

IN THE EXECUTIVE ETHICS COMMISSION
OF THE STATE OF ILLINOIS

IN RE: ROBERT MILLER,) OEIG Case #17-00887

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 this 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 Robert Miller at his last known address.

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

FINAL REPORT

I. INTRODUCTION AND ALLEGATIONS

On May 18, 2017, the Office of Executive Inspector General for the Agencies of the Illinois Governor (OEIG) received a complaint alleging that CTA Senior Manager, Purchasing Robert Miller had inappropriate photos [redacted] on his CTA-issued computer, which had been seen by several CTA employees when inside Mr. Miller’s office at the CTA.

After conducting its investigation, the OEIG concludes that Mr. Miller violated CTA policies by using the CTA’s technology resources, including his CTA email account and CTA-issued computer, for non-CTA business purposes when he searched for, viewed, saved, and transmitted several inappropriate images. In doing so, Mr. Miller engaged in conduct unbecoming a CTA employee, in violation of the CTA’s General Rule Book.

II. BACKGROUND

A. Robert Miller

Robert Miller works as a Senior Manager, Procurement in the CTA's Purchasing Department, which operates out of the CTA's headquarters located at 567 West Lake Street, Chicago. Mr. Miller has been a CTA Purchasing Department employee since August 20, 2012. In his current role as Senior Manager, Procurement, Mr. Miller is responsible for managing information technology (IT) personnel within the Purchasing Department, performing metrics, preparing the buying plan, and participating in CTA outreach activities. His position requires him to operate a personal computer to utilize programs and systems necessary to perform the duties of his position.

B. CTA Policy Governing Use of Technology

The CTA's Email, Internet and Network Use policy, Administrative Procedure 2002 (AP 2002), generally provides that employee use of CTA technology resources, including CTA computers, email, and internet, are intended for business purposes in accordance with employees' job functions and responsibilities.¹ Under AP 2002, limited personal use of CTA technology resources is permitted, so long as such use does not create non-negligible expense to the CTA, does not consume excessive time, and does not violate any other CTA policy. AP 2002 specifically prohibits employees from using CTA technology resources to "access, create or distribute any offensive or disruptive material, including pornography or sexually-explicit messages."² Employees who violate this policy may be subject to discipline, up to and including discharge.

III. INVESTIGATION

A. Analysis Of Robert Miller's Computer Activity

The OEIG seized Mr. Miller's CTA-issued computer on June 9, 2017,³ and proceeded to conduct a forensic analysis of the computer's hard drive to determine if any pornographic or inappropriate⁴ material was stored on or accessed with the computer. As part of this forensic analysis, the OEIG created an image of the computer's hard drive to analyze the contents, specifically the graphic files. Investigators confirmed that the computer it seized had not been assigned to anyone other than Mr. Miller.

¹ Administrative Procedures 2001 and 2003, the CTA's electronic communication equipment and information security policies, respectively, also reflect this general policy and cite to AP 2002 for more detailed information regarding permitted and prohibited uses of CTA technology.

² AP 2002, § 4.4(B).

³ At the time of seizure, an external hard drive was attached to the computer. The OEIG did not seize the external device because the CTA could not confirm whether the device was CTA property or Mr. Miller's personal property. After the date of seizure, the CTA advised that ownership of the device could not be ascertained through examining the external hard drive itself because there were not any markers, tags, or codes to identify it as CTA property. The CTA indicated that ownership of the device could not be verified without asking the employee, Mr. Miller.

⁴ For the purposes of this report, "inappropriate" means any images that appeared to be sexually-explicit, offensive, or disruptive to the CTA workplace.

The OEIG found and reviewed over one million graphic (image) files located on the hard drive of Mr. Miller's CTA-issued computer. [Sentence redacted.] The OEIG, however, determined that over 2,400 image files found in Mr. Miller's computer were unrelated to CTA business and generally contained images of young and middle-aged men and women. While some of these images were found under Mr. Miller's unique user profile—RMILLER, many of the images were found in his computer's recycle bin and unallocated space. Of the over 2,400 images recovered, the OEIG determined that a little over 350 distinct files contained images that appeared to be sexual, and/or inappropriate, in nature. Many of these image files appeared to be of the same or similar images; however, they were found in different places on Mr. Miller's computer, often under different file names. Specifically, the images were found within Mr. Miller's CTA computer as follows:

- 158 images found in unallocated space;
- 132 images found in internet files;
- 33 images found in the recycle bin;
- 16 images found in Document folder; and
- 18 images found in Picture folder.

Below is a summary of some of the inappropriate images found on Mr. Miller's computer:

- three separate files containing [redacted];
- three separate files containing the same or similar images [redacted];
- two separate files containing the same or similar dual image of [redacted];
- two separate files containing the same or similar image of [redacted];
- two separate files containing the same or similar image of [redacted];
- six separate files containing the same or similar image of [redacted];
- two separate files containing the same or similar image of [redacted];
- six files containing additional images of [redacted]; and
- over 300 files containing images of [redacted].⁵

In addition, the OEIG's forensic analysis revealed that Mr. Miller's internet activity included numerous searches of men's first and last names.

The OEIG separately requested and reviewed the CTA's network activity for any username associated with Mr. Miller for the six-month period from January 10, 2017 through July 10, 2017, as well as Mr. Miller's CTA email archive containing emails sent and received from his CTA email account since August 2012.⁶ The investigators' review of Mr. Miller's network activity revealed that many non-CTA related websites had been accessed under Mr. Miller's CTA-assigned

⁵ The images included bodybuilding images, professional modeling photographs, and several "selfie"-type images. Some of the images appeared to be duplicates of one another found under different file names or in different locations on Mr. Miller's computer.

⁶ The OEIG requested Mr. Miller's network activity and emails from October 1, 2016 through June 9, 2017, the date the computer was seized. However, because the CTA only maintains network activity for a six-month period, the CTA could only produce the network activity from January 10, 2017 to July 10, 2017, the date the query was run. The CTA produced emails for Mr. Miller dating back to his August 2012 CTA hire date.

username, RMILLER. Some of these websites had images similar to those found on his CTA computer, including:

<u>Website URL</u>	<u>Website Content</u>
[redacted]	Modeling
[redacted]	Social Media
[redacted]	Bodybuilding
[redacted]	Modeling
[redacted]	Modeling
[redacted]	Male Fashion
[redacted]	Celebrity News
[redacted]	Modeling
[redacted]	Celebrity News

The OEIG's review of Mr. Miller's email archive revealed that between December 2013 and March 2017, Mr. Miller sent approximately 24 emails, which attached approximately 26 images unrelated to CTA business, including images of men wearing little clothing. These emails were sent from his CTA email to his personal email,⁷ from his CTA email to his CTA email, from his personal email to his CTA email, or from his CTA email to other CTA employees. All but four of the emails were sent between February 2016 and March 2017.

B. Interview Of Robert Miller

On November 1, 2017, investigators interviewed Mr. Miller, who acknowledged that he uses a CTA-assigned computer, located in a private office, to perform his duties and responsibilities and that, except for the occasional IT support, he is the only person who uses that computer. Mr. Miller confirmed that his CTA computer is password-protected and that he never shared his password with anyone. He also confirmed that he was familiar with CTA technology policies and that he understood that the policies prohibited CTA employees from accessing any offensive or disruptive material. When initially asked, Mr. Miller denied accessing, downloading, saving, or transmitting any images that may be considered inappropriate for the CTA workplace using his CTA computer.

Investigators then showed Mr. Miller the above-described⁸ non-work related images found on his computer's hard drive. Although Mr. Miller said he did not specifically recall accessing many of the images, some of which he acknowledged could be considered offensive, disruptive, pornographic, or sexually-explicit, he identified those he recognized as being images of well-known personalities or friends, including professional models and fitness trainers. Mr. Miller agreed that none of these images were related to his job duties and responsibilities. He also agreed that none of the 350+ images were appropriate for the CTA workplace. Below is a summary:

- **Unallocated space:** The OEIG showed Mr. Miller 158 images found in his CTA computer's unallocated space. Mr. Miller acknowledged that none of the 158 images were related to his CTA duties nor were they appropriate for the CTA workplace. Of

⁷ Mr. Miller confirmed his personal email address during his OEIG interview.

⁸ The OEIG also showed Mr. Miller the 22 mugshots found on his computer's hard drive.

the 158 images, Mr. Miller said he was only familiar with 13 of them. With respect to the remaining images, Mr. Miller acknowledged that some of the images were offensive, disruptive, and “nothing [he] would put on a screensaver.” Mr. Miller said at least one of the images could be considered pornographic. However, Mr. Miller did not acknowledge accessing any of the images he identified as offensive, disruptive, pornographic, or sexually-explicit.

- Internet files:⁹ The OEIG showed Mr. Miller 132 images found in his CTA computer internet activity. Mr. Miller acknowledged that none of the 132 images were related to his CTA duties nor were they appropriate for the CTA workplace. Of the 132 images, Mr. Miller said he was familiar with 31 of them and that none of the other images looked familiar. Mr. Miller identified 17 images that could be considered sexually-explicit, but these images were not amongst the images he was familiar with.
- Recycle bin: The OEIG showed Mr. Miller 33 images found in his CTA computer’s recycle bin. Mr. Miller acknowledged that none of the 33 images were related to his CTA duties nor were they appropriate for the CTA workplace. Of the 33 images, Mr. Miller said he was familiar 17 of them, and he confirmed that he retrieved those 17 images from the internet using his CTA computer. Mr. Miller then identified four other images as sexually-explicit, although he said he did not recall accessing the images.
- Documents: The OEIG showed Mr. Miller 16 images found in his Document’s folder on his CTA computer. Mr. Miller acknowledged that none of the 16 images were related to his CTA duties nor were they appropriate for the CTA workplace. Of these 16 images, Mr. Miller admitted accessing nine of them and that he retrieved those images from the internet and saved them to his CTA computer. Mr. Miller stated that at least one of the nine images he admitted to accessing could be considered disruptive. He also identified one other image as disruptive and two other images as sexually-explicit, but he said he did not recognize those images.
- Pictures: The OEIG showed Mr. Miller 18 images found in his Pictures folder on his CTA computer. Mr. Miller acknowledged that none of the 18 images were related to his CTA duties nor were they appropriate for the CTA workplace. Of the 18 images shown to him, Mr. Miller said that two of the images were of friends. Mr. Miller recalled saving “a few” of the images, although he said he did not recall when he saved them. Mr. Miller stated that he accessed the images through the internet using his CTA computer. Mr. Miller identified three images as sexually-explicit, although he said he did not recall accessing those three images.

Mr. Miller told investigators that most, if not all the images found on his CTA computer hard drive, would have come from the internet. He clarified that occasionally his model friends would text or email him images on his personal cell phone or personal email address, and he would

⁹ Mr. Miller was shown 70 images from his Internet Explorer cache and 70 images from his Google Chrome cache. Mr. Miller stated that he usually used Internet Explorer for internet browsing, but he occasionally used Google Chrome, which was the browser that the CTA’s IT Department preferred.

use his CTA computer during his breaks¹⁰ to search for the same or similar images.¹¹ Mr. Miller confirmed that he would access modeling websites, like www.[redacted].com, from his CTA computer to view images, including some of the images found on his CTA computer. Mr. Miller was shown a printout of a www.[redacted].com webpage accessed on October 19, 2017. According to Mr. Miller's CTA network activity, Mr. Miller accessed that particular webpage on March 10, 2017. Although Mr. Miller believed that the images depicted on the printout "looked more naked" than he remembered, he agreed that even if the models were more clothed, these images would not be related to CTA business.

When asked if he had ever transferred images from another device,¹² such as a personal cell phone or personal laptop, to his CTA computer, Mr. Miller recalled bringing in a personal laptop to work once because he was having performance issues with the laptop and a CTA coworker said he would look at the laptop. Mr. Miller said he enlisted another coworker, who no longer works at the CTA, to assist in transferring images from his (Mr. Miller's) personal cell phone to both his CTA computer and his personal laptop. He stated that he did this because the images were taking up too much space on his cell phone. Mr. Miller denied that he ever transferred images from his personal laptop to his CTA computer.

Mr. Miller was then shown the emails and attachments described in Section III, A. Mr. Miller told investigators that he recognized all the emails and that they were sent either from or to his CTA email account. Mr. Miller said that five of the images¹³ found as attachments in his CTA email could be considered disruptive or inappropriate and that none of the images were related to CTA business.

Mr. Miller noted that many of the images found on his CTA computer and emails appeared to be duplicate images and that not all the images were suggestive or sexually-explicit. Mr. Miller also clarified that he did not spend an exorbitant amount of time accessing these images. When pressed further, however, Mr. Miller acknowledged that all the images shown to him violated CTA policy.

¹⁰ The OEIG requested and reviewed Mr. Miller's CTA timesheets corresponding to the date stamps on the images found on his CTA computer. The timesheets reflected that Mr. Miller typically worked from 7:30 a.m. to 5:00 p.m. and would occasionally take a lunch break. Other than lunch breaks, no other breaks were noted on his timesheets. When the OEIG asked Mr. Miller about his breaks, Mr. Miller stated that he "really [does] not take breaks very often."

¹¹ Mr. Miller accessed his personal cell phone during his OEIG interview and showed investigators a text message from one of his model friends from April 26, 2017, which attached various images of a man who was fully clothed.

¹² Mr. Miller was also asked about the external hard drive that was found connected to his CTA computer at the time the OEIG seized it. Mr. Miller stated that the external hard drive belonged to the CTA and that it was connected to his CTA computer when he moved into his current office at the CTA. Mr. Miller said he was not sure whether he had ever saved images to the external hard drive.

¹³ At least one of the attached images that Mr. Miller identified as disruptive or inappropriate was also found in multiple locations on Mr. Miller's computer, including his Documents folder, browser cache, recycle bin, and unallocated space. Earlier in the interview, Mr. Miller said he could not recall accessing this particular image, although he identified the image as sexually-explicit. When the OEIG showed Mr. Miller the email attaching this particular image, he acknowledged that the image must have been saved to his computer.

IV. ANALYSIS

A. Robert Miller Used CTA Technology To Access Disruptive, Offensive, Or Sexually-Explicit Images

AP 2002 provides that CTA technology resources, including email, internet, and computer devices are generally to be used for business purposes with limited exceptions for personal use. AP 2002 explicitly prohibits use of CTA technology resources “[t]o access, create or distribute any offensive or disruptive material, including pornography or sexually-explicit messages.”¹⁴

The OEIG obtained and analyzed Mr. Miller’s CTA computer. According to CTA records, Mr. Miller was the only employee ever assigned to this CTA computer. The OEIG discovered on Mr. Miller’s password-protected CTA computer more than 350 non-work related image files containing numerous nude and partially nude images that appeared to be offensive, disruptive, sexually-suggestive, or sexually-explicit. Review of Mr. Miller’s network activity revealed that Mr. Miller accessed images similar to those found on his computer by visiting several non-work related websites, including modeling and social media sites. Additionally, a review of Mr. Miller’s email archive revealed that Mr. Miller emailed many of the images found on his computer using his CTA email.

During his OEIG interview, Mr. Miller confirmed that none of the images found on his CTA computer related to his job functions and responsibilities. Although Mr. Miller initially said he did not recall accessing or saving all of the images found on his CTA computer, after reviewing the 350+ images, he admitted that none of the images were appropriate for the CTA workplace and that they all violated CTA policy. He also admitted sending emails containing inappropriate and disruptive images to or from his CTA email account.

With respect to the images Mr. Miller said he did not recall accessing, the fact is that these images were on Mr. Miller’s password-protected CTA computer, many of which were under his user profile, and Mr. Miller was the only person who regularly used this computer. Further, several of the images that Mr. Miller said he did not recall accessing were sent as email attachments from Mr. Miller’s CTA email to his confirmed personal email. For these reasons, the OEIG concludes that Mr. Miller accessed and transmitted numerous non-work related, oftentimes sexually-suggestive or sexually-explicit, images using his CTA computer. Thus, the allegation that Mr. Miller repeatedly violated AP 2002 by using CTA technology resources to search for, view, save, and transmit offensive or disruptive material is **FOUNDED**.¹⁵

The CTA’s General Rule Book also prohibits employees from engaging in certain activities, including engaging in conduct unbecoming an employee.¹⁶ By using CTA resources to search for, view, save, and transmit disruptive, offensive, or sexually-explicit images, Mr. Miller has engaged in conduct that is contrary to his standing as a public employee. Therefore, the

¹⁴ AP 2002, § 4.4(B).

¹⁵ The OEIG concludes that an allegation is “founded” when it has determined that there is reasonable cause to believe that a violation of law or policy has occurred, or that there has been fraud, waste, mismanagement, misconduct, nonfeasance, misfeasance, or malfeasance.

¹⁶ CTA General Rule Book, Rule 14(e) (2014).

allegation that Mr. Miller engaged in conduct unbecoming a CTA employee in violation of CTA policy is **FOUNDED**.

B. Robert Miller Connected A Non-Device To His CTA Computer

The CTA's Information Security/Protection of Assets policy, Administrative Procedure 2003 (AP 2003) is meant to ensure that CTA assets are not misused, degraded, or destroyed. AP 2003 specifically prohibits connecting personal non-CTA devices to a CTA device or the CTA network. During his OEIG interview, Mr. Miller admitted to enlisting a CTA coworker to assist in transferring images from Mr. Miller's personal cell phone to his CTA computer because the images were taking up too much space on his cell phone. By connecting a personal device to a CTA resource, Mr. Miller violated AP 2003, and this allegation is **FOUNDED**.

V. FINDINGS AND RECOMMENDATIONS

As a result of its investigation, the OEIG concludes that there is **REASONABLE CAUSE TO ISSUE THE FOLLOWING FINDINGS:**

- **FOUNDED** – Robert Miller violated CTA Administrative Procedure 2002 by searching for, viewing, saving, and transmitting offensive, disruptive, or sexually-explicit images using his CTA-issued computer.
- **FOUNDED** – Robert Miller engaged in conduct unbecoming a CTA employee, in violation of the CTA's General Rule Book.
- **FOUNDED** – Robert Miller violated CTA Administrative Procedure 2003 by connecting a non-CTA device to a CTA resource.

The OEIG recommends that the CTA discipline Robert Miller, up to and including termination.

Additionally, during the course of the investigation, the OEIG learned that Robert Miller had an external hard drive attached to his CTA-issued computer. At that time, the OEIG attempted to verify ownership of the device. However, the CTA indicated that it could not verify ownership without asking Mr. Miller because the device contained no markers indicating that it was CTA property. During his OEIG interview, Mr. Miller stated that the external hard drive belonged to the CTA. The OEIG recommends that the CTA review the contents of the external hard drive attached to Mr. Miller's CTA computer to determine whether it contains any prohibited images.

Finally, the forensic analysis of Mr. Miller's CTA computer recovered more than 2,400 non-work related image files, including the 350+ image files that Mr. Miller admitted violated CTA policy. As previously stated, AP 2002 permits limited personal use of CTA technology so long as it does not create a non-negligible expense to the CTA, does not consume excessive time, and does not violate any other CTA policy. The OEIG makes no findings as to whether Mr. Miller used excessive time to search for, view, save, or transmit the more than 2000 other non-work related images found on his computer, but rather refers the matter to the CTA to determine if Mr.

Miller exceeded the CTA's policy regarding limited personal use of CTA technology.

No further action is necessary and this matter is considered closed.

Date: **January 17, 2018**

Office of Executive Inspector General
for the Agencies of the Illinois Governor
69 West Washington Street, Ste. 3400
Chicago, IL 60602

By: **Diana Villamil Zuver**
Deputy Inspector General

Francis Foley, #156
Supervising Investigator

RECEIVED
MAY 02 2018

IN THE EXECUTIVE ETHICS COMMISSION
OF THE STATE OF ILLINOIS

EXECUTIVE ETHICS COMMISSION

IN RE: Robert Miller

)

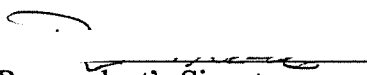
#17-00887

RESPONDENT'S SUGGESTIONS FOR REDACTION / PUBLIC RESPONSE

Please check the appropriate line and sign and date below. If no line is checked, the Commission will not make your response public if the redacted report is made public.

 Below is my public response. Please make this response public if the summary report is also made public; or

 Below are my suggestions for redaction. I do not wish for these suggestions to be made public.


Respondent's Signature

04-30-18
Date

Instructions: Please write or type suggestions for redaction or a public response on the lines below. If you prefer, you may attach separate documents to this form. Return this form and any attachments to:

Illinois Executive Ethics Commission
401 S. Spring Street, Room 513 Wm. Stratton Building
Springfield, IL 62706



TO: Office of Executive Inspector General

FROM: Ellen McCormack
Vice President, Purchasing

DATE: March 9, 2018

RE: **OEIG Case No. 17-0887– FINAL REPORT
RESPONSE REQUIRED**

The above-referenced final report (Final Report) involves allegations of misconduct by former CTA employee Robert Miller. The Final Report concluded that Mr. Miller violated CTA Administrative Procedures. Additionally, it concluded that Mr. Miller engaged in conduct unbecoming of an employee, which is also a violation of CTA's General Rule Book. Consequently, the OEIG recommended that CTA discipline Mr. Miller up to and including termination.

The Final Report was issued to CTA on January 19, 2018. On February 9, 2018, Mr. Miller resigned from his position and is no longer an employee with the CTA.

No further action will be taken on this matter and CTA considers this complaint closed.

cc: Sylvia Garcia
Thomas McKone
Nora Leerhsen