



# INVESTIGATIVE REPORT

Lori Torres, Inspector General

OFFICE: INDIANA DEPARTMENT OF CORRECTION (DOC)  
TITLE: DOC PAROLE AGENT MISCONDUCT  
CASE ID: 2019-02-0039  
DATE: September 1, 2020

*Inspector General Staff Attorney Kelly Elliott, after an investigation by Inspector General Director of Investigations, Darrell Boehmer, and Special Agent Charles Coffin, reports as follows:*

The Indiana General Assembly charged the Office of Inspector General (OIG) with addressing fraud, waste, abuse and wrongdoing in the executive branch of state government. Ind. Code §4-2-7-2(b). The OIG also investigates criminal activity and ethics violations by state workers. Ind. Code §4-2-7-3. The OIG may recommend policies and carry out other activities designed to deter, detect and eradicate fraud, waste, abuse, mismanagement and misconduct in state government. Ind. Code §4-2-7-3(2).

## **I. Complaint**

In February 2019, the OIG received a complaint alleging that a former DOC employee (Employee) who served as a parole agent engaged in inappropriate behavior with the wife of a male parolee that Employee supervised. The complaint further alleged that Employee possibly engaged in inappropriate conversations with a female parolee that he supervised.

OIG Director of Investigations Darrell Boehmer and Special Agent Charles Coffin conducted an investigation into the allegations. As a part of the investigation, Director Boehmer and Special Agent Coffin interviewed DOC employees, parolees and other individuals. Director Boehmer reviewed documentation received from DOC, including the DOC initial investigation

report into the complaint received in February 2019. He also reviewed Employee's personnel file, emails and cell phone records. Furthermore, he reviewed DOC's internal policies and parolees' DOC records.

## **II. DOC Investigation**

In February 2019, DOC received a complaint alleging that Employee engaged in inappropriate behavior with the wife of a male parolee on Employee's caseload. DOC launched an official investigation into Employee's reported misconduct. DOC placed Employee on an emergency suspension pending an administrative review of the complaint. Employee resigned from DOC while he was suspended.

Employee's duties as a parole agent included monitoring parolees' compliance with the conditions of their parole as set by the Indiana Parole Board. As a parole agent, Employee maintained a state-issued cell phone to assist in carrying out his official state duties.

DOC found that Employee used his state-issued cell phone to contact the parolee's wife while the parolee/husband was incarcerated on new criminal charges. DOC reviewed audio recordings of phone conversations between the wife and Employee during her husband's incarceration. The recordings reflected statements by Employee that either did not relate to parole supervision or that misstated conditions of husband's parole. DOC concluded that Employee would have no legitimate reason to contact the parolee's wife while the parolee was incarcerated.

As a part of DOC's investigation, DOC investigators confiscated Employee's state-issued cell phone. DOC discovered on the phone a photo of a computer screen that depicted a surveillance camera image of a nude female from the waist up. DOC found no text messages of any kind on Employee's state-issued cell phone.

### **III. OIG Investigation**

#### **A. Employment at DOC**

Director Boehmer learned that prior to the complaint in February 2019, DOC reprimanded Employee in 2018 for inappropriate behavior with a coworker. The Indiana State Personnel Department (SPD) investigated a complaint alleging that Employee sexually harassed a female coworker. SPD found the allegations of sexual harassment to be unsubstantiated; however, SPD concluded that Employee's behavior did not meet agency standards and was in violation of "the Department's Code of Conduct." Based on these findings, SPD recommended that DOC either terminate Employee or demote him; however, DOC disagreed with this recommendation and instead issued Employee a letter of reprimand for demonstrating unprofessional and inappropriate behavior toward the female coworker.<sup>1</sup>

Director Boehmer also received information that in 2018, DOC's Internal Affairs received a complaint that alleged that Employee sent inappropriate text messages to a female parolee he supervised. Employee's personnel file does not indicate any discipline or reprimand relating to this complaint.

#### **B. Photo on Employee's State-Issued Cell Phone**

Director Boehmer reviewed the meta data from the photo of the nude female found on Employee's state-issued cell phone. Through review of the photo's meta data, utility records and DOC parole records, Director Boehmer and Special Agent Coffin determined that the photo was taken during the arrest of a male parolee. Employee and two other DOC parole agents were present for the parolee's arrest.

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<sup>1</sup> In 2016, SPD had investigated another complaint that alleged that Employee sexually harassed a coworker; however, SPD found that these allegations were unsubstantiated. SPD did not recommend that DOC discipline Employee as a result of the 2016 complaint

Director Boehmer interviewed the assigned parole agent and two other parole agents present at the time of the arrest. All advised that while the photo was related to the arrest of the male parolee, the photo was otherwise captured for evidence purposes and Employee would have had no official reason to keep the photo on his cell phone.

### C. Employee's Contact with Parolees and Others

#### *1. DOC Policy*

DOC maintains a manual of policies and administrative procedures. DOC Policy 04-03-103, titled "Information and Standards of Conduct for Departmental Staff," prohibits staff from having any personal contact with an offender and/or the family or close friends of an offender "beyond that necessary for the proper supervision and treatment of the offender, without prior approval by the [DOC] Commissioner." The policy further reads, "If any unavoidable contact is made, such contact shall be reported to both the staff person's immediate supervisor and the facility appointing authority or designee as soon as possible, but no later than the staff person's next scheduled working day."

DOC also maintains policies and procedures specific to DOC's Division of Parole Services. DOC Policy 12-04, titled "Supervision Contacts," provides the policies and procedures for a parole agent's contact with a parolee. The policy states that a parole agent shall enter all contacts with a parolee into the information management system no later than five business days after the contact. DOC utilizes the Offender Case Management System (OCMS), an on-line data management system, to document a parole agent's contact with a parolee and information about the parolee's case plan, progress notes and contact information.<sup>2</sup>

The policy states that a parole agent's contact with a parolee may be in the office, in the

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<sup>2</sup> OCMS is also titled "Parole Case Notes."

parolee's home, place of employment or school or by telephone. The policy states that when possible, a parole agent should have at least one other person witness home-related field contacts with persons of the opposite gender.

## *2. Female Parolees and Male Parolees' Significant Others<sup>3</sup>*

Director Boehmer and a DOC investigator interviewed three different female parolees on Employee's caseload. Each one related that Employee often made comments to them that were inappropriate, such as commenting that they were beautiful, or discussing his personal life. The parolees stated that Employee would discuss personal matters not related to their parole and in general described the interactions as flirty or sexually charged. One parolee stated that he insisted that they meet in her bedroom with the door closed. Another parolee stated Employee inquired about her sex life. One stated that he called her drunk one night. All three of the parolees denied that there was any sexual contact.

Director Boehmer, Special Agent Coffin and a DOC investigator conducted interviews with the wife of a male parolee and the girlfriend of a male parolee. Both witnesses described various contact Employee had with them that made them uncomfortable. For example, once witness related an occasion when Employee took off his bulletproof vest and sat on the couch next to her and began rubbing her back. The witness stated that she felt pressured to maintain contact with Employee. She explained that Employee made it seem like he had control over everything. Both the wife and girlfriend said that Employee sent them "flirty" text messages. Neither woman asserted that there was any sexual contact between them and Employee.

Director Boehmer subpoenaed call and text message records for Employee's state-issued phone from the cell phone provider. He found that Employee exchanged sixty-three phone calls

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<sup>3</sup> The OIG is reporting these factual findings in summary fashion in order to protect the privacy of the witnesses.

and two hundred ninety-seven text messages with four of the women interviewed.<sup>4</sup> Employee documented only two phone calls and zero text messages in OCMS as it relates to the women and/or their significant other's parole.

#### D. Falsified Drug Screens

In July 2019, Director Boehmer received allegations that a male inmate (Inmate) at a DOC correctional facility sent an email to his girlfriend that referenced Employee engaging in sexual activities with parolees. In the email, Inmate also stated that Employee falsified a drug screen of Inmate's while he was on parole under Employee's supervision.

Director Boehmer and a DOC investigator interviewed Inmate. Inmate stated that the information that he had relating to allegations that Employee engaged in sexual activities with parolees was second-hand. Inmate did not provide Director Boehmer additional information regarding this allegation.

Inmate alleged that Employee falsified two urine drug screens that he submitted to while on parole under Employee's supervision. Director Boehmer reviewed Inmate's DOC parole records as it relates to the two urine drug screens in question. For both urine drug screens, Employee reported in OSMC that the urine drug screen test result indicated that Inmate tested positive for methamphetamine.<sup>5</sup> After each positive urine drug screen, Employee requested a warrant for Inmate's arrest from the Indiana Parole Board, which the Board granted each time. Accordingly, Inmate was arrested twice for violating a condition of his parole. For both arrests, Inmate waived his right to a preliminary hearing and pleaded guilty to violating the conditions of his parole due to testing positive for methamphetamine on the urine drug screen.

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<sup>4</sup> The OIG was unable to review the OCMS records as it relates to one of the five women interviewed.

<sup>5</sup> Director Boehmer found that Inmate's DOC parole records did not contain a copy of the Preliminary Test Result Form for the first urine drug screen but did contain a copy of the Preliminary Test Result Form for the second urine drug screen.

As it relates to the first urine drug screen, Inmate told Director Boehmer that he was not using illegal substances at the time of the test and submitted to a urine drug screen at a medical center in the evening that same day. Director Boehmer subpoenaed and reviewed Inmate's medical records from the medical center. The medical records indicated that Inmate's urine drug screen test results showed that Inmate tested negative for any illegal substances.<sup>6</sup> Inmate stated he called Employee and told him about the negative test results he received from the medical center. Director Boehmer reviewed call records for Employee's state-issued cell phone and found that there were no calls from Inmate to Employee on or around the date in which Employee submitted to the urine drug screen at the medical center.

As it relates to the second urine drug screen, Inmate told Director Boehmer that he was not using illegal substances at this time but was unable to obtain a second urine drug screen from the medical center prior to his incarceration. He stated he did not fight the positive test result out of fear that Employee would revoke his parole. The Indiana Parole Board later revoked Inmate's parole due to violating the conditions of his parole.

#### **IV. Conclusion**

The OIG presented the results of this investigation to the appropriate elected prosecutor who declined to prosecute the matters the OIG investigated because there was insufficient evidence to move forward on any criminal charges against Employee.

As it relates to allegations that Employee falsified urine drug screens, Director Boehmer found insufficient evidence to support this claim. For both urine drug screens Inmate alleged Employee falsified, DOC records indicate that Inmate voluntarily pleaded guilty to violating the conditions of his parole by testing positive for an illegal substance.

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<sup>6</sup> The urine drug screen Inmate submitted to at the medical center tested for the presence of cocaine, THC, barbiturates, benzodiazepines, PCP, opiates, methadone, amphetamine and buprenorphine.

With respect to Employee's contact with parolees and their significant others, Director Boehmer found evidence to support allegations that Employee violated the Indiana Code of Ethics' (Code) use of state property rule<sup>7</sup> when he used his state-issued cell phone to engage in conduct that was unrelated to his official state duties. Employee's cell phone records indicate that he used his state-issued cell phone to contact female parolees and male parolees' female wife and girlfriend for reasons unrelated to parole or far in excess of what parole supervision would require.

Although this evidence supports a violation of the Code's use of state property rule, the OIG is declining to file an Ethics Complaint against Employee for violating this rule because of several evidentiary challenges, such as the death of several important witnesses. Furthermore, the OIG finds that this investigation reveals a larger concern that cannot be addressed under a use of state property rule violation, namely Employee's overall conduct and DOC's response.

Prior to the OIG's investigation, DOC had notice of Employee's behavior by means of multiple complaints alleging that Employee engaged in inappropriate behavior with women, including at least one female parolee. Based on interviews conducted in this investigation with parolees and DOC employees, it appears Employee's conduct was common knowledge within the community and parole office. Despite evidence of this behavior, DOC did not implement further supervision or precautions regarding Employee's interactions with women. Notably, DOC allowed Employee to continue to serve as a parole agent for female parolees, which provided him access to a vulnerable population. Employee used his position of power to victimize the women he supervised and those with relationships with male parolees he supervised. Although DOC eventually commenced an investigation that may have resulted in Employee's termination and

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<sup>7</sup> Ind. Code §4-2-6-17.

DOC eventually reported the matter to the OIG, DOC failed to address Employee's behavior in a timely manner.

DOC reported to the OIG that the Division of Parole Services has implemented new policies and procedures to address some of the concerns raised in this investigation. DOC reported that the Division of Parole Services now requires all supervision contacts by a parole agent outside of the parole office to be completed with a minimum of two staff members to improve both safety and accountability. The OIG finds that DOC's proactive implementation of this new policy will likely help curb future misconduct by parole agents; however, the OIG believes DOC should consider taking additional steps to ensure parole agents are engaging in ethical, legal and professional conduct while carrying out their state duties.

For these reasons, the OIG finds that reporting on this matter and recommending further policy changes to DOC would have a greater impact than filing an Ethics Complaint with the State Ethics Commission alleging that Employee violated the Code's use of state property rule. As a result, the OIG is closing this case for insufficient cause and makes the following recommendation to DOC.

## **V. Recommendations**

In Director Boehmer's investigation of this matter, parolees were unaware if Employee's actions and behavior were a normal part of parole and thus were unsure if they should report their concerns. Moreover, one witness stated she was not sure anyone would believe her if she reported her concerns regarding Employee. Furthermore, parolees indicated that they did not report Employee's inappropriate conduct out of fear of retaliation, such as a revocation of their parole.

As a result, the OIG recommends that DOC take additional measures to ensure all parolees understand their rights and what is or is not considered "normal" parole supervision. DOC should

provide parolees with information on how they (or a family member) can file a complaint and/or relay a concern regarding their parole agent to DOC and/or the DOC Ombudsman Bureau. DOC should consider displaying this information in the waiting room of each DOC Parole District office or otherwise make the information available to parolees on a regular basis.

DOC advises that it will begin to provide information to all parolees upon their initial interview as to how to report incidents of misconduct. DOC will provide parolees with the contact information for the DOC Ombudsman as well as contact information for the Director and Deputy Directors of the Division of Parole Services.

The OIG further recommends that DOC consider implementing routine interviews, surveys or other anonymous ways for parolees to report concerns regarding parole agents that would otherwise go unreported. This additional step may be especially important if patterns emerge regarding specific parole agents.

The OIG recognizes that DOC parole agents have difficult and hazardous jobs that include interacting with individuals with felony criminal records in unpredictable and often dangerous environments. The veracity of many complainants might be questionable. Such is just the quandary many parolees and their loved ones face with an unscrupulous parole agent. Parole agents who do not perform their jobs according to policy and expectations put their colleagues at further risk. Providing further oversight and accountability for parole agents will help promote transparency in DOC's Division of Parole Services.

Dated: September 1, 2020

APPROVED BY:



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Lori Torres, Inspector General