard for supervisors to administer DHR's own stringent case processing guidelines, which include a list of investigative steps as well as strict deadlines by which those steps must be taken by a DHR investigator and require a supervisor to meet weekly with the DHR investigator about the completion of those steps, because doing so is time consuming for supervisors and "it's like shadowing an investigator." She stated that Charge Processing would need at least six more supervisors to administer stringent case processing guidelines.

### e. Greater Supervisory Oversight of Ongoing Investigations Could Lead to Union Grievances

[Employee 2] also stated that, given the agreement between DHR and the union representing its employees, it would be inappropriate for supervisors to take any action with respect to an ongoing DHR investigation until the DHR investigator had the investigation for 180 days.

According to [Employee 2], if a supervisor requested that a DHR investigator turn in a report prior to the 180-day guideline, a grievance would be filed and DHR would lose the grievance.

## 2. [Employee 1]

[Employee 1] was interviewed by OEIG investigators on several occasions throughout the course of this investigation. In general, [Employee 1] explained that he oversees all aspects of the Charge Processing Division.

### a. Supervisors are Expected to Oversee the Work of Trainees More Closely than Experienced Investigators

According to [Employee 1], DHR investigator trainees are supervised differently than experienced DHR investigators. For instance, he stated that new DHR investigators are expected to create investigative plans during their first six months of employment, after which time they are no longer expected to create investigative plans or meet with supervisors upon assignment of new investigations. [Employee 1] stated that it takes approximately two years in the investigator position to feel "comfortable."

### b. Supervisors Are Not Expected to Monitor the Ongoing Investigations of Experienced Investigators for Compliance with DHR's Best Practices

[Employee 1] was also asked about the use of the Investigator's Manual and stated that the tools in the Investigator's Manual are useful. However, [Employee 1] said he did not believe use of the tools should be mandatory for every DHR investigator in every case.

For instance, [Employee 1] stated that it would be justifiable to require DHR investigators on action plans to complete investigative plans to be approved by supervisors, but that for some DHR investigators the creation of investigative plans would be an unnecessary burden.

### c. Supervisors Are Not Expected to be Involved in Investigations Until the End of the Investigative Process

According to [Employee 1], investigative supervisors usually use bottleneck reports and action plans as their main supervisory tools.

[Employee 1] agreed that when looking at bottleneck reports, a supervisor does not know the specific details of an investigation or why it may have been "lingering" in a particular status. In addition, he stated that for experienced DHR investigators, investigative supervisors review physical investigative files only when DHR investigators submit them for review and approval upon completion of their investigation. Nevertheless, he also stated that supervisors could review physical investigative files prior to the completion of an investigation, but this generally does not occur. He said if a DHR investigator is completing investigations within 180 days, a supervisor typically does not become involved, unless the DHR investigator raises an issue.

### d. The Charge Processing Division Lacks the Resources to Provide Greater Supervisory Oversight of Ongoing Investigations

When asked specifically about the possibility of requiring supervisors to be more involved in ongoing investigations, [Employee 1] stated that individual supervisors could

potentially oversee 150 or more investigations, and do not have time to be more involved in ongoing investigations. [Employee 1] said that he has never placed anyone on stringent case processing guidelines and said a problem with doing so is that it requires "direct monitoring" by the supervisors on each investigation. According to [Employee 1], supervisors do not have the time to do such monitoring.

[Employee 1] agreed that if supervisors had the time to be involved in investigations on an ongoing basis, mistakes could be avoided and fewer investigations would be returned. He stated that it had been discussed whether supervisors should review every extension; however, it was decided that this requirement would be too burdensome and would take time away from conducting investigations. He stated that it is possible that if supervisors had been involved in investigations on an ongoing basis that some of the fraudulent activity that sparked the OEIG investigation would have been detected earlier.

#### e. Greater Supervisory Oversight of Ongoing Investigations Could Lead to Union Grievances

[Employee 1] stated that DHR investigators could grieve certain changes to work requirements imposed by DHR management. He expressed a concern about possible grievances when asked about the plausibility of requiring DHR investigators to use some of the forms in DHR's Investigator's Manual. He stated that requiring one investigative team, but not other investigative teams, to use forms would increase the workload for that investigative team, which he said is grievable.

### F. Interviews of DHR Director and Assistant Director

DHR is managed by Director Rocco Claps and Assistant Director Bobbie Wanzo. Director Claps supervises Ms. Wanzo and she supervises [Employee 1].

#### 1. DHR Assistant Director Bobbie Wanzo

OEIG investigators interviewed Bobbie Wanzo on March 11, 2014. Ms. Wanzo said that, among other duties, she oversees the Charge Processing Division, Fair Housing Division, all human resources functions, and acts as the director when Director Claps is absent.

#### a. Supervisors are Expected to Oversee Trainees More Closely than Experienced Investigators

When asked about DHR supervision relating to DHR investigators, Ms. Wanzo said she expects supervisors to monitor trainees "more carefully" and to make sure the Investigator's Manual is complied with. Ms. Wanzo said that she assumed that DHR investigators use written investigative plans in their first year of employment, but she did not know if this was required by DHR investigative supervisors. According to Ms. Wanzo, it takes a year of employment before DHR investigators "start to actually do a good investigation."

### b. Supervisors Are Not Expected to Monitor Ongoing Investigations of Experienced Investigators for Compliance with DHR's Best Practices

When asked if she expects supervisors to monitor whether experienced DHR investigators are following everything in the Investigator's Manual, Ms. Wanzo replied that experienced DHR investigators generally only contact supervisors if questions arise. In other words, based on her statement, it appeared that Ms. Wanzo does not expect supervisors to monitor ongoing investigations of experienced DHR investigators for compliance with DHR's best practices. During her interview, Ms. Wanzo was asked about DHR investigator use of DHR forms as they relate to planning and conducting investigations. In response, she said that she expects quality investigations but *does not* expect DHR investigators to use specific forms.

### c. Supervisors Are Not Expected to Oversee Investigations Until the End of the Investigative Process

Ms. Wanzo stated that DHR investigators are given 180 days to complete an investigation and that as long as guidelines are met, a supervisor *is not* expected to oversee investigations until the end of the investigative process. When asked if DHR investigators are required to follow their supervisors' direction and guidance, Ms. Wanzo stated, "It is certainly recommended because if the supervisor is giving them advice it's only advice to assist them with the investigation; so I would certainly hope they would follow."

According to Ms. Wanzo, good supervision *does not* necessarily help detect mistakes and she *does not* expect supervisors to closely monitor every DHR investigator during ongoing investigations. Ms. Wanzo then told OEIG investigators that supervisors review bottleneck reports, which alert them to some issues regarding timeliness during investigations and said DHR investigators work independently and are not questioned about every investigation.

### d. The Charge Processing Division Does Not Have the Resources to Provide Greater Supervisory Oversight of Ongoing Investigations

Ms. Wanzo said she believes that it would be time consuming for supervisors to monitor and supervise ongoing investigations. However, Ms. Wanzo said she would support supervisors monitoring and supervising ongoing investigations if Charge Processing had the ability to do so.

### e. Greater Supervisory Oversight of Ongoing Investigations Could Lead to Union Grievances

Ms. Wanzo stated that if one supervisor required everyone to utilize written investigative plans, then all supervisors would have to implement the same requirement to avoid problems with the union. Ms. Wanzo was asked whether requiring all DHR investigators to complete written investigative plans would have to be negotiated with the union. In response, Ms. Wanzo

said that the union has to be notified whenever a change is made that could possibly lead to discipline, but that negotiation may not be necessary.

Ms. Wanzo was also asked if DHR would have to negotiate with the union in order to have DHR investigators submit drafts of investigation reports prior to the 180-day deadline to submit such reports to supervisors. In response, Ms. Wanzo stated that it may have to be negotiated if the union perceived the request as a change in procedures.

### 2. DHR Director Rocco Claps

OEIG investigators interviewed Director Rocco Claps on March 12, 2014. Director Claps stated that he is responsible for every aspect of DHR's work output.

#### a. Supervisors are Expected to Oversee Trainees More Closely than Experienced Supervisors

When asked about the supervision of DHR investigators, Director Claps said that the way DHR investigators are supervised changes after about six months of employment. For instance, he noted that there is an expectation that trainees, but not experienced DHR investigators, use the Investigative Plan Form. According to Director Claps, it generally takes a year of employment for a DHR investigator to be "rolling and producing" and likely longer than one year of employment for DHR investigators to be "comfortable" in their job.

#### b. Supervisors are not Expected to Monitor Ongoing Investigations of Experienced Investigators for Compliance with DHR's Best Practices

Director Claps said he does not think that experienced DHR investigators need to use the forms in the Investigator's Manual.

According to Director Claps, he expects DHR investigators to "use the spirit of" the forms in the Investigator's Manual. Director Claps, however, said he *does not* expect DHR investigators to use the actual forms and *does not* expect supervisors to make sure that DHR investigators use the forms in the Investigator's Manual.

#### c. Supervisors are not Required to get Involved in Investigations Until the End of the Investigative Process

In most cases, Director Claps said, supervisors are unaware of the facts of an investigation or the work that has been performed until the file is submitted to them for review at the end of an investigation. He stated that supervisors use bottleneck reports to determine how many days are left on each investigation. The expectation, Director Claps said, is that supervisors speak with DHR investigators regarding investigations that are not timely. Director Claps stated he does not expect supervisors to have specific knowledge of the investigations on the bottleneck reports and said the volume of charges and the lack of time prevent supervisors from having knowledge regarding the specifics of a charge for every investigation.

According to Director Claps, it is important for the supervisors to monitor the work of DHR investigators. He agreed that good monitoring might also help detect mistakes or misconduct. Director Claps also said that supervisors should work closely with DHR investigators who have performance issues. Director Claps said he expects supervisors to meet with DHR investigators on a regular basis to discuss investigations if the supervisors feel there is a need to do so.

#### d. The Charge Processing Division Lacks the Resources to Provide Greater Supervisory Oversight of Ongoing Investigations

Director Claps expressed a desire to have more staff and more supervisors so that supervisors could give more one-on-one assistance to DHR investigators. He stated that he has asked for more funding to hire additional staff. With the current number of staff, Director Claps said supervisors did not have the time to be involved with ongoing investigations.

Moreover, Director Claps said that supervisors being involved in ongoing investigations would help avoid mistakes and result in fewer investigations being returned. He also stated that he did not know if supervisors could have detected fraudulent activity if they were involved in ongoing investigations. He agreed that supervisors could catch instances in which entries were made into AS/400 without a physical copy of an extension form in the file. Director Claps stated, "Can a supervisor have more influence on the quality of a charge if they are more involved? Yes. Do we have the resources right now to do that? No."

### G. Action Taken by DHR as a Result of Investigation

In the course of the OEIG's investigation into DHR investigator misconduct, DHR made two significant changes in the manner DHR investigations were conducted and supervised. The first change related to the process and approvals needed to obtain an extension. The second change related to random supervisory audits of ongoing investigations.

#### 1. DHR Policy Change Involving Extensions of Time

After the allegations regarding the four DHR investigators surfaced, and after DHR internal reviews of the physical investigative files had been conducted, DHR officials changed DHR policy regarding the granting of extensions. The policy change was effective November 1, 2012.

Prior to the November 1, 2012 policy change, supervisors reviewed entire physical investigative files only *after* the DHR investigator determined the investigation was complete and submitted a report detailing the findings of his or her investigation. The investigative supervisor would then review the investigative file to determine, among other things, that the investigation was complete, all the necessary evidence had been gathered, and the findings were supported. During this review, if an investigative supervisor noticed an extension form was missing from the investigative file, the supervisor would follow up with the DHR investigator to ensure a copy was placed in the file. Under the pre-November 1, 2012 policy, investigative

supervisors were *not required* to approve or sign off on any extensions or review any extension forms prior to entry into the AS/400 system.

On November 1, 2012, the DHR Charge Processing Division changed its policies and procedures regarding extensions of time. The changes to the Investigator's Manual now state:

- DHR investigators must obtain original signed extension forms,[49] preferably signed in blue ink;
- original extension forms, not copies, must be maintained in investigative files;
- a supervisor must sign any extension form that causes the DHR investigation to extend over 300 days (calculated cumulatively over the course of the investigation); and
- each time an extension is initiated – regardless of the outcome – each party will be informed via mail whether or not the extension was agreed to by both parties and if so, receive a copy of the signed extension form.

All employees of the Charge Processing Division were provided a copy of the new policies regarding extensions and attended an in-person training session on the policies. When DHR was reviewing its extension-related policies, management considered requiring supervisors to sign every extension. However, management ultimately decided that requiring supervisors to sign every extension would place too great a burden on their time and opted not to adopt the proposed policy change.

### 2. DHR Institutes Supervisory Audits of Discrimination Complaint Investigations

In the course of the OEIG investigation, DHR managers told OEIG investigators that it would be difficult or impossible for supervisors to review DHR physical investigative files while investigations are ongoing. These managers also stated that the benefits of such a review would be limited, as experienced DHR investigators should know how to do their job and investigate charges.

Nevertheless, after DHR staff uncovered additional DHR investigator misconduct with respect to extensions following the OEIG's request of a targeted sample of physical investigative files, DHR managers started requiring investigative supervisors to audit five ongoing physical investigative files annually for each of their investigators. In addition, OEIG investigators obtained a June 5, 2013 memorandum from an assistant manager in DHR's Charge Processing Division to DHR's investigative supervisors. The memorandum stated that physical investigative files sent to DHR's Case Disposition Unit had been randomly selected for audit for approximately a 30 day period of time. The June 5, 2013 memorandum identified the following discrepancies with the DHR audited reports:

- comparative data missing (or not exhibited);
- incorrect formatting of the witness list;

[49] According to this policy, DHR investigators may not accept extension forms by facsimile or email.

- date discrepancies in the report;
- inconsistent job titles throughout the report;
- front of case file incomplete;
- typos/misspelled words throughout (not proofread!);
- insufficient witness contact attempts;
- not using the current supervisor checklist; and
- spelling of names not consistent throughout the report.

In addition, the memorandum stated that the audit was "very disappointing" and the "quality of the reports audited falls far below Department standards and must be improved."

## IV. ANALYSIS

In Illinois, persons subjected to unlawful discrimination have the right to file a complaint of discrimination with the Illinois Department of Human Rights, an agency whose stated Mission is to "secure for all individuals within the State of Illinois freedom from unlawful discrimination." In fact, according to DHR's Vision Statement, "employees of the Illinois Department of Human Rights believe that everyone has an inalienable right to live free from discrimination of any kind, in every aspect of life." DHR's Vision Statement further notes that DHR is "dedicated to delivering quality service to the people of Illinois with integrity, honesty and respect."

As reflected in this investigation, it is clear that at least four DHR investigators – employees of DHR since 2006, 2007, 2008 and 2009 – failed to deliver quality service to Illinois residents seeking redress. In fact, based upon the manner, or lack thereof, in which the four DHR investigators were supervised, it is no surprise their misconduct went undetected.

The OEIG's investigation revealed that pursuant to DHR's Administrative Policy and Procedures Manual, DHR employees, including DHR investigators, may be disciplined for failure to obey DHR policies and procedures. For DHR investigators, many of the procedures related to their duties and responsibilities are set forth in the DHR Investigator's Manual, an exhaustive manual that includes a substantial amount of information. The DHR Investigator's Manual includes a process for ensuring that all parties agree in writing to any extensions of time. The procedures relating to obtaining extensions of time in order to continue conducting an investigation were updated on November 1, 2012. However, both before and after the policy change, those procedures required that if an extension of time for an investigation was agreed to by the parties, the DHR investigator was responsible for ensuring the parties' agreement was documented in the physical investigative file prior to entering the extension into the AS/400 system.

The OEIG investigation revealed that not only did the DHR investigators referenced in this report fail to abide by those procedures, but the investigation reveals that in many cases DHR investigators failed to even maintain copies of written consent forms from the parties to justify entries in the AS/400 system. What's more, it became clear from the OEIG's interviews of the parties that the DHR investigators were recording extensions in the AS/400 system to

which the parties *never even* agreed. In some cases, DHR's files contain extension forms with falsified or altered information, and in certain cases, forged signatures.

Finally, though each DHR investigator had an assigned supervisor, OEIG interviews revealed that their supervisors were not providing real guidance to the DHR investigators while they conducted their investigation. The OEIG found that investigative supervisors were not monitoring investigations during the investigative process to ensure that investigations were handled properly and were conducted consistent with DHR policies. In addition, it is clear that investigative supervisors were not requiring DHR investigators to utilize the investigative tools made available to them by DHR.

Specific findings of wrongdoing are set forth below.

### A. Investigator Isabella Gordon Falsely Created Extension Forms and Falsified AS/400 System Entries

In her interview with OEIG investigators, Ms. Gordon denied any wrongdoing with regard to extensions found in her physical investigative files or her handling of the extensions. Ms. Gordon represented that all of her entries in the AS/400 system were supported with the appropriate paperwork documenting all parties' consent.

The OEIG does not find Ms. Gordon's statements to be credible. Specifically, statements of the parties to the discrimination complaints (complainant and respondent) or their legal representatives, revealed that over 20 extensions in nine investigations were never agreed to by one or more of the parties. Yet, despite this fact, Ms. Gordon entered extensions in the AS/400 system as if both parties had agreed to the extensions.

Moreover, on multiple occasions, it appears Ms. Gordon created a false extension form by placing a party's signature on the document although the party did not agree to the extension. Again, the OEIG finds the statements of the parties more credible than Ms. Gordon's. Ms. Gordon was the person with access to and control over her physical investigative files during the time when the extensions were entered in the AS/400 system. And there was at least some possible motivation for Ms. Gordon to make false entries in the AS/400 system based on her history of disciplinary action for failing to meet investigatory deadlines. The threat of progressive discipline that loomed if she was again found to have not timely completed investigatory tasks may have also incentivized her misconduct.

Accordingly, the OEIG concludes that the allegation that Isabella Gordon violated the DHR Administrative Policy and Procedures Manual and DHR Investigator's Manual[50] when, on

[50] The specific misconduct committed by Ms. Gordon, as well as Mr. Venton, Ms. Parker and Mr. Reed, include: failing to obtain and document extensions in accordance with *DHR's Investigator's Manual, Chapter IV, Section F, Extensions;* failing to maintain an accurate record of work on the investigation, the importance of which is explained in *DHR's Investigator's Manual, Chapter IV, Section E, Case Chronology And File Organization*; and acting unprofessionally in violation of *DHR's Administrative Policy and Procedures Manual, Chapter II, Section A: Professional Conduct.*

over 20 occasions, she falsely represented in the AS/400 system that an extension had been agreed to when in fact it had not been is **FOUNDED**.

In addition, the OEIG concludes that the allegation that Isabella Gordon violated the DHR Administrative Policy and Procedures Manual and DHR Investigator's Manual when she falsely created multiple extension forms is **FOUNDED**.

### B. Investigator Derrick Venton Forged a Party's Signature on an Extension Form and Falsified an AS/400 Entry

As Derrick Venton admitted in his signed confession to DHR personnel, and as the complainant's statement to OEIG investigators supports, Mr. Venton forged the complainant's signature on an extension form and falsely entered the extension into the AS/400 system. The OEIG was unable to confirm the content of Mr. Venton's written statement with him because he declined to provide any substantive information during his interview with OEIG investigators. Nevertheless, the OEIG does not dispute that Mr. Venton did engage in misconduct, as he noted in his written statement. Mr. Venton's subsequent resignation further supports the conclusion that he engaged in misconduct. Accordingly, the following allegations against Mr. Venton are founded:

The allegation that Derrick Venton violated the DHR Administrative Policy and Procedures Manual and DHR Investigator's Manual when he forged the signature of the complainant in DHR investigation number 2010 CN 2598 is **FOUNDED**.

The allegation that Derrick Venton violated the DHR Administrative Policy and Procedures Manual and DHR Investigator's Manual when, on October 19, 2010, he entered a false extension into the AS/400 system indicating that an extension had been agreed to in DHR investigation 2010 CN 2598 when, in fact, it had not is **FOUNDED**.

### C. Investigator Jill Parker Falsely Created Extension Forms and Falsified AS/400 System Entries

In her interview with OEIG investigators, Ms. Parker denied any wrongdoing with regard to the extensions in her investigations or her handling of the extensions in multiple investigations where the OEIG identified evidence of forgeries. Ms. Parker represented that all of her entries in the AS/400 system were supported with the appropriate paperwork documenting all of the parties' consent to each of the extensions, and Ms. Parker claimed to have no knowledge of how evidence of forged and altered documents – including cut-outs of parties' or their representatives' signatures – were located in her credenza.

Yet, explicit evidence of forgeries and alterations were found in Ms. Parker's credenza. There is no basis to believe that anyone else, other than Ms. Parker, would have cut out signatures of various individuals in cases that she was assigned to investigate, taped those signatures onto extension forms, and discarded the documents in a box beneath her credenza. Ms. Parker was the one with control over her investigations and investigative files. At minimum, Ms. Parker should have been suspicious that some of the documents in her physical investigative files were cut apart and extension forms had signatures taped on them. The fact that she never raised these issues is evidence that she may have been trying to hide her own misconduct. In

addition, one or more parties in multiple of Ms. Parker's DHR investigations either stated that they did not agree, or could not confirm that they agreed, to extensions recorded by Ms. Parker.

Also, based on her past discipline for failing to meet investigative deadlines in a timely manner, she may have had a motivation to falsify the extension forms in her investigations; that is, to avoid progressive discipline based on failing to meet investigatory deadlines. The timing of Ms. Parker's resignation is also telling: she resigned the same day that the OEIG first scheduled her interview to discuss these matters.

Accordingly, the OEIG concludes that the allegation that Jill Parker violated the DHR Administrative Policy and Procedures Manual and DHR Investigator's Manual when, on multiple occasions, she falsely represented in the AS/400 system that an extension had been agreed to by both parties when it had not been is **FOUNDED**.

Moreover, the allegation that Jill Parker violated the DHR Administrative Policy and Procedures Manual and DHR Investigator's Manual when, on multiple occasions, she falsely created extension forms is **FOUNDED**.

### D. Investigator Dean Reed Falsely Created and Altered Information on Extension Forms, and Falsified AS/400 System Entries

Mr. Reed did not provide any substantive information about the misconduct set forth in this report during his interview with OEIG investigators, but the statements of the parties, or, in some cases their legal representatives, that they did not agree to the extensions recorded in the AS/400 system are telling. In some DHR investigations Mr. Reed worked on, the parties or their legal representatives not only did not recall agreeing to the extensions, but in multiple investigations conducted by Mr. Reed, there were copies of the extension forms retained by a legal representative that differed in substance from the extension forms found in DHR's physical investigative files.

Mr. Reed was the DHR employee with access to and control of the investigations and physical investigative files. He had been disciplined before for not meeting investigatory deadlines and therefore also may have had a motivation to extend the timeframe to complete his casework.

Accordingly, the OEIG concludes that the allegation that Dean Reed violated the DHR Administrative Policy and Procedures Manual and DHR Investigator's Manual when, on multiple occasions, he falsely represented in the AS/400 system that an extension had been agreed to by both parties when it had not been is **FOUNDED**.

Moreover, the OEIG concludes that the allegation that Dean Reed violated the DHR Administrative Policy and Procedures Manual and DHR Investigator's Manual when, on multiple occasions, he falsely created or altered an extension form is **FOUNDED**.

### E. DHR Lacked Sufficient Oversight of Investigators

### 1. Supervisors Did Not Mandate Investigator Compliance with DHR's Best Practices

DHR provides its investigators with investigative tools. These tools are available to them through the DHR Investigator's Manual and a corresponding Appendix. However, the tools are only useful if they are utilized. In this regard, DHR supervisors acknowledged that they work closely with so-called trainees – DHR investigators who have been employed with DHR for less than six months. For instance, both supervisors interviewed said they attend interviews with trainees and require trainees to submit written investigative plans. However, the OEIG discovered that they do not ensure that DHR investigators utilize DHR's investigative tools after six months of employment. In other words, after six months, many DHR tools aimed at making certain complaints of discrimination are handled appropriately appear to be either ignored, or worse, completely disregarded. Other than some sort of management/union agreement with regard to a six-month probationary period, there is nothing special about a six-month period. Investigations into discrimination claims require planning, thought, review and adjustment, something that can rarely be mastered in six months. Despite this, in addition to the two supervisors, both [Employee 1] and [Employee 2] also acknowledged that DHR investigators are supervised differently by their supervisors after working for six months at DHR.

Moreover, when asked by the OEIG how long it takes to become a good DHR investigator, DHR investigative supervisors and managers said the following:

*[Employee 3] stated:* it takes two and a half years to "learn" the position and to have "problem free" investigations.

*[Employee 4] stated*: "it takes everyone about a year to get acquainted with everything."

*[Employee 2] stated:* that after six months of employment a trainee becomes a "regular investigator," but it takes one to two years before one may be considered a "seasoned" investigator.

*[Employee 1] stated:* that it takes approximately two years in the investigator position to feel "comfortable."

Again, even though all supervisors and managers appeared to recognize that it takes a person time to learn to become an investigator, [Employee 4] and [Employee 3] stated that they *do not* require DHR investigators who have been employed by DHR for more than six months to:

- *utilize* the Investigation Plan Form;
- *utilize* a Case Planning Sheet; or
- *utilize* the Complainant Interview Planning Form.

In addition, both [Employee 4] and [Employee 3] stated that they *do not* ensure that DHR investigators who have been employed by DHR for more than six months review physical investigative files before interviews, record events in case chronology as they occur, or draft reports immediately after the Fact Finding Conference. The OEIG's investigation found that not

only were [Employee 2] and [Employee 1] aware of the practices of their supervisors, but the top two DHR officials, Ms. Wanzo and Director Claps, also generally agreed with this reasoning and did not expect supervisors to ensure the utilization of DHR's own investigative resources by DHR investigators. Not assuring DHR investigators utilize DHR tools aimed at helping them perform their duties and responsibilities simply makes no sense.

The OEIG's review of the tools in the Investigator's Manual reveal that they are valuable, and it is clear that DHR spent a substantial amount of time and resources developing those tools. They were clearly developed to assist DHR investigators with conducting thorough, quality investigations – something that appears to be consistent with DHR's Vision Statement. Certainly, the tools in the Investigator's Manual were not developed to sit on investigators' desks after they complete their six-month training period. Indeed, both [Employee 4] and [Employee 3] agreed that mandating the use of investigative resources and best practices that DHR has already developed would *improve the quality of investigations*.

The OEIG investigation revealed that the four DHR investigators who were subjects of this investigation began their DHR employment in 2006, 2007, 2008 and 2009. Thus, by any official or unofficial measure used at DHR, they would have all been considered so-called experienced DHR investigators by their supervisors or managers at the time their misconduct came to light. These experienced DHR investigators had little to no oversight. They basically had free reign to do, or in many cases *not do*, absolutely anything on their assigned investigations for months on end.

### 2. Supervisors Have Minimal Involvement in Ongoing Investigations

Despite differing estimates on how long it takes a person to become a good investigator, DHR managers and supervisors did agree on at least one thing: an important duty of investigative supervisors is to oversee investigations. Despite this realization, DHR supervisors and managers also readily admitted that they *did not* review what DHR investigators were doing or not doing in the course of DHR investigations.

Investigative supervisors are given several tools to help them fulfill their responsibilities. These tools include the DHR Supervisor's Manual, the DHR Investigator's Manual, bottleneck reports and action plans. However, investigative supervisors explained to the OEIG that bottleneck reports and action plans are the *main* tools that they use to monitor ongoing investigations. This revelation is simply baffling because bottleneck reports and action plans *only* contain dates and numbers. They *do not* inform investigative supervisors about the substance of any investigations. For instance, neither bottleneck reports nor action plans include:

- the allegations made in the complaint of discrimination;
- the defense to the allegations of discrimination provided by the respondent;
- the relevant policies and whether or not they have been obtained;
- the necessary comparative documents; or
- the identities of the witnesses and whether or not they have been interviewed.

In other words, a review of dates and numbers tells a supervisor absolutely nothing about how the discrimination investigation is being conducted, whether the appropriate witnesses are being interviewed or whether appropriate documents are being reviewed. This method of supervising investigations of discrimination reveals that DHR investigative supervisors appear to only be concerned with the perfunctory responsibility of *completing* the investigations rather than conducting quality investigations for the purpose of making certain "everyone has an inalienable right to live free from discrimination," as reflected in DHR's Mission Statement. Moreover, this sort of supervision does not lead any reasonable observer to conclude that DHR is in fact "dedicated to delivering quality service to the people of Illinois with integrity, honesty and respect."

In any event, despite the number of tools available to DHR to monitor ongoing investigations, again, supervisors admitted to the OEIG that they generally have no knowledge of what ongoing investigations are about. In short, bottleneck reports and action plans do nothing to ensure that DHR guidelines with respect to investigative quality are being met. As noted by DHR's investigative supervisors and managers, DHR investigative supervisors do not review the quality of the majority of investigations until DHR investigators turn-in files for review.

Through the course of its investigation, the OEIG attempted to determine the possible utility of greater DHR supervisory involvement in ongoing DHR investigations. One advantage of ongoing monitoring of DHR investigations by DHR supervisors would be the ability to catch mistakes, or misconduct, prior to the time when files are turned in for review.

In addition, it is important not to lose sight of the fact that DHR investigations involve real people – complainant and respondent – who have much at stake in the outcome of DHR investigations. Not only can justice delayed translate to justice denied, but investigative delays often have material consequences for the parties to the investigation. It is thus critical to ensure that when DHR fails to timely investigate a complaint and an extension is necessary, that the extension is immediately followed by tangible investigative steps undertaken by DHR investigators. As set forth above, the OEIG reviewed one investigation where misconduct had occurred for each of the four DHR investigators who are subject of this OEIG investigation to determine what investigative steps were taken *after* an extension was obtained by DHR investigators. The OEIG learned, and [Employee 1] and [Employee 2] confirmed, that while DHR investigators obtained from one to six extensions in each of the four DHR investigations selected by the OEIG, those extensions were followed by periods ranging up to *23 months* where no substantive investigative activity was conducted. Ongoing supervisory involvement in investigations would help ensure that cases do not just sit and languish with no work being performed while the people who are counting on DHR to actually do its job hang in the balance.

Greater supervisory involvement in ongoing investigations also could be instituted in the form of additional audits of physical investigative files.[51] These audits would go a long way towards aiding DHR in achieving its goal of conducting quality investigations. Indeed, just one

[51] Another form of greater supervisory involvement in ongoing investigations would be the utilization of DHR's own stringent case processing guidelines, which require supervisors to meet weekly with DHR investigators and go over investigative files. In the course of its investigation, the OEIG learned that the Agency does not employ stringent case processing guidelines for any of its investigators.

audit from June 2013 obtained by the OEIG revealed that DHR physical investigative files and reports contained so many errors that the results of the audit were characterized by DHR as "very disappointing" and DHR itself also found that the "quality of the reports audited falls far below Department standards and must be improved."

### 3. Management's Fear of Union Grievances and Resource Constraints Should Not Inhibit Supervisory Oversight

DHR is a unionized workplace and DHR investigators and investigative supervisors are union members. Therefore, the union has to agree to, or at least be notified of, certain policies relating to workload, supervision, and discipline. Union members may "grieve" managerial decisions and policies they believe to be in violation of the union's agreement with DHR. Some DHR managers expressed concerns that if investigative supervisors were more involved in ongoing DHR investigations and required DHR investigators to abide by various best practices, DHR investigators would file union grievances, which DHR would lose. Specifically, DHR managers stated the following:

- [Employee 2] stated that, given the agreement between DHR and the union, it would be inappropriate for supervisors to take any action with respect to an ongoing investigation until the DHR investigator had the investigation for 180 days.
- [Employee 1] stated that requiring one investigative team, but not other investigative teams, to use forms would increase the workload for that investigative team, which he said is grievable;
- Ms. Wanzo stated that if one supervisor required everyone to utilize written investigative plans, then all supervisors would have to implement the same requirement to avoid problems with the union due to changes in practice.

The OEIG appreciates the concern of DHR managers and supervisors, and there is no doubt union employees have the right to be treated fairly, and if they are not so treated may "grieve." However, DHR's Vision Statement, and thus, one hopes, DHR's first priority, is for DHR (through all employees, including union employees) to deliver "quality service to the people of Illinois with integrity, honesty and respect." Nothing in that Vision Statement limits the delivery of quality service only to instances where there is no possibility of a grievance being filed. Moreover, the OEIG strongly doubts that the union representing DHR investigators would ever advocate allowing DHR management to permit DHR investigators to conduct poor quality investigations, obtain inappropriate extensions, and then to perform little to no investigative activity. Conducting quality investigations is not intuitive. While some DHR employees who are, or seek to become, DHR investigators may believe they already know how to conduct quality investigations, in circumstances where they do not, they should be required to utilize DHR tools and best practices so that they may perform their duties competently. In any event, while the OEIG recognizes the importance of DHR maintaining a positive relationship with labor, that relationship should not come at the cost of denying Illinois residents and persons responding to claims of discrimination with the right to have their claim fairly, objectively and thoughtfully investigated.

The OEIG also recognizes that DHR investigators carry heavy caseloads and function under strict internal and statutory deadlines. Yet just in the course of the OEIG's investigation, DHR managers started requiring investigative supervisors to audit five ongoing investigations, including the physical investigative files, annually for each of their investigators. In addition, DHR policy was changed to require supervisors to sign any extension form that causes the investigation to extend over 300 days. These changes demonstrate that even with its existing resources, DHR is able to find some ways to increase supervisory involvement in DHR investigations. The OEIG believes, and as set forth below, that DHR should take additional action to meet its obligations.

## IV. FINDINGS AND RECOMMENDATIONS

Based on its investigation, the OEIG issues the following findings:

- **FOUNDED** – Isabella Gordon violated the DHR Administrative Policy and Procedures Manual and DHR Investigator's Manual when, on over 20 occasions, she falsely represented in the AS/400 system that an extension had been agreed to by both parties in a DHR investigation when it had not been.

- **FOUNDED** – Isabella Gordon violated the DHR Administrative Policy and Procedures Manual and DHR Investigator's Manual when she created multiple false extension forms.

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- **FOUNDED** – Derrick Venton violated the DHR Administrative Policy and Procedures Manual and DHR Investigator's Manual when he forged the signature of the complainant in DHR investigation number 2010 CN 2598.

- **FOUNDED** –Derrick Venton violated the DHR Administrative Policy and Procedures Manual and DHR Investigator's Manual when, on October 19, 2010, he entered a false extension into the AS/400 system indicating that an extension had been agreed to in DHR investigation 2010 CN 2598 when, in fact, it had not.

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- **FOUNDED** – Jill Parker violated the DHR Administrative Policy and Procedures Manual and DHR Investigator's Manual when, on multiple occasions, she falsely represented in the AS/400 system that an extension had been agreed to by both parties to a DHR investigation when it had not been.

- **FOUNDED** – Jill Parker violated the DHR Administrative Policy and Procedures Manual and DHR Investigator's Manual when, on multiple occasions, she falsely created extension forms.

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- **FOUNDED** – Dean Reed violated the DHR Administrative Policy and Procedures Manual and DHR Investigator's Manual when, on multiple occasions, he falsely represented in the AS/400 system that an extension had been agreed to by both parties to a DHR investigation when it had not been.

- **FOUNDED** – Dean Reed violated the DHR Administrative Policy and Procedures Manual and DHR Investigator's Manual when, on multiple occasions, he falsely created or altered extension forms.

The OEIG recommends that DHR place a copy of this report in the files of Ms. Gordon, Mr. Venton, Ms. Parker and Mr. Reed as none of these four DHR investigators is still employed by the State.

The OEIG further recommends that, in addition to the steps it has already undertaken in its Charge Processing Division regarding the verification and authorizing of obtaining extensions during the investigative process, DHR take whatever additional steps it deems necessary to make certain all DHR investigators follow all DHR policies and best practices and that they substantially increase supervisory oversight of ongoing Charge Processing Division discrimination claim investigations. The OEIG also recommends that DHR conduct a review of the Investigative Manual and related materials to determine whether supervisors should mandate the use of any additional forms, or monitor the adherence to any additional policies found in the manual and related materials, by one or more DHR employees, including, but not limited to:

- DHR investigator trainees;
- DHR experienced investigators; and
- DHR investigators on action plans.

Finally, the OEIG recommends that DHR continue spot checking physical investigative files and consider whether DHR should once again employ stringent case processing guidelines for some DHR investigators.

Date: **July 30, 2014**

Office of Executive Inspector General
for the Agencies of the Illinois Governor
69 West Washington Street, Ste. 3400
Chicago, IL 60601

By: **Daniel Ostrovsky**
Assistant Inspector General

**Reginald Spears**
Investigator #124

ILLINOIS DEPARTMENT OF
# Human Rights

Pat Quinn, Governor
Rocco J. Claps, Director

**CONFIDENTIAL**

August 25, 2014

Kristy Shores
First Deputy Inspector General
Office of the Executive Inspector General
69 West Washington Street, Suite 3400
Chicago, Illinois 60601

Re: OEIG Case No. 11-02202 **Via U.S. Mail and E-Mail**

Dear Ms. Shores:

This letter is in response to your July 30, 2014, letter regarding OEIG Complaint No. 11-02202 in which you requested that the Illinois Department of Human Rights ("IDHR") report to your office the actions taken to address your recommendations within 20 days of receipt of the Final Report. Please be advised that IDHR received the Final Report on Monday, August 4, 2014.

Enclosed please find the completed Response Form indicating that IDHR will implement some or all of the OEIG recommendations but will require additional time to do so. IDHR will report to the OEIG within 30 days from the original return date (by September 25, 2014).

I am available at (312) 814- for any questions you may have in this matter.

Very truly yours,

Lon D. Meltesen
Chief Legal Counsel

Enclosure

# Office of Executive Inspector General

**for the Agencies of the Illinois Governor**

*www.inspectorgeneral.illinois.gov*

## AGENCY OR ULTIMATE JURISDICTIONAL AUTHORITY RESPONSE FORM

Case Number: 11-02202 Return 20 Days After Receipt

Please check the box that applies. (Please attach additional materials, as necessary.)

☐ We have implemented all of the OEIG recommendations. Please provide details as to actions taken:

☒ We will implement some or all of the OEIG recommendations but will require additional time to do so.
We will report to OEIG within 30 days from the original return date.

☐ We do not wish to implement some or all of the OEIG recommendations. Please provide details as to what actions were taken, if any, in response to OEIG recommendations:

Signature

Illinois Department of Human Rights
Chief Legal Counsel
Print Agency and Job Title

Lon D Meltesen
Print Name

8/25/14
Date

ILLINOIS DEPARTMENT OF
# Human Rights

Pat Quinn, Governor
Rocco J. Claps, Director

**CONFIDENTIAL**

September 25, 2014

Kristy Shores
First Deputy Inspector General
Office of the Executive Inspector General
69 West Washington Street, Suite 3400
Chicago, Illinois 60601

Re: OEIG Case No. 11-02202 **Via U.S. Mail**

Dear Ms. Shores:

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As an initial matter, IDHR would like to emphasize the following in responding to the OEIG's Final Report referenced above:

First, IDHR would like to highlight that once IDHR discovered that an investigator had falsely entered codes into our AS/400 system, IDHR reported the incident to the OEIG. Similarly, when IDHR discovered that three other investigators fabricated extensions or falsely entered codes into the AS/400 system, IDHR reported these findings to the OEIG. Furthermore, during the course of the OEIG's investigation into this matter, IDHR cooperated fully with the OEIG, answering all of the OEIG's requests for information.

Second, once IDHR discovered the misconduct, IDHR immediately initiated its own internal investigation which resulted in the resignation of all four of the employees involved in the misconduct, with the last employee resigning on August 23, 2012.

Third, after IDHR completed its internal investigation, IDHR reviewed its policies and procedures to determine what remedial measures were necessary to prevent situations

like this from occurring in the future. As a result of IDHR's internal review, IDHR took the following actions in September 2012: (a) IDHR changed its policies to require original signatures for all extensions, its investigators to sign an affirmation that the extensions were agreed to by the parties, supervisor approval for any extension which resulted in the time period being extended for a total of 300 days or longer, the parties to sign the extension within 30 days of one another, the investigator to notify both parties in writing whether the extension was executed and if so, providing the parties with a copy of the executed extension, and the original extension to be kept in the investigation file at all times; (b) IDHR began conducting random audits of investigation files assigned to its investigators; and (c) IDHR conducted an all staff training for its investigative and legal staff on September 18, 2012, regarding these changes and the need for these changes.

Fourth, IDHR believes the remedial action detailed above was effective in addressing the misconduct discovered. In the two years since IDHR implemented these remedial measures, IDHR has not discovered a single incident where an extension was either falsely entered into the AS/400 system or fabricated. Based upon the absence of evidence that this type of misconduct is continuing to occur through either IDHR's internal auditing process or the OEIG's lengthy and very thorough investigation, IDHR believes that it has effectively taken remedial measures to eliminate and prevent this type of misconduct from occurring in the future.

Finally, IDHR would like to highlight that there are 40 to 50 other investigators within the agency who conduct thousands of investigations each year in a thorough and professional manner. It's also critical to note that IDHR had worked repeatedly with these four employees who are the subject of the OEIG's Final Report to improve their performance and conduct as state employees.

IDHR has reviewed the OEIG's recommendations, and agrees to take the following additional actions:

1. IDHR will place a copy of the OEIG's Final Report in the personnel files of the four employees involved: Isabella Gordon, Derrick Venton, Jill Parker, and Dean Reed.

2. To increase supervisory oversight of its investigations, IDHR will have its investigations supervisors conduct a Quarterly Review of each investigator's caseload, whereby each investigations supervisor will meet with each investigator on a quarterly basis and go over their entire caseload, discussing the progress of or any problems with any particular case.

3. To increase the level of training for new investigators, IDHR will attempt to create a Human Rights Investigator Trainee position for newly hired investigators. In order to create a Human Rights Investigator Trainee position, IDHR would have to request that the Department of Central Management Services (CMS) create

the position. CMS would have to conduct a class study, that would include putting a new title into an existing series, establishing the pay grade, changing requirements of one or more existing titles in the series, etc. IDHR made the request to CMS on September 11, 2014. CMS has begun the process and IDHR anticipates that this process would be completed by the first of the year.

4. To assist investigators in following IDHR policies and best practices, IDHR will create a refresher training workshop and require all investigators to attend on a regular basis. The refresher course will recap material from the Investigative Manual, available forms, best practices, investigative tools, and other developments or changes in policy.

5. Finally, IDHR will continue to conduct random and unannounced audits of its investigators' investigation files.

I am available at (312) 814- [redacted] for any questions you may have in this matter.

Very truly yours,

Lon D. Meltesen
Chief Legal Counsel