IN THE EXECUTIVE ETHICS COMMISSION OF THE STATE OF ILLINOIS

IN RE: RANDALL MUSSER and RICHARD STEMPINSKI ) OEIG for the Agencies of the Illinois Governor ) Case #20-00033

PUBLICATION OF REDACTED VERSION OF OEIG FINAL REPORT

Below is the redacted 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 and others uninvolved. To balance these interests, the Commission may redact certain information contained in this report. Additionally, the Commission redacts certain information that relates to allegations against a person who was found not to have committed a violation. 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. Further, in publishing the below redacted final summary report, the Commission makes no finding of law or fact for or against any individual or entity referenced therein.

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 Executive Inspector General for the Governor, and Randall Musser and Richard Stempinski’s last known addresses.

The Commission reviewed all suggestions received and makes this document available pursuant to 5 ILCS 430/20-52.
Office of the Executive Inspector General  
for the Agencies of the Illinois Governor  

Summary Report

I. SUMMARY OF THE ALLEGATIONS

On January 7, 2020, the Office of Executive Inspector General (OEIG) received a complaint alleging that certain offenders at the Danville Correctional Center (Danville) improperly received Earned Program Sentence Credit (“Earned Time”) for taking academic classes at the Danville Area Community College (DACC) in the Spring and Fall semesters of 2019. Specifically, the complaint alleged that in January 2019, Illinois Department of Corrections (IDOC) employees – including Educational Administrator Randall Musser – changed how Goal Statements were written and processed for the Spring 2019 semester, resulting in improper Earned Time awards. The complaint also alleged that Richard Stempinski – IDOC’s overall manager of the Earned Time program – was told about those problems in December 2019, but nevertheless processed the Fall 2019 Goal Statements in the same manner, leading to further improper Earned Time. Based on this investigation, the OEIG concludes that Mr. Musser and Mr. Stempinski mismanaged the Earned Time program at Danville.

II. BACKGROUND

IDOC has statutory authority to prescribe rules and regulations for awarding and revoking sentence credit, including Earned Time.\(^1\) According to the administrative rules governing eligibility for Earned Time that IDOC has adopted pursuant to that authority, offenders who are engaged in “full-time” academic programs are eligible to receive Earned Time. For college-level academic programs, full-time status requires “12 credit hours per semester.”\(^2\)

IDOC’s Office of Adult Education and Vocational Services (OAEVS) works to educate offenders to aid them in “restor[ing] themselves to constructive and law-abiding citizens upon release.”\(^3\) To that end, OAEVS manages multiple academic programs, including Adult Basic Education, High School Equivalency, and college-level programs. If determined eligible under the rules adopted by IDOC, offenders in these programs may receive Earned Time and thereby reduce their time in custody.\(^4\) IDOC employs an agency-wide OAEVS Manager who – with the assistance of regional coordinators – is responsible for overseeing the Educational Administrators that manage these programs on the facility level.

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\(^1\) See 730 ILCS 5/3-6-3(a)(1).
\(^3\) IDOC 2019 Annual Report.
\(^4\) See 20 Ill. Admin. Code 107.145 and 107.520(e)(3). In limited circumstances, offenders determined to be ineligible under these provisions may receive Earned Time at a reduced rate. See 20 Ill. Admin. Code 107.520(c). But see 20 Ill. Admin. Code 107.520(d) and 730 ILCS 5/3-6-3 (limiting Earned Time for offenders convicted of certain firearms, drugs, sexual misconduct, and domestic abuse offenses).
Mr. Stempinski was the OAEVS Manager at all times relevant to this investigation, while [IDOC Employee 1] served as [Identifying Information Redacted].

Mr. Musser was Danville’s Educational Administrator at all times relevant to this investigation, except while he was on leave for an unrelated issue from November 2019 through September 2020. During that time, [Identifying Information Redacted] [IDOC Employee 2] was temporarily assigned as Danville’s [Identifying Information Redacted].

Danville is a medium-security IDOC facility housing approximately 1,500 offenders in Vermillion County. It has a contract with DACC, which provides offenders with certificate-based vocational programs as well as academic courses leading to associate’s degrees. [DACC Employee 1] was the DACC employee assigned to Danville as [Identifying Information Redacted] until [Identifying Information Redacted]. The position was then vacant for several months, until DACC hired [DACC Employee 1] as [DACC Employee 1]’s replacement in September 2019.

III. INVESTIGATION

A. Preparing and Processing Goal Statements

OAEVS awards offenders Earned Time as an incentive for completing their educational goals. In order to qualify, offenders must participate “full-time in . . . education programs[.].” In addition to studying full-time, offenders must also meet goals in several categories established by law, including academic performance, attendance, and behavior/participation. While specific goals vary between students and programs, the relevant legal standards require that they be documented on a Goal Statement, also known as IDOC Form 0356. Offenders who meet their goals within the stated goal period are entitled to receive a half day of sentence credit for each day they participate in an educational program. A sample Goal Statement is attached to this report in Appendix A.

The Goal Statement also contains a section explaining an offender’s rights and responsibilities under the Earned Time program. In addition to emphasizing the need to meet written goals, this section states that the offender’s eligibility for Earned Time is determined by 730 ILCS 5/3-6-3, and that “[Earned Time] earned or awarded shall be revoked” if the offender is...

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5 In February 2021, Mr. Stempinski became the Assistant Warden of Programs at Taylorville Correctional Center. [IDOC Employee 3] replaced Mr. Stempinski as the [Identifying Information Redacted].

6 Offenders may also attend academic courses leading to bachelor’s degrees via programs run by volunteers from the [Volunteer Program 1] and the [Volunteer Program 2](the Volunteer Programs).

7 Earned Program Sentence Credit & Adult Secondary Education Guidelines (Earned Time Guidelines) at 2.

8 20 Ill. Admin. Code 107.520(a). Generally, offenders are categorically ineligible for Earned Time if convicted of first-degree murder or terrorism after June 19, 1998 (see 730 ILCS 5/3-6-3(a)(2)(i)), or if serving a life sentence (see 720 ILCS 5/3-6-3(a)(2.2)). Offenders convicted of other serious crimes may be also ineligible if an Earned Time award would result in them serving less than the statutorily-mandated percentage of their sentence. See 730 ILCS 5/3-6-3(a)(2)(ii)-(vii).


11 See 20 Ill. Admin. Code 107.520(a). Educational program days include “days of productive class attendance, weekends, and State Holidays.” Earned Time Guidelines at 8. However, for college-level courses like the ones offered through DACC, “weekdays when classes are not scheduled” are also included. Id. Days when classes are cancelled are not counted as educational program days, nor are days when the offender fails to attend class. See id. at 9.
“not in fact eligible for [Earned Time].” Offenders are required to sign underneath this explanatory section to indicate that they “understand the requirements necessary to complete the [G]oal [S]tatement,” and to indicate that they “acknowledge” the eligibility rules, including the possibility of Earned Time being revoked. Offenders who refuse to sign are dropped from the program and required to wait at least 45 days before reapplying to take other courses.12

Both DACC and Danville staff are directly involved in creating and processing Goal Statements. For academic programs at the two-year college level, the College Coordinator – a DACC employee – is required develop the Goal Statement, which includes identifying the goal period, the academic achievements expected, and the attendance requirements.13 With the assistance of actual class instructors, the College Coordinator is also required to maintain daily attendance records.14 The Educational Administrator also plays a key role at several points. First, at the start of the semester, the Educational Administrator must review and approve each Goal Statement before entering it into IDOC’s Offender 360 (O360) tracking system.15 Second, at the end of the semester, the Educational Administrator must review the educational staff members’ Earned Time recommendation, as well as their calculation of the number of days to be considered for an Earned Time award. Based on that review, the Educational Administrator must determine whether to recommend Earned Time for the offender.16 Finally, the Educational Administrator must sign the Goal Statement to indicate his/her approval before sending it to the facility’s Record Office.

Once received by the Record Office, a completed Goal Statement is reviewed along with the offender’s master record file to determine if anything therein would render the offender ineligible for Earned Time.17 If no disqualifying factors are found, the Record Office staff is required to process the Goal Statement for an Earned Time award as recommended.18

B. Earned Time Awards for DACC Courses

In this investigation, the OEIG obtained and reviewed all Goal Statements and reports from IDOC’s O360 system for offenders who took college-level academic courses via DACC in the

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12 See Administrative Directive 04.10.130 Section F.2.f.
13 See Administrative Directive 04.10.130 Section F.2.a.(2).
14 See Earned Time Guidelines at 9.
15 See Administrative Directive 04.10.130 Sections F.2 and F.3.
16 See Administrative Directive 04.10.130 Section F.8.
17 For instance, offenders are ineligible if convicted of certain Class X felonies, or first/second degree murder. See 20 Ill. Admin. Code 107.520(c). Offenders are also ineligible if they are awarded Earned Time or other good time credit and are subsequently convicted of felony. See 20 Ill. Admin. Code 107.520(d) and 730 ILCS 5/3-6-3 (limiting Earned Time for offenders convicted of certain firearms, drugs, sexual misconduct, and domestic abuse offenses).
18 Administrative Directive 01.07.420 states that the Record Office Supervisor “shall ensure” that Goal Statements are processed “if the offender is eligible for an award of EPSC[.]” While it does not expressly require the Record Office Supervisor to process Goal Statements absent a finding of statutory ineligibility, both [IDOC Employee 4] (Danville’s [Identifying Information Redacted]) and [IDOC Employee 5] (Danville’s [Identifying Information Redacted]) said that this was the case.
2019 academic year,\(^{19}\) as well as the Fall 2018 semester. The OEIG also obtained the course catalogues in effect in 2018 and 2019, as well as emails related to the Earned Time program.

1. **Fall 2018 Records**

   The overwhelming majority of the Goal Statements from the Fall 2018 semester that the OEIG reviewed contained multiple courses in the blank space provided for “Program or Course Number/Name.” For example, several offenders took the same set of four classes – PHIL 101, HIST 152, HIST 111, and SPCH 102 – and each of them had a single Goal Statement listing all of those classes. When the OEIG compared these courses to the course catalogues in effect at the time, it found each of them was worth 3 credits. As such, offenders taking these four courses appear to have satisfied the requirement for full-time status set forth in Administrative Directive 04.10.130 by taking 12 credit hours of coursework. They were therefore eligible for – and in fact received – Earned Time awards based on their educational activities. The OEIG obtained the same result when analyzing all other four-course Goal Statements from Fall 2018.

   The OEIG also found several Goal Statements from Fall 2018 that listed only one, two, or three courses in the “Program or Course Number/Name” space. After reviewing the relevant data from O360, however, the OEIG determined that offenders with Goal Statements that contained fewer than four courses did not receive Earned Time awards.\(^{20}\) The OEIG also did not find any examples of offenders with more than one Goal Statement for DACC academic courses.

2. **Academic Year 2019 Records**

   Starting in January 2019 and continuing throughout the 2019 academic year, the OEIG found a significant difference in the way that Goal Statements were prepared for Danville offenders. Specifically, instead of the Goal Statements listing all of the offenders’ courses, in almost all cases, educational staff began preparing multiple Goal Statements for each offender, with each Goal Statement only listing one course (hereinafter referred to as One-Course Goal Statements).

   The transition to using multiple One-Course Goal Statements per offender was discussed among the relevant stakeholders via email in early 2019. Specifically, on January 18, 2019, Mr.

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\(^{19}\) For the purpose of this report, the 2019 academic year is defined as the Spring 2019 and Fall 2019 semesters. The OEIG did not analyze Goal Statements associated with courses taken during any semester break periods in 2019.

\(^{20}\) The OEIG notes that one offender had a three-course Goal Statement, with the coursework listed therein amounting to 9 credit hours. The offender was therefore not a full-time student and should not have received an Earned Time award. Because this was an isolated case, the OEIG concludes that it was an unintentional error, rather than an attempt to circumvent the Earned Time program rules.
Musser emailed [Identifying Information Redacted] [DACC Employee 1], and cc’d the following individuals:

- Mr. Stempinski (OAEVS Manager)
- [IDOC Employee 5] (Danville’s [Identifying Information Redacted])
- [IDOC Employee 4] (Danville’s [Identifying Information Redacted])

The subject line of the email read “Deadline & Clarification.” In the email itself, Mr. Musser wrote that he “want[ed] all the contracts redone so there is only one class on each contract and a calendars [sic] that corresponds to [O]360. The student receives a day present and a day to study and the rest of the days should be [excluded].” [DACC Employee 1] responded that this might lead to “the weekends [getting] counted four times” for a “student [who] has four classes and four calendars[.]” Mr. Musser responded less than two minutes later, writing, “No. That is not what I told you. [Identifying Information Redacted] [IDOC Employee 5] orders you were[sic] to start new contracts for all the students, putting one class on each contract with a corresponding calendar.”

The OEIG conducted a comprehensive review of all the Goal Statements and the relevant data from O360 for the 2019 academic year. In that review, the OEIG found there were Goal Statements for 86 offenders in the Spring of 2019 and Goal Statements for 75 offenders in the Fall of 2019, that resulted in Earned Time awards (“ET awarded offenders”) for academic courses at DACC. The OEIG compared the courses on those Goal Statements with the course catalogues in effect at the time. Because the courses offered to Danville offenders were generally worth between 2 and 5 credits, the ET awarded offenders who took only 1 or 2 courses could not have met the full-time requirement of 12 credit hours. While a small number of ET awarded offenders took 3 courses, the OEIG found that none of them had a course load of more than 11 credit hours. This resulted in none of the ET awarded offenders in either semester meeting the 12-credit-hour requirement for full-time study, and thus were not actually eligible for Earned Time.

Although the ET awarded offenders were not eligible for Earned Time, IDOC records showed that the 86 offenders received a total of 4,600 days of Earned Time for academic courses taken via DACC in the Spring 2019 semester. In the Fall 2019 semester, the 75 offenders received a total of 4,618 days of Earned Time.

For the ET awarded offenders, the OEIG found that 115 individual offenders each received an average of more than 80 days of Earned Time. Not only were those offenders not eligible for that Earned Time, the average amount received was more than three times the statewide average for college-level academics in FY 2019 (July 2018 through June 2019), according to the most recent data available from IDOC at the time of this report.

Mr. Musser signed all of the Goal Statements for those offenders at the beginning of both 2019 semesters, indicating that he reviewed and approved what [DACC Employee 1] and/or the DACC educational staff entered onto the forms. Mr. Musser also signed all of the Spring 2019 Goal Statements at the end of that semester, indicating his approval of the Earned Time recommendations contained therein. He did not, however, sign the Fall 2019 Goal Statements at the end of the semester, since he was out on unrelated leave at that time. The OEIG’s review also
found that [IDOC Employee 2] – who was temporarily assigned as the [Identifying Information Redacted] during Mr. Musser’s absence – did not sign those Goal Statements. Instead, the OEIG found that Mr. Stempinski signed and processed all of the Fall 2019 Goal Statements at the end of that semester, indicating his approval of the Earned Time recommendations contained therein.

C. Interview of [IDOC Employee 2], Danville [Identifying Information Redacted]

The OEIG interviewed [IDOC Employee 2] on March 30, 2020. She has worked for IDOC since [Identifying Information Redacted], and was temporarily assigned as Danville’s [Identifying Information Redacted] from [Identifying Information Redacted], while Mr. Musser was on leave. In that capacity, she reported directly to Mr. Stempinski.

[IDOC Employee 2] indicated that she learned about problems with Goal Statements in November 2019, when an offender asked for his Fall 2018 Goal Statement to be split into One-Course Goal Statements, as was the case with his Spring 2019 Goal Statements. Although she ultimately denied the request, [IDOC Employee 2] said that she learned several key facts while determining how to handle it. First, she said that she realized that Administrative Directive 04.10.130 required offenders to take 12 credit hours to be considered full-time students eligible for Earned Time awards. Second, she discovered that the Goal Statements from Spring 2019 were all One-Course Goal Statements, which was contrary to the practices of other Educational Administrators she spoke with. Third, she found that many offenders received Earned Time awards in Spring 2019 without taking 12 credit hours. Fourth, [IDOC Employee 2] realized that because the Fall 2019 Goal Statements were prepared in the same way as those from Spring 2019, there was a risk that the same problems would occur again at the end of the year.

[IDOC Employee 2] stated that she told Mr. Stempinski about these issues, and asked him why One-Course Goal Statements were used. [IDOC Employee 2] stated that in addition to being concerned about some offenders being ineligible for Earned Time due to their lack of full-time status, she was also concerned that the use of One-Course Goal Statements might lead to excessive Earned Time awards for offenders who were full-time. She recalled that Mr. Stempinski described the matter as a “clerical error,” and that he sent her the January 2019 email discussed above. When she asked [IDOC Employee 5] for additional information, [IDOC Employee 2] was told that the use of One-Course Goal Statements was [IDOC Employee 4]’ idea. [IDOC Employee 2] recalled, however, that [IDOC Employee 4] told her that she was aware of the decision to use One-Course Goal Statements, but was not the one who made it.

After these responses, [IDOC Employee 2] stated that she told Mr. Stempinski that she was uncomfortable processing the Fall 2019 Goal Statements as written, and that IDOC should consider retroactively correcting the Spring 2019 Goal Statements as well. She stated that Mr. Stempinski responded by calling a meeting on December 18, 2019 with a small group, including herself, [IDOC Employee 4], and DACC staff. [IDOC Employee 2] recalled that the group decided to call [Identifying Information Redacted] [IDOC Employee 6], and that a decision was made to process the Fall 2019 Goal Statements only for full-time students, while leaving the Spring 2019 Goal Statements unchanged. [IDOC Employee 2] stated, however, that this decision was reversed the following week, while she was on vacation. When she returned from vacation, she said [IDOC Employee 4] told her that the decision was changed based on direction from the Legal Department.
[IDOC Employee 2] stated that she then told Mr. Stempinski and [IDOC Employee 5] that she would not process the Fall 2019 Goal Statements as written – even with legal advice and written authorization to do so – because she believed doing so would violate Administrative Directive 04.10.130. Instead, she said that she showed Mr. Stempinski how to use the O360 system, so that he could process the Goal Statements on his own.

D. Interview of [IDOC Employee 4], Danville [Identifying Information Redacted]

The OEIG interviewed [IDOC Employee 4] on March 26, 2021. [IDOC Employee 4] stated that she became Danville’s [Identifying Information Redacted] in [Identifying Information Redacted] after [Identifying Information Redacted]. As [Identifying Information Redacted], she reported both to [IDOC Employee 5] and to [Identifying Information Redacted] [IDOC Employee 7]. She stated that she was “very familiar” with the Earned Time program and Administrative Directive 04.10.130, as Earned Time awards had to be calculated and noted in the master record files maintained by her office. She also confirmed that offenders needed to be full-time students to be eligible for Earned Time awards.

[IDOC Employee 4] told the OEIG that the Record Office nevertheless played a limited role in the Earned Time program, relating to what she called “statutory eligibility.” She explained that offenders convicted of certain serious crimes were required by statute to serve 85% or 100% of their sentences, and were excluded by statute from participating in the Earned Time program. [IDOC Employee 4] stated that [IDOC Employee 7] expressly instructed [Identifying Information Redacted] that they were required to process all Goal Statements received if the offenders were not excluded by these “statutory eligibility” criteria. According to [IDOC Employee 4], processing a Goal Statement meant using the data therein to calculate an offender’s revised sentence and update the offender’s records accordingly.

When shown the January 18, 2019 email discussed above, [IDOC Employee 4] generally recalled that changes were made to the Earned Time Program in 2018 pursuant to which IDOC stopped screening offenders for Earned Time eligibility prior to creating Goal Statements. Instead, IDOC began creating Goal Statements for all offenders in educational programming, regardless of their eligibility for Earned Time. She also remembered that Mr. Musser told her that Mr. Stempinski directed the creation of One-Course Goal Statements in response to these changes in or about January 2019. She stated that she told Mr. Musser to be careful with One-Course Goal Statements and reminded him that only full-time students were eligible for Earned Time. She further stated that when Mr. Musser submitted a large number of One-Course Goal Statements at the end of the Spring 2019 semester, she asked him if he was sure they were correctly prepared.21 Mr. Musser once again told her that he was instructed to prepare One-Course Goal Statements, and wanted them processed accordingly. [IDOC Employee 4] stated that she processed the Goal Statements as requested, but only after confirming with [IDOC Employee 5] that she should do so.

21 [IDOC Employee 4] also told the OEIG that she realized offenders with multiple One-Course Goal Statements would receive excess Earned Time if the Goal Statements were processed as written. She stated that she therefore warned Mr. Musser that processing the Spring 2019 Goal Statements would result in an “extraordinary amount of [Earned Time] being given,” but that Mr. Musser nevertheless wanted them processed as written.
[IDOC Employee 4] stated that [IDOC Employee 2] approached her near the end of 2019 to discuss the Fall 2019 Goal Statements. [IDOC Employee 4] told [IDOC Employee 2] about her discussion with Mr. Musser earlier in the year, and encouraged [IDOC Employee 2] to raise her concerns with Mr. Stempinski. [IDOC Employee 4] further recalled that [IDOC Employee 2] indicated that many offenders with Goal Statements in the Fall 2019 semester were not full-time students, and that the two of them ultimately agreed that the Fall 2019 Goal Statements were not prepared “in the spirit of [Administrative Directive 04.10.130].”

[IDOC Employee 4] confirmed that she and [IDOC Employee 2] next met with a small group – including Mr. Stempinski and [IDOC Employee 5] – on December 18, 2019 to discuss how to handle the Fall 2019 Goal Statements. According to [IDOC Employee 4], [IDOC Employee 2] reported that many of the offenders who received Earned Time in Spring 2019 were ineligible because they were not full-time students. [IDOC Employee 4] also recalled that she and [IDOC Employee 2] argued that the Fall 2019 Goal Statements should be analyzed to determine if the offenders were full-time students before being processed for Earned Time.

[IDOC Employee 4] recalled that the final decision to process the Fall 2019 Goal Statements without regard to full-time status was not made until early 2020. [IDOC Employee 4] said that she never received any written justification for the decision, and that [IDOC Employee 5] instead told her that any changes to the decision would be communicated in due course. She further recalled that Mr. Stempinski signed and processed the Fall 2019 Goal Statements, as [IDOC Employee 2] remained unwilling to act contrary to her understanding of Administrative Directive 04.10.130.

E. Interview of [IDOC Employee 5], Danville [Identifying Information Redacted]

The OEIG interviewed [IDOC Employee 5] on April 29, 2021. After [Identifying Information Redacted] became Danville’s [Identifying Information Redacted] in [Identifying Information Redacted], she explained that as [Identifying Information Redacted], she was responsible for educational and other programming at Danville. She also stated that Mr. Musser managed the educational programs day-to-day and reported both to Mr. Stempinski and to her.

[IDOC Employee 5] stated that she was “somewhat” familiar with Administrative Directive 04.10.130, and that she understood full-time students were eligible for Earned Time, whereas part-time students were not. She explained that Mr. Musser was responsible for determining whether the offenders were full-time students, and that [IDOC Employee 4] was obligated to process Goal Statements based on Mr. Musser’s determination. [IDOC Employee 5] explained that the Record Office would determine whether an offender was ineligible based on factors other than full-time status, such as his crime of conviction or the percentage of his sentence he was required to serve. [IDOC Employee 5] stated that she was delegated the responsibility for electronically approving Goal Statements after Mr. Musser and [IDOC Employee 4] completed

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22 [IDOC Employee 4] indicated that DACC staff were initially instructed to process the Fall 2019 Goal Statements as ineligible for Earned Time i.e. by completing the “Award Not Recommended” section. [IDOC Employee 4] stated that they were instructed to stop doing so once the final decision was made, and that Mr. Stempinski crossed out their previous work and instead filled in the “Award Recommended” sections.
their tasks, pursuant to Administrative Directive 01.07.420. She explained that this only required her to click a box, and stated that she could not recall disapproving any Goal Statement for any reason.23

When shown the January 2019 email discussed above, [IDOC Employee 5] recalled that Mr. Musser frequently complained that [DACC Employee 1] took attendance incorrectly. She further recalled that after discussions with Mr. Stempinski and others, Mr. Musser and [IDOC Employee 4] offered a solution that was eventually adopted – namely, creating One-Course Goal Statements, each with its own calendar. She stated that Mr. Musser and [IDOC Employee 4] assured her that they would “staple all their calendars [together] to show that [the offenders] were full-time students” and therefore eligible for Earned Time. Although she did not personally know if their proposal was permissible under the Earned Time rules, she stated that she trusted them as her “subject matter experts.”24

[IDOC Employee 5] generally recalled that [IDOC Employee 2] raised issues with the Fall 2019 Goal Statements in late 2019, including that processing them as written would result in Earned Time being awarded to offenders who were not full-time students under Administrative Directive 04.10.130.25 She also recalled several meetings in late 2019 that discussed these issues, as well as the use of One-Course Goal Statements in the Spring 2019 semester, and the potential ineligibility of students from that period. She further stated that in early 2020, Mr. Stempinski and [IDOC Employee 6] ([IDOC’s [Identifying Information Redacted]]) ultimately decided, on the basis of legal advice, to leave the Spring 2019 Goal Statements alone, to process the Fall 2019 Goal Statements as written, and to ensure that Goal Statements going forward were only processed for full-time students.

F. Interview of Randall Musser, Danville Educational Administrator

The OEIG interviewed Mr. Musser on August 7, 2020. Mr. Musser became Danville’s Educational Administrator in 2013, and he stated that he reports to Mr. Stempinski on general educational matters and to [IDOC Employee 5] on Danville-specific issues. Mr. Musser further stated that he was responsible for reviewing, approving, and signing Goal Statements at several points during the semester, and for ensuring that Earned Time recommendations were accurate before he entered them into O360. He explained that after he approved the Goal Statements at the end of a semester, he sent them to the Record Office to determine whether the offender’s conviction and/or sentence made him ineligible for Earned Time. Mr. Musser also stated that

23 In 2020, the Chief Administrative Officer’s role was removed from this process and thus, this delegation to [IDOC Employee 5] was also eliminated.
24 [IDOC Employee 5] stated that she believed at the time that it was appropriate to award Earned Time on every One-Course Goal Statement based on what she was recalled being told by Mr. Musser and [IDOC Employee 4], though she acknowledged that she now understands that doing so was incorrect and could lead to excessive Earned Time awards.
25 [IDOC Employee 5] also recalled meeting with [IDOC Employee 4] in June 2019, and learning that a large number of Goal Statements were sent to the Record Office for the Spring 2019 semester. She stated, however, that she did not realize that the offenders covered by those Goal Statements may have failed to take enough courses to achieve full-time status.
[IDOC Employee 5] reviewed the Goal Statements after they were returned from the Record Office.

Mr. Musser stated that he understood the rules governing the Earned Time program, including Administrative Directive 04.10.130, the Earned Program Sentence Credit & Adult Secondary Education Guidelines (Earned Time Guidelines), and 20 Ill. Admin. Code 107 Subpart F. He stated that he knew these rules defined a full-time academic student as one who took at least 12 credit hours, and that he instructed [DACC Employee 1] that only full-time students were eligible for Earned Time.26 Mr. Musser recalled, however, that Mr. Stempinski instructed him in late 2018 or early 2019 that anyone taking any college-level academic class should be considered full-time. According to Mr. Musser, Mr. Stempinski directed this change so that offenders in the Volunteer Programs would receive Earned Time despite only taking one or two classes per semester. Mr. Musser stated that he persuaded Mr. Stempinski to apply the same change to offenders taking classes via DACC to be fair to them. Mr. Musser stated that he “knew [this instruction] was wrong according to what [Administrative Directive 04.10.130] said,” but he still followed it because it was “right according to what [Mr. Stempinski] was telling me.” Mr. Musser said he shared the instruction with [DACC Employee 1] but stated that he did not discuss it with anyone else because it came from his direct supervisor.

When asked about the January 2019 email discussed above, Mr. Musser stated that [DACC Employee 1]’s recordkeeping was problematic. Among other things, he claimed that [DACC Employee 1] used inconsistent dates when calculating Earned Time, falsely marked offenders present, and allowed them to take the same course for credit multiple times. He said that together with [IDOC Employee 4] and [IDOC Employee 5] – and with Mr. Stempinski’s approval – he came up with the idea of re-doing the Spring 2019 Goal Statements as One-Course Goal Statements to force [DACC Employee 1] to track attendance for each course on a separate calendar and make it easier to detect problems. Mr. Musser acknowledged that when the Goal Statements were re-done, he acted consistently with Mr. Stempinski’s previous instructions and did not require offenders to meet the full-time requirement set forth in Administrative Directive 04.10.130. He further acknowledged that he signed and approved Goal Statements that recommended Earned Time at the end of the Spring 2019 semester, even though he knew that many belonged to offenders who were not full-time students.

G. Interview of Richard Stempinski, OAEVS Manager

The OEIG interviewed Mr. Stempinski on September 18, 2020. He has worked for IDOC since 2015 and became the OAEVS Manager in 2016.27 He stated that all Educational Administrators reported directly to him, while also working with the Assistant Warden of

26 Mr. Musser stated that he could not recall specifically instructing [DACC Employee 1] in a similar fashion, but he asserted that he nevertheless gave her a copy of Administrative Directive 04.10.130.

27 In February 2021, while this investigation was pending, Mr. Stempinski left his position as OAEVS Manager to become the Assistant Warden of Programs at Taylorville Correctional Center.
Mr. Stempinski stated that he understood the rules governing the Earned Time Program – i.e. Administrative Directive 04.10.130 and 20 Ill. Admin. Code 107.520 – including the 12-credit-hour requirement for full-time status. Mr. Stempinski further stated that he was familiar with the Earned Time Guidelines, and personally made revisions to its most recent version. Mr. Stempinski said that he understood that Educational Administrators were responsible for reviewing Earned Time calculations before signing and entering Goal Statements into O360. He also said that an offender taking a single academic course via DACC could not be considered a full-time student and denied that Mr. Musser ever told him that he would award Earned Time to such an offender.

When shown the January 2019 email discussed above, Mr. Stempinski said that he remembered the email and the issues that led up to it. He recalled Mr. Musser complaining about [DACC Employee 1]’s incomplete, inaccurate, and untimely paperwork related to Goal Statements, and that Mr. Musser came up with the idea of One-Course Goal Statements as a solution. Mr. Stempinski stated that he believed Mr. Musser wanted to use One-Course Goal Statements for tracking purposes only, and that he (Mr. Stempinski) told [DACC Employee 1] the same. Nevertheless, Mr. Stempinski stated that he thought there would be no change to the 12-credit-hour requirement. Specifically, he recalled a meeting with Mr. Musser and [DACC Employee 1], during which they discussed that the information from the One-Course Goal Statements should be encapsulated onto a single document when making Earned Time determinations at the end of the semester.

Mr. Stempinski recalled that, at the end of the Spring 2019 semester, Mr. Musser may have asked how he should process the One-Course Goal Statements. Although he could not recall how he responded, Mr. Stempinski said he did not believe Mr. Musser was either instructed to award Earned Time on every Goal Statement (i.e. even to part-time students), or that Mr. Musser took it upon himself to do so. Instead, Mr. Stempinski indicated that Mr. Musser mistakenly understood that One-Course Goal Statements should be processed individually, without regard to full-time status, which he repeatedly attributed to “miscommunication” between himself, Mr. Musser, and the management teams at DACC and Danville. Mr. Stempinski acknowledged, however, that he never checked if Mr. Musser actually created encapsulating Goal Statements after the Spring 2019 semester, and that he was unaware of improper Earned Time awards until late 2019, when [IDOC Employee 2] raised concerns regarding the Fall 2019 Goal Statements. He remembered [IDOC Employee 2] reporting that many offenders were not full-time students and himself being “shocked” to see that there were multiple Goal Statements per offender. When asked why he was “shocked,” he said that he expected the sentence credit to be calculated on one encapsulating Goal Statement for the semester. He generally recalled meeting with [IDOC Employee 2] several more times before the end of the year to discuss the issue. He also recalled that, after reviewing the Fall

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28 However, Mr. Stempinski explained that he did not think the full-time requirement applied to four-year college programs like the Volunteer Programs, based on an exception made by former IDOC [Identifying Information Redacted] [IDOC Employee 8] some time in 2018 to allow Volunteer Program students to receive sentence credit even though they only took one or two classes. He stated that this exception was never reduced writing, and that he was unsure how it was distributed.
2019 Goal Statements with her, he shared [IDOC Employee 2]’s view that it would be improper to give Earned Time to offenders who were not full-time students.

Mr. Stempinski stated that [IDOC Employee 2] did not want to process the Fall 2019 Goal Statements without written authorization, and that he therefore decided to seek advice from IDOC’s Legal Department in or about January 2020. He told the OEIG that he informed the Legal Department that offenders had multiple One-Course Goal Statements, and asked if he should revoke the Earned Time indicated thereon. Mr. Stempinski said he was advised to process the Fall 2019 Goal Statements. He acknowledged that he ultimately signed and processed the Fall 2019 Goal Statements himself.

IV. ANALYSIS

A. Relevant Rules and Policies

The Illinois Administrative Code establishes the eligibility criteria for Earned Time. Among other things, it requires that offenders be “engaged full-time in . . . academic or vocational programs . . . [to] be eligible to receive” Earned Time. It further defines full-time status for college academics as “12 credit hours per semester.” This requirement is reflected in IDOC’s internal documents, including Administrative Directive 04.10.130, which defines a full-time status as “a minimum of . . . 12 credit hours per semester,” and its Earned Time Guidelines, which explain that a “[s]emester based 16 week contracts require 12 credit-hour programming.” As set forth in the same Administrative Directive, IDOC uses Goal Statements to track compliance with these requirements, with specific responsibilities divided up between different roles. For example, educational staff are responsible for creating the Goal Statements, tracking offenders’ attendance and goal completion, and recommending Earned Time, while the Educational Administrator is

29 Mr. Stempinski identified IDOC [Identifying Information Redacted] [IDOC Employee 9] as the individual who advised him. [IDOC Employee 9] – who has worked for IDOC [Identifying Information Redacted] – was interviewed by the OEIG on October 7, 2020. He stated that he spoke with Mr. Stempinski in December 2019 and January 2020. Based on those conversations, [IDOC Employee 9] believed that offenders in the Fall 2019 semester were full-time students, but that they had multiple One-Course Goal Statements which, if processed as written, would result in excess Earned Time. He confirmed that he advised Mr. Stempinski to process them as written, because he believed that failure to do so would likely violate the offenders’ Constitutionally-protected due process rights. When asked if Mr. Stempinski told him that there were likely no full-time students in either Spring or Fall 2019, [IDOC Employee 9] stated that Mr. Stempinski did not share such information. [IDOC Employee 9] added that while it was “disheartening” and “unfortunate that [Mr. Stempinski] was not more forthcoming,” his legal advice would have likely stayed the same.

30 Mr. Stempinski acknowledged that he saw numerous Fall 2019 Goal Statements with the notation “not a full-time student” and the box for “award not recommended” checked, and that he changed them to recommend Earned Time. Although he stated that he did not direct DACC staff to complete the Goal Statements in this way, the DACC staff member who completed the Goal Statement recommendations – whom the OEIG interviewed on August 26, 2020 – disagreed. She told OEIG investigators that she was directed by Mr. Stempinski and [IDOC Employee 2] to change the Goal Statements in that manner, and only stopped doing so because Mr. Stempinski later continued to “flip-flop” about how they should be handled.


32 Id. at 107.520(e)(3).
responsible for checking and approving those recommendations for correctness prior to processing them via O360.

B. Mr. Musser Mismanaged the Earned Time Program at Danville.

Mr. Musser admitted that he was familiar with the Earned Time rules, including the requirement that only full-time students were eligible for Earned Time awards. He also acknowledged that he signed and processed Goal Statements in Spring 2019 for offenders that did not satisfy criteria for full-time status, thereby approving the Earned Time recommendations therein. When the OEIG reviewed these Goal Statements and the relevant data from IDOC’s O360 computer system, it confirmed that Mr. Musser signed Goal Statements for 86 offenders who were not full-time students, resulting in the inappropriate award of 4,600 days of Earned Time. Mr. Musser admitted that he knew that these offenders were not full-time students and that approving the Earned Time recommendations was therefore improper under Administrative Directive 04.10.130.

This investigation also found evidence that Mr. Musser was aware of the need to take special care to ensure that the use of One-Course Goal Statements did not lead to Earned Time being awarded to offenders who were not full-time students. First, [IDOC Employee 4] stated that, given the then-new use of One-Course Goal Statements, she warned Mr. Musser at the start of the Spring 2019 semester to be careful only to award Earned Time to full-time students. Second, Mr. Stempinski stated that he had a discussion with Mr. Musser and [DACC Employee 1] regarding encapsulating the information from the One-Course Goal Statements onto a single form before processing them for Earned Time. Relatedly, [IDOC Employee 5] stated that Mr. Musser assured her that the calendars accompanying each One-Course Goal Statement would be stapled together, and that a determination of full-time status would be made to ensure that only full-time students received Earned Time.

Mr. Musser claimed that he awarded Earned Time to students who did not meet the 12-credit-hour requirement because Mr. Stempinski instructed him to classify offenders as full-time no matter how many classes they took. Mr. Stempinski expressly denied that claim. Moreover, if Mr. Musser was concerned that Mr. Stempinski’s alleged instruction violated the Earned Time rules, he had the entire 16-week semester to seek further guidance from IDOC personnel. Mr. Musser, however, acknowledged that he did not do so. Instead, he indicated that Mr. Stempinski’s instruction initially applied only to offenders in the Volunteer Programs, and that he convinced Mr. Stempinski to extend it to offenders studying at DACC out of a sense of fairness.

Whether he was told to do so or took the matter upon himself, Mr. Musser knowingly approved Goal Statement for offenders who were not full-time students in the Spring 2019 semester, in violation of the Earned Time rules. The allegation that he mismanaged the Earned Time program at Danville is therefore FOUNDED.

33 IDOC Administrative Directive 04.10.130 Sections 8 and 9.
C. Mr. Stempinski Mismanaged the Earned Time Program at Danville.

As OAEVS Manager, Mr. Stempinski was ultimately responsible for overseeing the Earned Time program at all correctional centers, including Danville. Mr. Stempinski acknowledged that he was aware of the decision to use One-Course Goal Statements in the Spring 2019 semester. He indicated that he did not believe doing so violated the Earned Time rules, but he recalled a meeting with Mr. Musser and [DACC Employee 1] during which it was suggested that data from the One-Course Goal Statements should be encapsulated into a single form at the end of the semester, demonstrating Mr. Stempinski’s understanding of the potential problem with the use of One-Course Goal Statements.

Even though Mr. Stempinski recognized the potential risks associated with the use of One-Course Goal Statements, he did not take adequate steps to ensure that appropriate controls were implemented. In fact, Mr. Stempinski told OEIG investigators that he was “shocked” when he found out in late 2019 that there was no “encapsulating” of the Goal Statements at all – more than six months after such processing should have been completed for the Spring 2019 semester. Mr. Stempinski acknowledged that Mr. Musser may have asked him how to process the One-Course Goal Statements near the end of the Spring 2019 semester, but could not remember what he instructed Mr. Musser to do at that time. What is clear is that Mr. Stempinski ultimately failed to ensure that the One-Course Goal Statements were grouped and analyzed together to determine whether a given offender achieved full-time status.

Furthermore, in late 2019, Mr. Stempinski was aware that offenders were not eligible for Earned Time for the Fall 2019 semester34 and that the Goal Statements for that semester had not yet been processed for Earned Time awards. As such, Mr. Stempinski could have directed [IDOC Employee 2] to create encapsulating forms and thereby ensure that only Goal Statements for full-time students were properly processed for Earned Time. The evidence shows that he did not do so. Instead of implementing an encapsulating process – his own pre-existing solution to the potential problems caused by One-Course Goal Statements – Mr. Stempinski ultimately sought advice from IDOC’s [Identifying Information Redacted] in or about January 2020, who advised processing the Fall 2019 Goal Statements as-written. The evidence indicates, however, that Mr. Stempinski did not disclose to the [Identifying Information Redacted] the lack of offenders’ full-time status. In fact, the [Identifying Information Redacted] told the OEIG that he believed, based on what Mr. Stempinski told him, that all of the offenders were in fact full-time students. Indeed, Mr. Stempinski’s statements to the OEIG indicate that his questions to the [Identifying Information Redacted] focused on whether the Earned Time indicated on each Goal Statement should be revoked as excessive, not whether it should be awarded in the first place.

In sum, Mr. Stempinski knew or should have known that there were potential eligibility problems in Spring 2019, based on his interactions with Mr. Musser. Mr. Stempinski also clearly knew that there were eligibility problems in Fall 2019, when [IDOC Employee 2] and [IDOC Employee 4] told him that many of the offenders in that semester were not full-time students. Mr. Stempinski’s failure to take appropriate action resulted in more than 100 offenders receiving

34 Additionally, [IDOC Employee 2], [IDOC Employee 4], and [IDOC Employee 5] all recalled that their meetings with Mr. Stempinski in late 2019 discussed the use of One-Course Goal Statements in Spring 2019, and the fact that many offenders in that semester were not eligible for Earned Time.
substantial amounts of Earned Time for which they were not eligible. The allegation that Mr. Stempinski mismanaged the Earned Time Program at Danville is therefore **FOUND**

V. FINDINGS AND RECOMMENDATIONS

As a result of its investigation, the OEIG finds that **THERE IS REASONABLE CAUSE TO ISSUE THE FOLLOWING FINDINGS:**

- **FOUND** – Mr. Musser committed mismanagement by knowingly signing and approving Goal Statements from the Spring 2019 semester for offenders who did not meet the requirements for full-time status established in the Earned Time rules.

- **FOUND** – Mr. Stempinski committed mismanagement by failing to ensure that Goal Statements for Danville offenders in the 2019 academic year were processed in a manner consistent with the Earned Time Program rules.

The OEIG recommends that IDOC take whatever action it deems appropriate with regard to Mr. Musser and Mr. Stempinski, and that a copy of this report be placed in their respective employment files. The OEIG also recommends that IDOC review the Earned Time awards given across all programs to determine whether the problems uncovered by this investigation are systemic to the agency, and whether there is a need to revise Goal Statements to provide more clarity on how, and if, Earned Time should be accredited.

Finally, the OEIG recommends that IDOC develop and deploy additional formal training on the substantive requirements of the Earned Time program for all staff involved, directly or indirectly, in the preparation and approval of Goal Statements, so as to avoid any potential confusion regarding offender eligibility for Earned Time awards.

No further investigative action is needed, and this case is considered closed.

Date: August 26, 2021

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

By: Frank Sohn
Assistant Inspector General #157

Kathy Schwass
Investigator #138
Appendix A – Sample Goal Statement

Illinois Department of Corrections
Office of Adult Education and Vocational Services
Earned Program Sentence Credit (EPSC) Goal Statement

Facility

Offender Name: ___________________________  ID#: ___________________________

☐ Adult Basic Education (ABE)  ☐ Advanced ABE  ☐ Adult Secondary Education (ASE)  ☐ College Vocational
☐ 2 Year College Degree  ☐ 4 Year College Degree  ☐ Contact Hour Vocational/Work Training Program

Goal Period: 45 Instructional Days Attended  ☐ Other (Specify): ___________________________

Absence Policy - Student shall not exceed ________________ days absent during the goal period.

Enrollment Date: ___________________________  Projected Completion Date: ___________________________

Completion Date: ___________________________

ABE/Advanced ABE/ASE: Complete if a grade level gain is required:

TABE Form/Level: ___________________________  TABE Form/Level: ___________________________

Pre-Test Grade Level: ___________________________  Post-Test Grade Level: ___________________________

Date Tested: ___________________________  Date Tested: ___________________________

Increase achievement level by: ☐ Grade Level

☐ Passing the HSE exam upon receiving credentials listed results from GED manager
☐ Passing two sections of the HSE
☐ Student shall meet the following performance goal(s) (specify): ___________________________

☐ Contact Hour Vocational Program/Work Training  ☐ College Vocational  ☐ College Academic

Program or Course Number/Name (specify): ___________________________

Successfully complete (check applicable box): ☐ credit hours

☐ number of skills specified on curriculum checklist

☐ credit hours with a grade "C" or above in each subject.

Other (specify): ___________________________

Instructor/College Coordinator/Program Staff: ___________________________  Date: ___________________________

Educational Facility/Administrator: ___________________________  Date: ___________________________

I, the undersigned, hereby agree to the goal statement requirements contained herein in order to receive the additional .59 Earned Program Sentence Credit (EPSC) for educational, work training, or vocational program participation. I understand that these goals may be revised during the goal period and that failure to achieve these goals shall result in no award of EPSC.

I understand that any of the following actions shall result in immediate termination from the program with no award of EPSC:

• Removal from the program for disciplinary reasons;
• Exceeding the one-third absence policy or college absence policy, as identified above;
• Voluntarily transferring to another facility; or
• Early termination from the program for other reasons in accordance with Department Rule 1077.

I understand that if I am removed from the program for disciplinary reasons that are later fully reversed or reduced to a minor infraction, I may appeal for reconsideration of a EPSC award for days attended within six months of the date of the reversal or reduction. In addition, as part of the goal statement requirements, I agree to maintain appropriate classroom behavior and complete classroom assignments to the best of my ability.

I hereby affirm that I have read and understand the requirements necessary to complete the goal statement. I further acknowledge my eligibility for participation in the Earned Program Sentence Credit program as contained in 730 ILCS 5/9-9-3 and if I am not in fact eligible for Earned Program Sentence Credit, I understand that credit earned or awarded shall be revoked.

Offender’s Signature: ___________________________  Date: ___________________________

☐ Offender refused to sign  Initials: ___________________________  Date: ___________________________

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Page 1 of 2
Appendix A (continued)

ILINOIS DEPARTMENT OF CORRECTIONS
OFFICE OF ADULT EDUCATION AND VOCATIONAL SERVICES
Earned Program Sentence Credit (EPSC) Goal Statement

Revised Goals:

Date of Revision: Program:
Goal Revision:

Offender’s Signature: ID#: Date:

Program Staff’s Name: Date: Facility Program Administrator’s Name: Date:

Goal Evaluation

☐ Award Recommended
Goal period completed on:____________________
☐ Goals met
☐ Satisfactory progress as evidenced by:

Days subject to Earned Program Sentence Credit
Total days in goal period: ______________________
Less days not eligible: ______________________
Total days eligible: ______________________

☐ Agency Transfer (Non-disciplinary)☐ ATC/E.D.☐ In-house transfer
☐ Class Change/Interruption ☐ PC/Security
☐ HSE ☐ Other (Explain)

☐ Award Not Recommended
Goal period ended on: ______________________ no credit earned
☐ Removed for disciplinary reasons ☐ Transferred ☐ Quit program ☐ Goal not met
☐ Other (Explain)

Print Name of Instructor/Advisor: ______________________ Signature of Instructor/Advisor: ______________________ Date:
Print Name of College Coordinator/Program Staff: ______________________ Signature of College Coordinator/Program Staff: ______________________ Date:
Print Name of Facility Program Administrator: ______________________ Signature of Facility Program Administrator: ______________________ Date:

Page 2 of 2
Distribution: Record Office Education File Offender ( Upon Request) Mission Security Paper
DOC 0356/Rev. 1/2020

16
September 9, 2021

Office of the Executive Inspector General
69 West Washington Street, Suite 3400
Chicago, IL  60602

Re: OEIG Case No. 20-00033 - FINAL SUMMARY REPORT
RESPONSE REQUIRED

To Whom It May Concern:

This letter will serve as the final summary response to Case No. 20-00033. After review of the evidentiary materials, the corrective taken in this matter will be counseling for both individuals involved as well as re-training for Mr. Musser relative to sentence credit awards.

Please consider this matter closed.

Sincerely,

[Signature]

Alyssa Williams
Chief of Programs and Support Services