PUBLICATION OF REDACTED VERSION
OF THE OEIG FOR THE AGENCIES OF THE GOVERNOR
INVESTIGATIVE REPORT

Case # 20-00408

Subject(s): Larry Sims and the Illinois Department of Corrections

Below is the redacted version of an investigative summary report from the Executive Inspector General for the Agencies of the Governor of the State of Illinois. The General Assembly directed the Executive Inspector General to deliver to the Executive Ethics Commission (Commission) a copy of the investigation's summary report and response from the ultimate jurisdictional authority or agency head. 5 ILCS 430/20-50(c-5). The General Assembly also directed the 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). Furthermore, the General Assembly directed the Commission to make available to the public the redacted investigative report and response. 5 ILCS 430/20-52(a) & (b). By publishing the below redacted summary report, the Commission neither makes nor adopts any findings of fact or conclusions of law for or against any individual or entity referenced therein.

The Commission exercises its publication responsibility with great caution and seeks to balance the sometimes-competing interests of transparency and fairness to the accused and others uninvolved. To balance these interests, the Commission may redact certain information contained in this report and identify where said redactions have taken place. Additionally, the Commission may redact certain information relating to unfounded allegations. Redactions of allegations against a person who was found not to have committed a violation are made with the understanding that the subject or subjects of the investigation have not had the opportunity to rebut the report's factual allegations or legal conclusions before the Commission because this publication is only the result of the Executive Inspector General's investigation and not the result of an adjudication before the Commission

The Commission received this report and a response from the ultimate jurisdictional authority and/or agency in this matter from the Office of Executive Inspector General ("OEIG"). The Commission, pursuant to 5 ILCS 430/20-52, redacted the OEIG's final report and responses and mailed copies of the redacted version and responses to the Attorney General, the Executive Inspector General for the Agencies of the Governor, and the subject(s) last known addresses.

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

I. INTRODUCTION AND ALLEGATIONS

On February 25, 2020, the OEIG received an anonymous complaint concerning the Investigations and Intelligence Division of the Illinois Department of Corrections (IDOC). Specifically, the complaint alleged that IDOC Southern Region Commander of Investigations Larry Sims directed Illinois River Correctional Center (Illinois River) staff to assign his [family member], Correctional Officer [IDOC Employee 1],[1] into an Intelligence position at that facility even though [IDOC Employee 1] did not apply for that role.[2]

During the course of the investigation, the OEIG learned that Commander Sims was, in fact, involved in his [family member] being selected for an Intelligence Officer role even though [IDOC Employee 1] had not applied for this position and another correctional officer had previously been selected for the role. The OEIG also learned that [IDOC Employee 1]'s method of assignment into the Investigations and Intelligence Division (IID) was not an isolated incident but rather a longstanding practice of IDOC. For years, correctional officers have been working in full-time positions at IID.[3] Correctional officers are often recruited and selected by facility management or IID. Once in IID, these correctional officers no longer perform the regular duties of a correctional officer but instead work full-time conducting intelligence gathering and investigative work for IID and report to a different chain of command depending on the facility. IID employees receive specialized training and experience, and have used this experience to obtain promotions within IID and IDOC. As of May 2020, IID had over 80 individuals performing full-time intelligence work. Even with this well-established Intelligence Unit, to date, the Intelligence Officer is not recognized as an official position at IDOC. No official position description exists, and the position has never been posted centrally or available to the public. It has been suggested that it is a "detail" or "assignment" by the IDOC Human Resources Department even though no employee interviewed was informed that the Intelligence position was limited in duration, most employees interviewed remained in the Intelligence Unit for years, and no union provisions regarding "details" were followed by IDOC.

Based on the evidence detailed below, the OEIG found that IDOC has for years engaged in mismanagement by effectively creating a position that does not follow appropriate hiring protocols and policies. Doing so, as shown in the [IDOC Employee 1] scenario, allows for the filling of these positions to be easily manipulated. The OEIG also found that Larry Sims violated IDOC policy when he directed the assignment of his [family member] to the Intelligence Unit.

II. BACKGROUND

A. State Hiring

[1] To avoid confusion with his [family member], [IDOC Employee 1] will be referred to either by his full name or as "[IDOC Employee 1]" throughout this report.

[2] [The information in this footnote is redacted because it relates to a separate OEIG case number. Therefore, the Commission exercises its discretion to redact this subsection pursuant to 5 ILCS 430/20-52.]

[3] [The information in this footnote is redacted because it relates to a separate OEIG case number. Therefore, the Commission exercises its discretion to redact this subsection pursuant to 5 ILCS 430/20-52.]

For decades, the State has operated under the principle that most government jobs, whether full-time, part-time, or contractual, are to be filled on a competitive basis to ensure a merit-based hiring system. Implementation of that principle has been the subject of litigation, multiple court rulings, administrative orders, and personnel policies and procedures. The following is an overview of relevant authority.

1. Antipatronage And Merit Hires

The Supreme Court has long held that government agencies violate the United States Constitution when they make employment decisions based on political affiliation or support.[4] In *Rutan v. Republican Party of Illinois*, the Court affirmed these principles with regard to the State's hiring practices.[5] As a result, most personnel decisions in State government must be made without regard to political affiliation.

In the years following the *Rutan* decision, various Illinois Governors issued administrative orders to ensure the State's compliance.[6] Those orders outlined mandatory procedures designed to create objective, fair, and qualifications-based personnel processes, including posting positions online for a minimum period, developing standardized interview questions and scoring criteria, using interviewers certified through structured interview and selection training, and documenting the interview process and employment decisions.

Other relevant hiring authority includes the Illinois Personnel Code, which became law in 1955 to establish "a system of personnel administration under the Governor, based on merit principles and scientific methods."[7] The Personnel Code's Merit and Fitness provisions require the State to follow certain rules for candidate testing and selection, performance appraisal, discipline, and dismissal; thus, also restricting the State's ability to hire and fire at will.[8] The Personnel Code is administered by the Illinois Department of Central Management Services (CMS).[9]

In addition, *Shakman v. Democratic Organization of Cook County, et al.*[10] was filed in 1969 to challenge patronage employment practices in various governmental entities within Illinois, including the Illinois Governor's Office. In 1972, a consent decree was entered enjoining the defendants from conditioning terms of government employment on political factors.[11] However,

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[4] *See Elrod v. Burns*, 427 U.S. 347, 356 (1976); *Branti v. Finkel*, 445 U.S. 507, 518 (1980). Such patronage practices impede the "political belief and association," which "constitute the core of those activities protected by the First Amendment." *Elrod*, 427 U.S. at 356.

[5] *Rutan v. Republican Party of Illinois*, 497 U.S. 62, 65 (1990).

[6] *See, e.g.*, Administrative Order No. 1 (1990); Administrative Order No. 2 (1990); Administrative Order No. 1 (1991); Administrative Order No. 2 (2009).

[7] 20 ILCS 415/2.

[8] 80 Ill. Admin. Code §§ 302.90, 302.110. The Merit and Fitness provisions are found in Jurisdiction B of the Personnel Code. 20 ILCS 415/8b, *et seq.*

[9] 20 ILCS 415/3. In administering the Code, CMS provides management support to State agencies, including administering various personnel and hiring rules, implementing employee classification standards, and processing personnel transactions. *See* https://www2.illinois.gov/cms/About/Bureaus/Pages/default.aspx (last visited Oct. 25, 2021).

[10] *Shakman v. Democratic Organization of Cook County, et al*., 69 CV 2145 (N.D. Ill.).

[11] *Shakman,* Judgment (May 5, 1972).

compliance with the *Shakman* decree has been an ongoing process, and the case remains active to the present day. Despite the measures put into place after *Rutan*, in 2014 the State became a renewed focus in the *Shakman* case, as discussed in further detail below.

2. Comprehensive Employment Plan

Most recently, the State filed its Comprehensive Employment Plan (CEP) with the *Shakman* court in November 2019, setting forth the principles that govern the State's hiring and employment policies and procedures for agencies under the jurisdiction of the Governor.[12] The CEP sets forth the State's commitment to certain hiring principles including maintaining verifiable objective minimum qualifications, accurate position descriptions, pre-established criteria on how applicants will be assessed, public job postings, and disclosure of potential conflicts of interest. The CEP also details extensive procedures for the entire non-exempt hiring process, from establishing a hiring plan prior to posting to accurately reflect the position duties to making the final selection decision.

B. IDOC Investigations and Intelligence Division

IDOC's Investigations and Intelligence Division (IID) is comprised of two units:

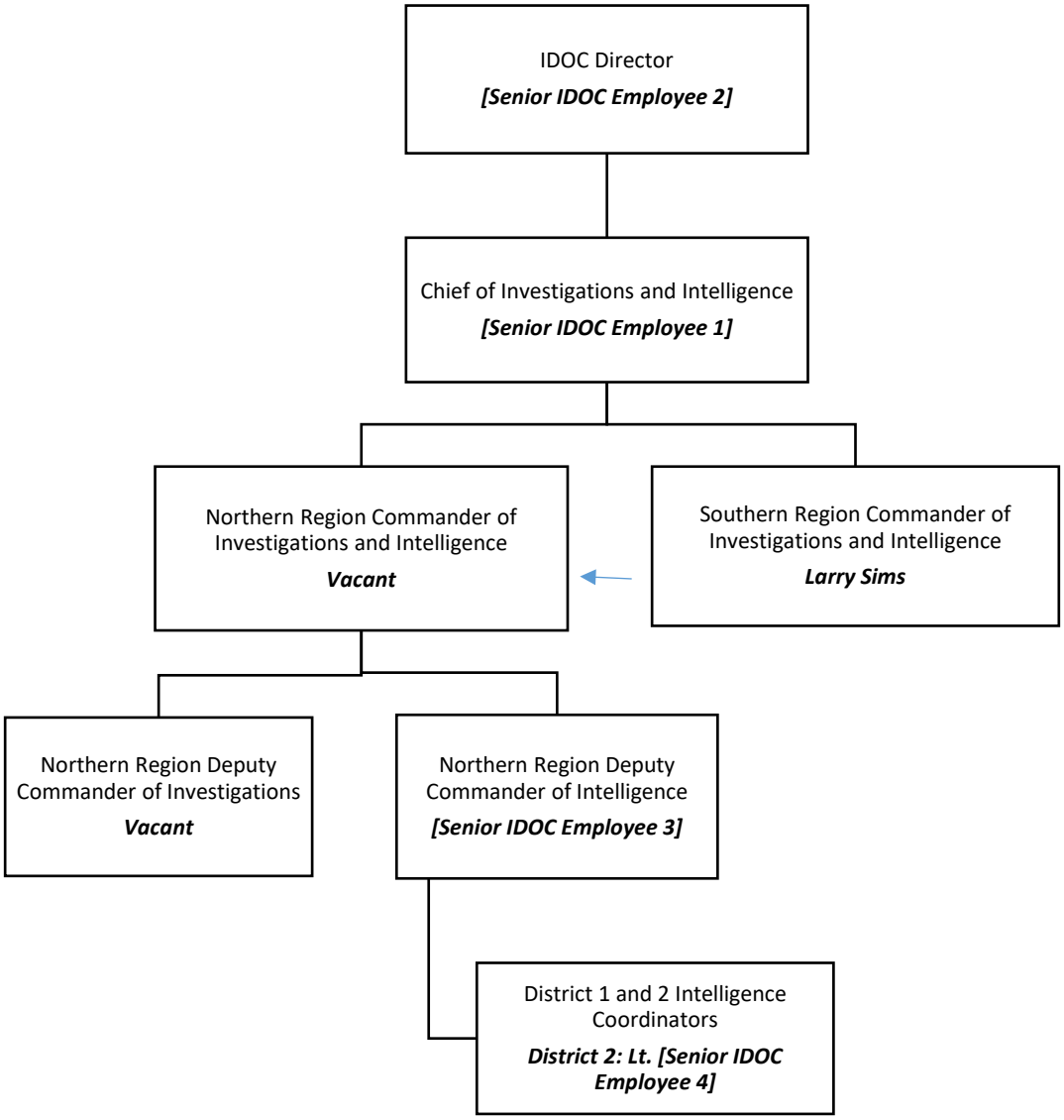
1) Investigations Unit, also referred to as "Internal Affairs" or "I/A", which investigates allegations of misconduct against all departmental employees and offenders; and

2) Intelligence Unit (Intel Unit), which monitors and tracks individuals or groups of individuals who pose a threat to the public, staff, and offenders. IDOC refers to these individuals or groups of individuals as security threat groups or "STGs."[13]

Currently, [Senior IDOC Employee 1] is the Chief of IID. Larry Sims reports to [Senior IDOC Employee 1], and currently serves as the IID Commander for both the Southern and Northern Regions. Reporting to Commander Sims are two Deputy Commanders of Investigations and three Deputy Commanders of Intelligence. The organizational chart below, effective at the time of the complaint, though not exhaustive, illustrates the hierarchal relationship that some of the key employees discussed in this report have with one another.

[12] *Shakman*, The Governor's Comprehensive Employment Plan for Agencies Under the Jurisdiction of the Governor (Nov. 25, 2019). The State amended the CEP, effective July 15, 2021, which updated and clarified certain hiring protocols. *See* The Governor's Comprehensive Employment Plan for Agencies Under the Jurisdiction of the Governor (July 15, 2021), *available at* https://www2.illinois.gov/oeig/HEM/Documents/Amended%20CEP_eff.%207.15.2021.pdf (last visited Oct. 25, 2021).

[13] IDOC FY 2019 Annual Report, *available at* https://www2.illinois.gov/idoc/reportsandstatistics/Documents/IDOC%20FY19%20Annual%20report.pdf (last visited Oct. 25, 2021).



III. INVESTIGATION OF INTEL OFFICER POSITION AT IDOC

A. IDOC's Investigation and Intelligence Division Structure

IDOC Administrative Directive (AD) 05.08.101 provides that IDOC "shall establish and maintain a Central Intelligence Unit consisting of trained staff responsible for the collection, identification, entry, and dissemination of information involving individuals or groups of individuals, both within and outside of [IDOC], who pose a threat to the safety of the public, staff, and offenders and to the security and orderly management of a correctional facility."[14] The AD provides that the Chief of IID shall appoint:

[14] AD 05.08.101, eff. June 1, 2008 (superseding AD 05.08.101, eff. Oct. 1, 2002).

- an Intelligence Commander, who coordinates the collection of information regarding security threat groups (STGs)[15];
- Deputy Intelligence Commanders for the Northern and Southern Region, who report to the Intelligence Commander, directly supervise District Intelligence Coordinators (District Coordinators), and serve as IDOC's law enforcement liaisons; and
- District Coordinators, who shall collect information and monitor activities of potential or documented STGs, act as liaisons with facility wardens and institutional Intel Units[16] within their respective districts, provide training to all staff that have access to the Corrections Intelligence System, and have no other assigned duties unless otherwise approved by the Chief of IID.

The AD also provides that the warden of each facility shall appoint an institutional Intelligence Coordinator (Intel Coordinator), who shall have dual reporting responsibilities to the warden and the District Coordinator, as well as members of the institutional Intel Unit, who shall report directly to the Intel Coordinator. The AD provides that the warden's appointments are subject to approval of the Chief of IID. Under the AD, the Intel Coordinator is responsible for collecting information and monitoring activities regarding potential or documented STGs and coordinating activities of the institutional Intel Unit; Intel Unit staff are responsible for conducting investigations of a confidential nature regarding the activities of STGs. The AD specifies what level security clearance staff appointed to the central and institutional Intel Units shall have in the Corrections Intelligence System.[17]

The OEIG interviewed Commander Sims on February 10, 2021. Commander Sims told OEIG investigators that his current title is IID Commander, adding that he had previously been the IID Southern Region Commander, but the Northern Commander retired approximately a year and a half prior so he assumed the duties of both regions since that time. Commander Sims said in this role, he supervises the two Deputy Commanders of Investigations, North and South, and three Deputy Commanders of Intelligence, North, Central, and South. He acknowledged that when the previous Chief of IID, [Former Senior IDOC Employee 1], left IDOC in approximately May or June 2019,[18] and before [Senior IDOC Employee 1] took over the Chief position in February 2020, he (Commander Sims) was the highest in command. Though he denied ever officially being Acting Chief of IID, he said he was asked to run the Division after [Former Senior IDOC Employee 1] left.

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[15] The AD defines an STG as "individuals or groups of individuals, both within and outside of [IDOC], who pose a threat to the safety of the public, staff, and offenders and to the security and orderly management of a correctional facility." *Id.*

[16] Institutional Intel Units are at individual correctional facilities as opposed to the Central Intelligence Unit which oversees the intelligence activities at all correctional facilities.

[17] Unlike the Intel Unit, rules and directives related to IDOC's Investigations Unit do not describe the specific structure of the unit or provide a description of the duties of assigned staff. Title 20, Part 112 of the Illinois Administrative Code generally provides that "all unusual incidents, suspected violations of criminal law, or serious violations of departmental rules shall be investigated as deemed necessary by the Director [of Corrections]" and that the Director or warden of a facility may delegate responsibilities under this Part to another person or persons. IDOC AD 01.12.115 establishes a written approval process for the temporary or permanent assignment of "institutional investigators."

[18] Commander Sims said [Former Senior IDOC Employee 1] came back to work for IDOC on a "75-day" appointment and continued to serve in the Chief role, but Commander Sims could not recall when that term ended.

Commander Sims stated IID's Investigations Unit conducts administrative and criminal investigations on anyone who has anything to do with IDOC, including staff, inmates, parole agents, and vendors. He explained that there is an external unit comprised of Internal Security Investigator (ISI) IIs that are not assigned to facilities as well as Investigations staff at each facility, which jointly report to the warden and the Deputy Commander of the region the facility falls under. He stated that other than maximum security facilities that have ISI IIs, which are formal IID titles, there are no formal titles for the IID staff within a facility. For example, he stated there is an Investigations Lieutenant, who is a correctional lieutenant assigned to the Investigations Unit that would run the unit within a facility, and there are Investigations Officers, who are correctional officers assigned to the unit that report to the Investigations Lieutenant; Investigations Officer and Investigative Lieutenant are not actual position titles.[19] Commander Sims explained that Investigations Officers can investigate offenders, such as inmate fights, but cannot investigate IDOC staff due to bargaining unit issues. Rather, the Investigations Lieutenant can investigate staff below his or her rank.

Regarding the Intel Unit, Commander Sims stated there are Intel staff at every main facility, which serves as more of a support unit to Investigations. He explained that the Intel Unit looks into STG activity and can monitor the telephone systems, mail, and inmate trust fund accounts, edit and review cases, and work with outside law enforcement. Commander Sims said there are Intel Officers, who are correctional officers assigned to the unit, that funnel information to an Intel Coordinator—another correctional officer at the facility assigned to the Intel Unit—and the information is then passed on to a District Coordinator—who is a correctional lieutenant appointed from a facility that oversees several facilities. Commander Sims explained that the District Coordinator is a "specialized assignment" which means that person no longer works at any one particular facility; rather he or she may work at five or six facilities. He said the District Coordinator reports to one of three Deputy Commanders of Intelligence.[20]

B. Duties of an Intel Officer

During this investigation, the OEIG interviewed several individuals that were either currently assigned to Intel as a correctional officer or previously had been, and they were asked to describe their Intel-related duties. One of those interviews was of then-Western Illinois Correctional Center (Western) Warden [Senior IDOC Employee 5],[21] who had previously been assigned to Intel from approximately 2000 to 2013. [Senior IDOC Employee 5] said when he was an Intel Officer at Jacksonville Correctional Center (Jacksonville), he was responsible for monitoring STGs, cultivating relationships with confidential informants, monitoring job assignments and housing placements, monitoring mail and phone calls to gather any intelligence used in investigations, and investigating altercations between inmates. According to [Senior IDOC

[19] Several individuals interviewed as part of this investigation referred to the Investigations Unit as Internal Affairs or "IA," referring to correctional officers assigned to Investigations as internal unit investigators, facility investigators, IA Officers, or Internal Affairs Officers and lieutenants assigned to Investigations as "Chief Investigators," IA Lieutenants, or Internal Affairs Lieutenants. For the purposes of this report, the OEIG will refer to correctional officers assigned to the Investigations Unit of IID as Investigations Officers and correctional lieutenants assigned to the Investigations Unit as Investigative Lieutenants.

[20] As described further below, the OEIG also interviewed then-Western Illinois Correctional Center Warden [Senior IDOC Employee 5] and ISI II [IDOC Employee 2], who both confirmed this general structure.

[21] The OEIG interviewed [Senior IDOC Employee 5] on October 8, 2020.

Employee 5], the duties of an Intel Officer are very different from regular correctional officers, clarifying that a regular correctional officer is not going to interview offenders and that Intel and Investigations staff are trained to perform drug drops and reasonable suspicion drops on offenders. [Senior IDOC Employee 5] stated that the officers in the Intel unit also have intelligence system access and access to monitor the telephone system which regular correctional officers are not going to have access to. He said there are various databases containing confidential data that the Intel Unit uses and explained that the Intel Unit may gain information related to a staff member that needs to remain confidential. He said the Intel Coordinator is responsible for filing, record keeping, conducting audits, operation of the unit, and is the person that communicates and submits intelligence reports to the District Coordinator.

Logan Correctional Center (Logan) Correctional Officer [IDOC Employee 3], who at the time of her interview was assigned as Intel Coordinator at Logan but had previously been assigned as Intel Officer,[22] explained that her day-to-day duties included interviewing inmates, checking camera footage, typing reports, intake screening of new inmates for gang affiliation, monitoring mail and phone calls, and running Law Enforcement Agencies Data System (LEADS) reports on visitors and video visits. She said Intel also works with outside law enforcement as needed, and if there was an incident and an outside agency needed to come to the facility, Intel would preserve the scene until the agency arrived. When asked how Intel duties and responsibilities differ from a standard correctional officer, [IDOC Employee 3] stated that aside from wardens, employees in Intel and Investigations are the only ones with access to phones, mail, and the messaging platform for inmates' video messaging and sending email-like messages. [IDOC Employee 3] stated that "basically nobody else" has access to the systems that Intel does.

Illinois River Correctional Officer [IDOC Employee 1],[23] who had been assigned to Intel from approximately February 2020 to September or October 2020, stated that his Intel Officer duties varied from regular correctional officer duties because he reported directly to the Intel Coordinator and his duties would depend on what was happening at the facility. He explained that correctional officers in Intel positions could be watching cameras, listening to phone calls, listening to messages, or investigating a current incident. He added a regular correctional officer would not be listening to phone calls, opening mail, or monitoring gang activity full-time.

C. Full-time Status as Intel Officer

Commander Sims, as well as the Illinois River correctional officers interviewed as part of this investigation— [IDOC Employee 4], [IDOC Employee 5], and [IDOC Employee 1]—each described how correctional officers' post assignments generally vary and are rotated.[24] Both Commander Sims and [IDOC Employee 4] explained that correctional officers are assigned to a post for 90-day increments and that they can be assigned to one post, such as "segregation" or "tower," or as a "relief," covering several posts.

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[22] [IDOC Employee 3] was interviewed in July 7, 2020.
[23] The OEIG interviewed [IDOC Employee 1] on December 21, 2020.
[24] The OEIG interviewed [IDOC Employee 4] on May 13, 2020 and [IDOC Employee 5] on June 16, 2020. [IDOC Employee 5] now goes by [IDOC Employee 5]; for the purposes of this report, however, the OEIG will refer to her as [IDOC Employee 5], as she was known during the period relevant to this investigation. [IDOC Employee 4] was promoted to Correctional Sergeant in June 2020.

In contrast, IDOC AD 05.08.101 provides that Intel Unit positions are considered full-time posts within each facility and staff appointed to these positions are "prohibited from having additional duties assigned or be[ing] assigned to any other post without prior approval from the respective Deputy Director and Chief of Operations (no designees)."[25] Further, all the individuals interviewed as part of this investigation familiar with IID described how assignments to the Intel Unit or Investigations Unit are considered full-time posts that are often held for years. Commander Sims stated that when someone is assigned to IID, they are essentially off the roster and they stay there because they are specially trained. [IDOC Employee 3], who had been assigned to Intel since March 2016, stated that a shift commander cannot pull her off her Intel assignment for a post that needs to be filled in the facility whereas non-Intel correctional officers in a facility rotate and can be pulled from posts as needed. Similarly, ISI II [IDOC Employee 2],[26] who had previously been assigned as a correctional officer to the Investigations Unit, said that correctional officers assigned to IID do not have to worry about being put in different posts every day and do not have to deal with the day-to-day operations. He stated there is no pre-determined length of an assignment to IID, but that typically a correctional officer is assigned to a position within IID until they do not want to be there or IDOC no longer wants them to be there. [IDOC Employee 1] said he was never told how long the assignment to Intel would be for, but that most people in the Intel Unit stay until they get promoted, go to a different position, or leave IDOC.

D. IDOC Announcements of Intel Officer Openings

ADs 05.08.101 and 01.12.115 do not provide a mechanism for communicating vacancies in IID. As stated above, several individuals interviewed during this investigation who had been assigned to IID as correctional officers described how in their experience, IID vacancies were not posted or announced. For example, [IDOC Employee 3], [Senior IDOC Employee 5], and former Acting Assistant Warden of Operations [Senior IDOC Employee 6] all stated that they were approached by the wardens or assistant wardens at their respective facilities and asked if they were interested in an IID assignment without having to submit a letter of interest or otherwise apply.

Others described how IDOC facility administrators solicited correctional officers for IID assignments. For example, Commander Sims said during his interview that he was not aware of any guidelines or policies, other than the ADs, governing the appointment process. However, Commander Sims said he was aware that recently, if there was a vacancy in a facility in either the Intel or Investigations Units, wardens are posting the assignments or at least reading them at roll call and that this practice is "probably a good thing." He said that employees are told at roll call that if they are interested to let the administration know. However, he also said he was aware of individuals being sought out for assignments in IID, that it happened "all the time," and that the practice was still being done. For example, he said Deputy Commanders might work in the Intel Unit at a facility and regularly interact with a correctional officer. He said that if there was a vacancy in the Intel Unit and that correctional officer did not put in for it, the Deputy Commander might ask the correctional officer if the officer wanted to try the assignment. He added that sometimes, IID had to actively recruit employees.

[25] AD 05.08.101(I)(G)(5)(c).

[26] [The information in this footnote is redacted because it relates to a separate OEIG case number. Therefore, the Commission exercises its discretion to redact this subsection pursuant to 5 ILCS 430/20-52.]

[Senior IDOC Employee 5], when asked to generally describe the process for filling Intel and Investigations assignments, explained that the current practice, and the practice during his tenure as warden at Illinois River, is that as vacancies became open, usually due to promotions or retirement, a memorandum would be put out regarding the vacancy to solicit employees to submit letters of interest. Illinois River Correctional Officers [IDOC Employee 1], [IDOC Employee 4], and [IDOC Employee 5] each acknowledged during their OEIG interviews that they heard about a vacant Intel Officer position when an announcement about the vacancy was read at roll call.

The OEIG obtained a copy of a memorandum issued by then-Illinois River Warden [Senior IDOC Employee 5] to "Security Staff" on November 19, 2019 regarding a vacant Intel Officer position at Illinois River. The memorandum read as follows:

> The Warden's Office is accepting letters of interest in the 3-11 Intel Officer position. Please submit a letter of interest listing why you feel you would be a good candidate and what qualities you would bring to the position. Please turn in your letter of interest no later than Friday, November 29th at 4:00 pm.

The memorandum indicated that it was to be read at roll call for five days. The memorandum did not contain a description of the Intel Officer position's duties, nor did it decribe minimum criteria for the position.[27]

E. Review of Intel Officers Assigned at IDOC

The OEIG requested that IDOC provide a list of Intel Officer assignments from May 1, 2015 to May 1, 2020, including the dates the individuals served in the assignment. In response, the OEIG received a spreadsheet listing IDOC correctional officers that were assigned to the Intel Unit across all IDOC facilities from July 1, 2000 and the dates the Chief of IID purportedly approved the assignments. During his OEIG interview, IID Chief [Senior IDOC Employee 1] said that he directed staff to put this spreadsheet together in response to the OEIG request, but that this type of tracking was not something that was maintained as a matter of practice.

Based on the OEIG's review of this spreadsheet, there were a total of 268 individuals that have been historically assigned to Intel, with the last approved assignment occurring on December 20, 2019. The spreadsheet did not include dates for when the assignments to the Intel Unit ended; however, it highlighted which individuals were currently in Intel positions. As of May 2020,

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[27] Conversely, correctional Officer applicants undergo a structured screening and selection process that includes awarding points based on demonstrated performance or experience in the following areas: Test of Adult Basic Education (TABE); Observation Examination – Inmate Disciplinary Report (IDR); a physical agility test; a two-stage interview process that includes an oral interview with two IDOC officials using a standardized questionnaire and a writing sample; educational achievement; work experience; and military service. Applicants are ranked in highest-lowest order and as indicated, placed on an eligibility list for hire for a period of three years from the last day of the month in which they screen. Once accepted for employment, candidates (or "recruits") who successfully complete a three month-trainee period, which includes attending the Corrections Training Academy for six weeks, followed by a four and one-half months probationary period, can be certified as correctional officers. *See* https://www2.illinois.gov/idoc/aboutus/Pages/Careers_At_IDOC.aspx (last visited October 25, 2021).

according to the spreadsheet, approximately 84 employees were in Intel positions.[28] For those employees, based on the dates of assignment to Intel, the OEIG determined the average length of assignment to be over 2 years and 10 months with the median length of assignment being over 1 year and 11 months.[29] The time in an Intel assignment, based on this list, ranged from 4 months to over 16 years.

F. Personnel Files and Evaluations of Intel Officers

From the spreadsheet of Intel Officers provided by IDOC, the OEIG requested and reviewed personnel files for select staff assigned to the Intel Units at 14 IDOC facilities: Pinckneyville, Dixon, Hill, Illinois River, Jacksonville, Lincoln, Logan, Pontiac, Robinson, Sheridan, Stateville, Taylorville, Vandalia, and Vienna, as well as individuals assigned to work out of Concordia or regional IDOC offices, focusing on IDOC employees who appeared to be assigned to the Intel Unit the longest and those who were promoted out of the unit. In total, the OEIG examined 27 personnel files for individuals currently or previously assigned to Intel.

None of the personnel files examined contained any personnel transaction forms (known as Personnel/Position Action Forms) or similar documentation reflecting assignment to the Intel Unit. Further, the OEIG reviewed CMS personnel histories for these individuals, none of which reflected an Intel Unit assignment or change in status when the Intel assignment was approved. Review of evaluations contained in the personnel files, however, reflected that for many of these individuals, during that time they were in the Intel Unit, they were evaluated on objectives related to Intel duties, such as ensuring compliance with internal investigations procedures and serving as Intel Coordinator. These objectives differed from what was reflected in their evaluations as correctional officers or prior to being assigned to the unit. For example, as correctional officers, individuals were evaluated on objectives such as maintaining proper counts and ensuring cleanliness and sanitation of assigned areas, while as Intel Officers, some individuals were evaluated on additional objectives like maintaining compliance with investigations procedures. In many cases, the performance evaluations for individuals assigned to the Intel Unit were completed

[28] In addition to correctional officers, the spreadsheet also included Correctional Lieutenants [Senior IDOC Employee 4], [Senior IDOC Employee 7], [Senior IDOC Employee 8], [Senior IDOC Employee 9], and [Senior IDOC Employee 10], all of whom served as District Intelligence Coordinators both at the time the list was created and at least as of February 2021. Nevertheless, the spreadsheet did not reflect that [Senior IDOC Employee 8] and [Senior IDOC Employee 9] were *currently* assigned to the Intel Unit, even though other records obtained during this investigation reflect they were. The spreadsheet did not reflect that [IDOC Employee 1] was ever assigned to the Intel Unit. [Senior IDOC Employee 8], [Senior IDOC Employee 9], and [IDOC Employee 1] were not included as part of the 84 employees assigned to Intel as of May 2020.

[29] The spreadsheet included Northern Deputy Commander of Intelligence [Senior IDOC Employee 3], listing June 4, 2014 as the date his assignment was approved by the Chief. However, a review of his personnel file reflected that [Senior IDOC Employee 3] was first evaluated as an Investigations Officer in November 2000 and then assigned as an Intel Officer from September 2001 until he was promoted to ISI II, effective August 2008. The OEIG did not include [Senior IDOC Employee 3] in its count of employees assigned to Intel as of May 2020, despite the indication that he was currently assigned, but did include him in determining the average and median length of assignment to IID, which included assignment to both the Investigations and Intel Units, using the November 2000 and August 2008 dates and subtracting the approximately three months when he was laid off in 2002. The length of the assignment to IID was likely longer depending on the date [Senior IDOC Employee 3] was actually assigned to the Investigations Unit. His application for the ISI II position stated that he worked as an "institutional Intelligence Unit Investigator" from May 2000 to September 2001, but that information could not be independently verified.

by IID staff.[30] Evaluating assigned Intel staff based on Intel objectives or being evaluated by IID staff was not a uniform practice, however, and in other cases, individuals' performance evaluations reflect that they were evaluated on objectives that had nothing to do with Intel work and mirrored the objectives evaluated prior to their assignment to Intel. Further, some individuals, despite being assigned to Intel, appear to have been evaluated by staff outside of IID.

G. Position Descriptions of Correctional Officers Working in Intel Unit

For all of the personnel files reviewed for individuals who had historically or currently served as Intel Officers, the OEIG did not see any actual Intel Officer position descriptions, and none of files contained documentation enumerating Intel Officer duties. The OEIG requested that IDOC produce current and historical position descriptions for the Intel Officer position. In response, IDOC Deputy Director of Human Resources (HR) [Senior IDOC Employee 11] stated, "this is a detail assignment only" and that such documents did not exist.[31]

The OEIG requested and reviewed position descriptions for correctional officers at each facility, each of which had a unique position number.[32] The duties, however, were identical in substance. Per the correctional officer position description, individuals are required to have the knowledge, skill and mental development equivalent to completion of four years of high school; successful completion of an approved correctional training program; a working knowledge and understanding of the methods and objects of discipline required to handle person under restraint; visual and audit acuity; ability to enforce and maintain discipline, safety, sanitation, security and custodial measures; ability to properly use firearms, a valid driver's license; and ability to perform duties assigned. The position description reflects that the correctional officers report directly to a correctional lieutenant; perform security and custodial duties; supervise and maintain control of offender movement and activities on an assigned shift; and maintain disciplinary, safety, sanitary, security, and custodial measures. There is no mention in the correctional officer position description of any duties involving Investigations or Intel work.

The OEIG learned that Intel Officer, Intel Coordinator, and Investigations Officer duties were described in documents known as "post descriptions." All correctional officer posts have post descriptions associated with them to describe the duties and responsibilities associated with that workstation. The post descriptions may vary between correctional facilities. The OEIG compared Intel Officer, Intel Coordinator, and Investigations Officer post descriptions to the correctional officer position description.

In contrast to the correctional officer position description, post descriptions for correctional officers assigned as Intel Officers reflect that the more significant duties primarily involve gathering statements and other evidence related to STG (e.g. gang) affiliation and activities, and maintaining and inputting information in the Correctional Intelligence System (CIS). Intel

[30] The signatures of the supervisors who purportedly completed the performance evaluations were not always legible and did not include a space for the supervisor to type or write his or her name. For the performance evaluations that OEIG investigators could decipher, in many instances, the supervisors were lieutenants assigned as either Intel District Coordinators or "Chief Investigators," or were ISI IIs.

[31] Email from [Senior IDOC Employee 11] to the OEIG (Mar. 11, 2020).

[32] For the purposes of this report, the OEIG will refer to the position descriptions collectively as one position description.

Officers are expected to monitor communications, conduct research, draft reports related to STG activity, and assist the Intel Coordinator in investigations. Post descriptions for correctional officers assigned as Intel Coordinators reflect that the main duties involve ensuring accurate information is entered into CIS, maintaining files and information pertaining to STG activities, and preparing reports for the warden and District Coordinator.[33]

There were no minimum knowledge, skills, or ability requirements listed in the post descriptions reviewed by the OEIG for individuals assigned to Intel Officer, Intel Coordinator, or Investigations Officer.

H. Training and Promotions Received after being an Intel Officer

Several individuals interviewed by the OEIG described how correctional officers were assigned to the Intel or Investigations Unit and how their experience in either Intel, Investigations, or both enhanced their promotional prospects.

1. [Senior IDOC Employee 5]

During his interview, [Senior IDOC Employee 5] said he started working at IDOC in 1996. He said in approximately 2000,[34] while working as a correctional officer at Jacksonville, he was appointed to the facility's Intel Unit as an Intel Officer and was appointed to the Intel Coordinator position a few years later. He explained that his payroll title remained correctional officer during the entire time of his appointment to the Intel Unit—approximately 13 years from 2000 until late 2013—until he was appointed assistant warden of Operations for Hill Correctional Center in January 2014. [Senior IDOC Employee 5] said from there, he was moved to Western as assistant warden of Programs in July 2014, assistant warden of Operations at Illinois River in October 2014, warden at Illinois River in April of 2016, and then warden at Western in January 2020.

[Senior IDOC Employee 5] stated that employees in the Intel Unit receive more training opportunities than regular correctional officers and that occasionally, IDOC would team up with other facilities or law enforcement agencies so Intel Officers and Investigators could receive additional training relevant to their positions. He said he personally received training in

[33] The OEIG reviewed institutional Intel post descriptions for Illinois River and Logan, effective August 2020 and March 2017, respectively. There were slight differences in the post descriptions. For example, at Logan, the post description said that the Intel Officer post could be staffed with a correctional officer or higher, while at Illinois River, the post description specifies that it is for the rank of correctional officer only. At Logan, under the "Job Description" section, it states that the Intel Officer works under the supervision of the warden, assistant warden of operations and the District 2 Intel Coordinator, working in unison with the Investigations Unit to conduct inquiries and investigations related to STGs. At Illinois River, per the post description, the Intel Officer works under the direct supervision of the Intel Coordinator, aiding and assisting in all required functions of the institutional Intel Unit. The OEIG requested all Stateville post descriptions, including Intel post descriptions, but in response, the OEIG received no institutional Intel post descriptions; though the post description for the Stateville Investigative Officer referred to the "Institutional Intelligence Unit." The OEIG reviewed a Stateville post description for "Northern Intel Center," which described the post as more of a liaison to law enforcement agencies, though the post did involve gathering, interpreting, and disseminating information relative to the activities of STGs and monitoring offender phone calls.

[34] According to performance evaluations for [Senior IDOC Employee 5], he was assigned to the Intel Unit at Jacksonville in June 2000.

grievances, urinalysis, administration of discipline to offenders, publication review, and investigator training.[35]

2. [Senior IDOC Employee 6]

On October 7, 2020, the OEIG interviewed then-Joliet Treatment Center (JTC) Acting Assistant Warden of Operations [Senior IDOC Employee 6].[36] [Senior IDOC Employee 6] said she started working as an IDOC correctional officer at Stateville in November of 2004, and that she worked in that capacity for 11 years. She added that as a correctional officer, she was asked to work in IID, which she described as a "specialized unit." She said she worked in IID for approximately five or six years—in the Intel Unit for approximately seven or eight months and in the Investigations Unit for the remainder of the time—until she left to go to Parole.[37]

[Senior IDOC Employee 6] said when she was selected for the Intel and Investigations assignments, she was not told how long the assignments would be for, nor did she have an idea how long her assignments would last. [Senior IDOC Employee 6] said she received training when she was assigned to IID, which included a 40-hour investigations training, and that she received additional training on inmate phone system use during her Intel assignment.[38]

[Senior IDOC Employee 6] said her experience in Intel and Investigations "absolutely" helped her in her later positions and that she learned things that "regular officers wouldn't have the opportunity to learn or it would take longer to learn."

3. [IDOC Employee 3]

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[35] Training records reflect that while assigned to the Intel Unit, [Senior IDOC Employee 5] received a number of trainings related to Intel and Intelligence, including a 40-hour institutional investigator training, intelligence training, correctional intelligence system usage, evidence handling, inmate custodial sexual misconduct, Prison Rape Elimination Act (PREA), and drug check training. During this time, [Senior IDOC Employee 5] also completed trainings related to hostage situations and anti-terrorism, critical incident and command post, publication review, and personnel evaluations, among others.

[36] [Senior IDOC Employee 6]'s formal title at the time was correctional treatment senior security supervisor, but she said she was temporarily assigned to the acting warden position.

[37] [Senior IDOC Employee 6]'s personnel records did not reflect she was assigned to IID for five or six years and contained no formal record of appointment to the Intel Unit. [Senior IDOC Employee 6]'s performance evaluations reflect, for the evaluation period from February 2012 to February 2013, she served as an Intel Officer and "Internal Affairs Officer," though exact dates of assignment were not specified. The 2012-2013 evaluation was completed by an ISI II in the Investigations Unit. Subsequent evaluations, also completed by Investigations staff, reflect [Senior IDOC Employee 6] was in the Investigations Unit until her promotion to correctional parole agent in February 2016. The OEIG reviewed an assignment memorandum, dated July 20, 2012 from then-Stateville Warden [Senior IDOC Employee 12] to then Northern Region Deputy Director [Senior IDOC Employee 13] appointing [Senior IDOC Employee 6] to the "Internal Affairs Unit" at Stateville, which was approved by then-IID Chief [Senior IDOC Employee 14] on July 23, 2012. Thus, for the purposes of this report, the OEIG will presume [Senior IDOC Employee 6] was first assigned to IID from July 2012 to February 2016. Despite being assigned to the Intel Unit for approximately seven or eight months while working as a correctional officer, [Senior IDOC Employee 6] was not among the 268 individuals listed on the spreadsheet provided by [Senior IDOC Employee 1]. The OEIG also asked [Senior IDOC Employee 11] during her interview about [Senior IDOC Employee 6]'s assignment to IID, and she stated she was not aware that [Senior IDOC Employee 6] was ever assigned to IID.

[38] Records reflect that while assigned to the Intel and Investigations Units, [Senior IDOC Employee 6] received administration of discipline training and critical incident management and command post training, as well as investigation-specific trainings.

The OEIG interviewed Logan Correctional Center (Logan) [IDOC Employee 3] on July 7, 2010. She confirmed she started working for IDOC at Logan in September 2014 and that she became an Intel Officer in 2015, serving in that capacity for approximately one year before becoming an Intel Coordinator. [IDOC Employee 3] said as of the date of her OEIG interview, she had been assigned as a Logan's Intel Coordinator for approximately three years and that she is the only Intel Coordinator at Logan. [IDOC Employee 3] said in her role, she reports to the District Coordinator and the warden of Logan, but that she would go to the District Coordinator with respect to her Intel-related duties.

[IDOC Employee 3] said Intel Officers are not paid more than regular correctional officers and that raises are based on seniority with step raises accomplished through union negotiations. She said the Intel Officer position is a "fast track to respect and knowing how the facility worked." In Intel, [IDOC Employee 3] said she attended training for drug drops, a 40-hour investigator training, a 3-day basic intelligence officer training, and a State-mandated interview class at the Illinois State Police.[39] [IDOC Employee 3] said they can also sign up for outside training and that is typically approved if it applies to the person's job. She said all Logan Intel and Investigations Officers were sent to training on being first responders to rape and how to talk to victims. She said this training also helps with future promotions and that she believes training gives an interviewee "points" that would help them during the promotion process, like education would. She said the opportunities for training was another reason for taking the Intel Officer position.

I. Intel Experience Described in Promotional Applications

The OEIG obtained and reviewed employment applications for the following individuals who had Intel Officer experience to determine how applicants used their IID experience for future positions.

1. [Senior IDOC Employee 5]'s Promotion to Assistant Warden

The OEIG reviewed the employment application [Senior IDOC Employee 5] completed for the exempt assistant warden of operations position he was promoted to in 2014.[40]

In his application, under "Work History," [Senior IDOC Employee 5] listed that he worked as a correctional officer at Jacksonville from May 1996 until December 2013, specifying that between 2000 and 2007, he was appointed as Intel Officer, aiding and assisting the Intel Coordinator in all required functions of the Intel Unit. He also listed that from 2007 until December 2013, he was appointed as the Intel Coordinator, where he performed confidential investigative work in order to conduct inquiries and investigations which are STG-related both within and outside IDOC. As Intel Coordinator, he also listed that he was responsible for the collection, identification, entry, and dissemination of information involving individuals or

[39] Training records for [IDOC Employee 3] reflect that as an Intel Officer and Intel Coordinator, [IDOC Employee 3] completed trainings for institutional investigators, PREA, drug screening collection, basic intelligence officer training, Intel profile, investigations and intelligence, and Wicklander-Zulawski interview and interrogation training, among others.

[40] The application was included in [Senior IDOC Employee 5]'s personnel file.

activities of STGs, assisted outside law enforcement with investigations, served as a [Gang Organization] Specialist, assisted Parole, and conducted electronic monitoring interviews.

2. [Senior IDOC Employee 6]'s Promotion to Assistant Warden

The OEIG reviewed [Senior IDOC Employee 6]'s employment application for the exempt assistant warden of operations position at JTC, dated April 2020. [Senior IDOC Employee 6] had been previously approved to fill the position for six months as an exempt appointment in lieu of Interim Assignment in January 2020.

In her application, under "Work History," where she is asked to list her position titles separately, including the duties and dates associated with each, [Senior IDOC Employee 6] listed that she served as an "Intelligence Officer (Correctional Officer)" from July 2012 to January 2013, where her duties included gathering, interpreting, and disseminating information relative to the activities of identified STGs, and monitoring and reporting any possible threats to the safety and security of IDOC. She also listed that she served as an "Internal Affairs Officer (Correctional Officer)" from January 2013 to February 2016, where she was responsible for conducting investigations and formal examinations, gathering evidence to be used to determine whether there are sufficient grounds to pursue criminal prosecution or disciplinary proceedings due to violations of State law or departmental rules, conducting interviews, performing case report writing, and other related duties. [Senior IDOC Employee 6] also listed these positions in her application for corrections treatment senior security supervisor, the position she held immediately preceding her promotion to assistant warden.

3. [Senior IDOC Employee 15]'s Promotion to ISI II

The OEIG interviewed ISI II [Senior IDOC Employee 15] on December 26, 2019.[41] [Senior IDOC Employee 15] said he was hired by IDOC as a correctional officer in 1999, working out of Pontiac Correctional Center (Pontiac). [Senior IDOC Employee 15] said he was moved into Intel while working as a correctional officer at Pontiac.[42] [Senior IDOC Employee 15] said in 2015, he became the District 1 Coordinator overseeing intelligence at Pontiac, Stateville, and Sheridan Correctional Center, and the Parole Intel team in Chicago.

[Senior IDOC Employee 15] said, and records confirmed, that he officially became an ISI II in approximately December 2017—a position he interviewed for—during which time he was assigned as the acting chief investigator at Stateville. [Senior IDOC Employee 15] said in approximately the summer of 2018, he then applied and was interviewed and selected for his current ISI II position, which is based out of the Illinois State Police (ISP) building, just down the road from Pontiac.

[41] [The information in this footnote is redacted because it relates to a separate OEIG case number. Therefore, the Commission exercises its discretion to redact this subsection pursuant to 5 ILCS 430/20-52.]

[42] According to the spreadsheet received from [Senior IDOC Employee 1], [Senior IDOC Employee 15]'s assignment to Intel was approved in April 2011. [Senior IDOC Employee 15] was therefore assigned to Intel over six years before promoting to an official position within IID.

In [Senior IDOC Employee 15]'s application for ISI II completed in October 2017, under "Work History," [Senior IDOC Employee 15] listed that he served as a correctional officer at Pontiac from May 2010 until March 2011 when he was appointed to the Intel Unit as "Institutional Investigator." He said his correctional officer duties from May 2010 to March 2011 included performing security and custodial duties related to supervising the movements, conduct, work discipline, recreation, and training of residents; assisting in controlling residents in cell houses, yards, towers, dining halls, and on work details; and enforcing and maintaining disciplinary, safety, sanitary, security, and custodial measures. He then stated he served as a correctional officer/institutional investigator at Pontiac from March 2011 to June 2014, and that he was responsible for different duties, including:

- conducting interviews pertaining to departmental rule violations and statutory offenses,
- compiling pertinent confidential information pertaining to activities and incidents at IDOC,
- preparing of investigative and disciplinary records,
- conducting intake and exit interviews with offenders entering and leaving the facility,
- identifying STG members and leaders,
- cultivating and maintaining conduct with confidential informants,
- participating in statewide Intel Unit call-out investigations, and
- reviewing incoming and outgoing mail or identified STG leaders and other pertinent offenders.

[Senior IDOC Employee 15] indicated in his application that he held that correctional officer/institutional investigator role until he was promoted to sergeant and appointed Pontiac Intel Coordinator for one month from December 2014 to January 2015. He indicated in his application that he then served as District Coordinator while holding a lieutenant title from January 2015 to August 2016. In both coordinator roles, [Senior IDOC Employee 15] indicated he was responsible for supervising and training subordinate investigators, working with outside law enforcement, maintaining or generating monthly reports of intelligence, and other Intel-related duties.

The OEIG's review of the hiring file reflected that [Senior IDOC Employee 15] was one of four individuals with A grades who bid on the ISI II vacancy (i.e. he submitted an application) and one of three who submitted to structured interviews on November 16, 2017. According to records obtained by the OEIG,[43] all three candidates who were interviewed had been assigned to either the Intel or Investigations Units. [Senior IDOC Employee 15] was the highest ranked candidate.[44]

4. [Senior IDOC Employee 3]'s Promotion to ISI II

The OEIG reviewed the employment application [Senior IDOC Employee 3] completed for the Northern Region deputy commander of intelligence position he currently holds. He completed the application in approximately December 2013 and was promoted to the Deputy Commander position effective January 17, 2014.

[43] [The information in this footnote is redacted because it relates to a separate OEIG case number. Therefore, the Commission exercises its discretion to redact this subsection pursuant to 5 ILCS 430/20-52.]
[44] [The information in this footnote is redacted because it relates to a separate OEIG case number. Therefore, the Commission exercises its discretion to redact this subsection pursuant to 5 ILCS 430/20-52.]

In his employment application under "Work History," he lists several distinct correctional officer positions, describing the duties and responsibilities "for each position title," and gives a reason for leaving each position title he lists. Below is a summary.

Position Title	Dates of Employment	Duties and Responsibilities (briefly)	Reason for leaving
Correctional officer	9/1999 – 5/2000	Responsible for general security, custody, and control of inmates. Performed duties as a cell house control and wing officer. Also acted as a detail officer and completed additional duties as assigned.	Assigned to "Internal Affairs Unit"
Correctional officer	5/2000 – 9/2001	Assigned as an Intel Unit Investigator . . .	Assigned to Intel Unit
Correctional officer	9/2001-8/2002	Assigned as an Intel Unit Investigator . . .	Lay Off
Correctional Officer	12/2002-12/2003	Assigned as an Intel Unit Investigator . . .	Recalled to Sheridan
Correctional Officer	12/2003-8/2008	Assigned as an Intel Unit Investigator . . .	Promotion
ISI II	8/2008-1/2013	Serve as Chief Investigator of Dwight CC . . .	Promotion
Acting Assistant Warden of Operations	1/2013 – 4/2013	Responsible for the security and operation of Sheridan CC . . .	Not listed
Assistant Warden of Operations	4/2013 – present	Responsible for the security and operation of Sheridan CC . . .	Currently employed

J. Investigation Officers Assigned to IID

Although most of the employees interviewed in this investigation had experience in IID as an Intel Officer, OEIG investigators found evidence that IID also brought in correctional officers to be Investigative Officers within IID in the same manner.

On June 3, 2020, OEIG interviewed ISI II [IDOC Employee 2] who said he has worked at IDOC since 1999, and currently works for the Northern Region of the Investigations Unit.[45] [IDOC Employee 2] said he was assigned to the Investigations Unit as a correctional officer from approximately 2001 to 2011 and that he was officially promoted to his current ISI II position in 2013 after going through the formal structured interview process.

[45] [The information in this footnote is redacted because it relates to a separate OEIG case number. Therefore, the Commission exercises its discretion to redact this subsection pursuant to 5 ILCS 430/20-52.] The relevant investigative report was made part of this investigation.

[IDOC Employee 2] said he received mandatory 40-hour training specific to investigations when he was assigned to the Investigations Unit and that he did not have to take this training again when he was promoted to ISI II.[46]

[IDOC Employee 2] said that sometime after he was assigned to the Investigations Unit, he started to question the assignment process and how someone would ever learn about such a position. He said in the early 2000s, he asked the former Stateville warden how employees would know to apply to Investigations if staff are just approaching employees they know of and the positions are not posted anywhere. [IDOC Employee 2] said the warden took the suggestion and created a process where a memorandum would be read at roll call to get a list of individuals who are interested in assignments like Investigations. He added the District Coordinator, like the institutional Intel Coordinator, Intel Officer, and Investigations Officers positions, is selected without formally posting the position, without a formal interview or selection process, and the selection would typically done by the Chief of IID and the deputy commander at someone's recommendation.

The OEIG reviewed [IDOC Employee 2]'s employment application for ISI II, which he was promoted to in approximately August 2014.[47] In his employment application, under "Work History," it lists correctional officer since July 1999, but under description of duties and responsibilities for that position, it lists an "Institutional Investigator" for 11 ½ years; has acted in the capacity of a supervisor; trained new investigators since 2003; completed investigations for use of chemical agents, use of force, inmate altercations, theft, forgery, inmate death, and sexual assaults; utilized confidential informants; has submitted reports to the State's Attorney for prosecution; and other Investigations-related duties.[48]

K. Interview of IDOC Deputy Director of Human Resources [Senior IDOC Employee 11]

The OEIG interviewed IDOC Deputy Director of Human Resources (HR) [Senior IDOC Employee 11] on April 3, 2020. [Senior IDOC Employee 11] stated that she has been HR Deputy Director since March 1, 2020 but was acting HR Deputy Director for six months prior. According to [Senior IDOC Employee 11], she began working for IDOC in July 1999 as an office specialist, was promoted to office administrator III in February 2001, was promoted to administrative assistant I on November 16, 2003, was promoted to administrative assistant II on September 1, 2016, and then was promoted to public service administrator (PSA) personnel manager on August 1, 2018 until she became acting HR Deputy Director on September 1, 2019.

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[46] Records reflect that [IDOC Employee 2] completed the 40-hour institutional investigator training in 2002. During the time he was assigned to Investigations, [IDOC Employee 2] also completed training regarding STGs, inmate drug testing, evidence handling, and other trainings and meetings related to IID.

[47] In the justification section of the Employment Decision Form related to [IDOC Employee 2]'s promotion to ISI II, signed by the IDOC Director at the time, it references [IDOC Employee 2]'s 12 years' experience working as a "certified Internal Investigator" at Stateville.

[48] [IDOC Employee 2] also indicates on his ISI II employment application that since August 2004, he concurrently worked part-time as a police officer for the Bellwood Police Department, where purportedly conducted field investigations and routine traffic stops, responded to calls, and fulfilled several other duties. [IDOC Employee 2]'s personnel records reflect that he was approved for secondary employment with the Bellwood Police Department, to start September 15, 2004, on September 10, 2004.

[Senior IDOC Employee 11] stated, as HR Deputy Director, she was responsible for supervising IDOC Public Safety Shared Services (PSSS) personnel and supervising employee services, including correctional officer (CO) hiring.[49] [Senior IDOC Employee 11] indicated that she reports to IDOC Chief of Staff [Senior IDOC Employee 16] and has seven direct reports.

When [Senior IDOC Employee 11] was asked about detail assignments at IDOC, [Senior IDOC Employee 11], initially stated that there were not a lot of detail assignments and they should not be occurring often other than for special projects. [Senior IDOC Employee 11] stated that detail assignments occur when an employee laterally transfers into a vacant position without a change in pay. She said she did not think that detail assignments have to be competitive, are generally not discussed at monthly temporary assignment meetings, and are generally "so few and far between" that they are typically not brought to her attention. [Senior IDOC Employee 11], however, also stated that all Intel positions are detail assignments, not full-time positions, and acknowledged that there are approximately two Intel Officers at each facility and three at larger facilities.[50] According to [Senior IDOC Employee 11], the warden of a facility, in combination with the "functional supervisor" from the Intel Unit, like one of the Deputy Commanders of Intelligence, would decide if they needed an Intel Officer position to be filled. She explained that a functional supervisor is someone an officer could consult with and take direction from, but the warden would serve as the direct supervisor who would be responsible for discipline, timekeeping and evaluations of officers at their facility assigned to the Investigations Unit, as an example. When asked what checks and balances are in place so that detail assignments are done properly, [Senior IDOC Employee 11] said that memoranda of understanding and documentation that is placed in an employee's personnel file or supervisory file would reflect that an employee was detailed into a position.[51] When asked why Intel Officer assignments are not handled the same as ISI positions, which are formal titles, [Senior IDOC Employee 11] said, "I have worked here for 20 years, and they have always been handled this way" and she said she could not give a good reason as to why official Intel Officer positions have never been established.

[Senior IDOC Employee 11] stated that she was not familiar with the particulars of detail assignments such as duration, necessary qualifications, or interviewing requirements and said if there were such specifics, they would be in a supplemental agreement or memorandum of understanding between the union and the facilities. The OEIG requested that [Senior IDOC Employee 11] provide any memoranda of understanding between IDOC facilities and the union(s) related to detail and temporary assignments concerning IID, but she responded that according to Labor Relations, no such memoranda existed. However, through other OEIG requests for

[49] According to IDOC's webpage, as Deputy Director of Human Resources, [Senior IDOC Employee 11] "provides oversight to all aspects of human relations management, which is comprised of statewide hiring, classifications, transactions, compliance and control, benefits, and the payroll/timekeeping office. She also oversees Employee Services, including the background investigations unit, central screening unit, drug testing unit, and recruiting." https://www2.illinois.gov/idoc/aboutus/Pages/DeputyDirectorofHumanResources.aspx (last visited Oct. 21, 2021).

[50] [Senior IDOC Employee 11] also said that in the Northern region, [Senior IDOC Employee 4] was on a detail to work in IID. Organizational charts obtained during this investigation reflect, and interviews confirmed, that [Senior IDOC Employee 4], a lieutenant, worked as the District 2 Coordinator in the Intel Unit.

[51] As stated above, none of the personnel files examined as part of this investigation contained any personnel transaction forms or similar documentation reflecting assignment to the Intel Unit.

documents directed at then-IDOC Labor Relations Administrator [Former IDOC Employee 1][52] and others, the OEIG received copies of a memorandum of understanding, dated March 2020, between the American Federation of State County and Municipal Employees (AFSCME) and IDOC, which concerned Intel assignments, discussed in more detail below.

According to [Former IDOC Employee 1],[53] Intel Officer positions do not normally have an interview process and that the warden of a facility typically puts out a memorandum for employees interested in the position to express their interest. He said this is a "handshake agreement with the union" and as long as the facility is not changing employees' days off or bypassing others, such as employees on a waitlist for training, then the facility can place security staff where they see fit.

L. Union Agreement Regarding Detail Assignments

Correctional officers are AFSCME members, and the collective bargaining agreement between AFSCME and the State (AFSCME Agreement) provides that employers (State agencies) may detail bargaining unit employees subject to certain conditions.[54] Detailing under the AFSCME Agreement is defined as "a temporary transfer of an employee to a work assignment within his/her position classification geographically removed from the employee's normal work site."[55] Per the AFSCME Agreement, employees may generally not be detailed for more than six work weeks in four calendar months, unless otherwise agreed, and a position may not be filled by detailing for more than 15 work weeks. The AFSCME Agreement allows for reasonable extensions where operational needs so dictate. The Agreement further states that details shall be offered to qualified employees in order of seniority, and if there are no volunteers, detailing is to be rotated amongst qualified employees in inverse seniority order.

The OEIG requested that IDOC provide copies of any formal or informal forms, documentation, memoranda, and correspondence related to any agreements with AFSCME to extend any bargaining unit employee's detail, assignment or post to Intel or Investigations from January 2019 to August 2020. IDOC provided no documentation regarding any individual employee's extension of a detail or assignment to the Intel or Investigations Units.

A memorandum of understanding between IDOC and AFSCME regarding assignment of bargaining unit employees to Intel (MOU), effective March 4, 2020, memorializes an agreement that IDOC may use its discretion in assigning bargaining unit employees to this special unit.[56] The MOU provides that AFSCME mutually agrees to extend any detail of an appropriately assigned bargaining unit employee to Intel, provided IDOC agrees to increase the authorized headcount for that facility in the detailed employee's classification.[57] The MOU was signed by Chief of Operations [Senior IDOC Employee 17] for IDOC and [Union Representative 1] for AFSCME.

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[52] [Former IDOC Employee 1] currently works as a Labor Relations Administrator for CMS.
[53] The OEIG spoke to [Former IDOC Employee 1] on April 8, 2020.
[54] *See generally* AFSCME Agreement, 2015-2023, Art. XIV.5.
[55] *Id.*
[56] The MOU also addresses assignment of bargaining unit employees to the Statewide Tactical Response Team (TRT), which are employees that are highly trained in weapons to be able to respond to emergency situations.
[57] IDOC may "return an employee from the detail for reasons of demonstrated incompatibility." MOU at paragraph 4.

1. Interview of Chief of Operations [Senior IDOC Employee 17]

The OEIG interviewed [Senior IDOC Employee 17] on September 10, 2021. [Senior IDOC Employee 17] said he has served as IDOC Chief of Operations since approximately March 30, 2019 and that he reports directly to the IDOC Director. [Senior IDOC Employee 17] acknowledged that he has signed off on memoranda of understanding or other agreements with the union that are operations-based. He said that IID is outside the Operations arena and therefore outside his purview as the Chief of Operations.

[Senior IDOC Employee 17] said he believed this MOU, though it did not explicitly say so, applied only to the five or six correctional lieutenants who were taken out of IDOC facilities as District Coordinators and not to correctional staff who were assigned to Intel at the facilities. He clarified that the District Coordinator assignment is considered a full-time detail outside of a facility, whereas Intel assignments within the facility are just considered assignments or posts, like a housing unit post, which are allocated positions within a facility.[58] [Senior IDOC Employee 17] said prior to this agreement, IDOC had already agreed to backfill some of those correctional lieutenant positions, but there were not any issues with backfilling lieutenant positions related to the Intel Unit prior to entering into the MOU.

[Senior IDOC Employee 17] said he was not familiar with the selection process for the Intel Unit or whether seniority played a role. [Senior IDOC Employee 17] said he was aware that Intel vacancies were read at roll call, though he did not know the reason why this was done, and he acknowledged that correctional officers do not submit letters of interests for other posts within a facility. As an example, he said a correctional officer cannot say they want to be a tower officer, and rather, those assignments are done at the discretion of the shift commander. [Senior IDOC Employee 17] said typically, an employee does not get to pick where they are assigned and that IDOC tries to rotate facility assignments every 90 days to prevent burnout and "familiarization." [Senior IDOC Employee 17] said that IID positions are specialized assignments that require a different approval. When asked generally about the length of assignments to Intel, [Senior IDOC Employee 17] said he believed a person could be assigned to the Intel Unit indefinitely. He said that the individuals in the Intel Unit, particularly the District Coordinator positions, have been in those assignments for a long time. He also recalled when he worked in a facility, he knew individuals who had been assigned to Intel for over one year. He said that Intel assignments are "one of those assignments [] that . . . we promote out of a lot." He stated that everything counts towards promotions and that a person's time in the Intel Unit "adds to scores for promotions," as does receiving additional trainings, which people in Intel receive.

After reviewing the provisions regarding details in the AFSCME Agreement, [Senior IDOC Employee 17] stated perhaps "detail" was not the term that should have been used for the MOU. He acknowledged the time limits specified in the AFSCME Agreements and said that there

[58] After his interview, [Senior IDOC Employee 17] provided the OEIG with an email communication between himself, TRT Commander [Senior IDOC Employee 18], Commander Sims and others wherein [Senior IDOC Employee 17] asks for "a comprehensive list of those employees assigned to Intel Coordinator or other intel duties which regularly cause them to be detailed away from his/her facility." In response, Commander Sims provided the names of only the five lieutenants appointed as District Coordinators.

was no documentation recording extensions of the "details" described in the MOU given that there are no timelines for these assignments. After seeing the AFSCME Agreement, [Senior IDOC Employee 17] said he would not consider these assignments details, though he could not say whether they should be considered formal positions for which IDOC should have to follow formal hiring procedures.

2. Interview of CMS Deputy Director of Labor Relations [Senior CMS Employee 1]

The OEIG also interviewed CMS Deputy Director of Labor Relations [Senior CMS Employee 1] on October 18, 2021 and specifically asked about the MOU. [Senior CMS Employee 1] acknowledged that the AFSCME Agreement provides very specific time limits for details and requires that details must be given in order of seniority, adding that generally detailing is not a common practice. [Senior CMS Employee 1] also acknowledged that any memorandum of understanding regarding the AFSCME Agreement should reflect an understanding of what is in the Agreement and not modify any material aspect of it. However, she stated that AFSCME could agree to waive those time limits or seniority requirements for details, and if AFSCME was waiving something, that should be memorialized in a writing.

[Senior CMS Employee 1] said she was not familiar with the MOU and was not sure whether her team reviewed it,[59] but after reviewing the MOU, she said she was concerned that it did not define Intel Unit or specify what was meant by the term "discretion." When asked if by allowing an assignment to be indefinitely extended and requiring certain skills or qualifications, the agency could effectively be circumventing the competitive hiring principles and establishing a permanent position, [Senior CMS Employee 1] said yes. She specifically acknowledged that Intel Unit positions may circumvent the hiring process because they are full-time positions.[60] She said she could see how this could quite easily be viewed as a work around to the hiring principles.

M. Interview of IID Chief [Senior IDOC Employee 1]

On May 10, 2021, the OEIG interviewed Chief of IID [Senior IDOC Employee 1] who stated he is the Chief of the Investigations and Intelligence Division and has held that position since he started working at IDOC in February 2020. According to [Senior IDOC Employee 1], he technically reports to the Director of IDOC and the Governor's Office, but he has not communicated with the Governor's Office since he started. [Senior IDOC Employee 1] stated the entire IID reports to him.

[Senior IDOC Employee 1] stated there are two units within IID, the Internal Affairs Unit, also referred to as the Investigations Unit, and the Intel Unit. [Senior IDOC Employee 1] stated

[59] [Senior CMS Employee 1] was not a State employee during the time the MOU was executed in March 2020, and she did not become Deputy Director of Labor Relations until December 2020. She said that CMS Labor Relations may review language for supplemental agreements or memoranda of understanding between an agency and the union to make sure "they haven't done anything crazy and gone beyond the terms of the agreement," but that is not always the case.

[60] [Senior CMS Employee 1] compared the Intel Unit positions to the TRT positions, which she stated are not full-time and rather are in addition to an IDOC employee's regular duties, responding to emergency situations as needed.

that correctional officers can be assigned to the Intel Officer position or the Coordinator[61] position and that assignments to IID could be generally referred to as "details." According to [Senior IDOC Employee 1], these employees operate at the behest of his Deputy Commander and the warden, but the warden does not have that much involvement in the day to day activities of these staff which is why the Deputy Commander is involved in the assignment decisions.

[Senior IDOC Employee 1] stated he would describe regular correctional officer duties as that of a "babysitter" where they are keeping order in the facility and doing things like making sure people walk in a straight line and do not beat each other up. He stated that IID duties differed from that of regular correctional officers because they dealt with select, specific work. He said that Intel Officers work to discern, disrupt, and collect information that may be harmful to the facility, the staff, and persons outside the facility. He said correctional officers assigned to the Investigations Unit work on specific investigations related to offenders and staff who are ranked sergeant or below, adding that regular correctional officers do not conduct investigations.

For his part, [Senior IDOC Employee 1] said he was not familiar with the selection process, nor did he know if IDOC facilities all follow the same process for selecting individuals for assignments. [Senior IDOC Employee 1] confirmed that to the extent there are vacant IID assignments, the warden of the facility where the assignment is located and the deputy director of the respective region would agree on a selected individual and sign an assignment memorandum, which would come to him ([Senior IDOC Employee 1]) for final approval as Chief. [Senior IDOC Employee 1] stated he always signed off on assignment memoranda he receives because he does not have any personal familiarity with the individuals selected for the assignment. He added, however, that his Deputy Commander knows a lot of people and that the Deputy Commander and the warden decide who is a good fit for the Division. [Senior IDOC Employee 1] said he sometimes received personnel records attached to the assignment memoranda he received, but that he did not look at these documents, that he would not know what to look for if he did review them, and that he did not know how personnel history factored into the selection process for assignments to IID.

When asked if he had received any training related to the assignment process, [Senior IDOC Employee 1] said there is nothing to train on and that the only thing he does is sign an assignment memorandum to make it official. [Senior IDOC Employee 1] said he is not part of the selection or assignment process, but he said that, hypothetically, if a warden did not agree with a selected candidate, he ([Senior IDOC Employee 1]) would not want to step on the warden's toes. He stated the assignments have been done this way since before he has been there and that he did not believe there should be any changes made to the process of making the assignments. He added that he had not thought of the assignment process as a problem and stated the Deputy Commander and warden would know if an employee would be a good fit for a facility.

IV. INVESTIGATION OF [IDOC EMPLOYEE 1]'S SELECTION TO THE INTEL UNIT

[61] [Senior IDOC Employee 1] specifically referred to District Coordinators and did not reference Intel Coordinators, which work within a facility.

The anonymous complaint received by the OEIG alleged that Commander Sims directed Illinois River staff to assign his [family member], [IDOC Employee 1], to an Intel Officer position, even though he did not apply, meet the criteria, or have the requisite seniority for the role. Accordingly, the OEIG investigated how [IDOC Employee 1] came to be an Intel Officer and what involvement Commander Sims had with his [family member] [IDOC Employee 1]'s appointment to the Intel Unit.

A. Announcement and Applications

As stated above, IDOC records reflect that on November 19, 2019, [Senior IDOC Employee 5], then-Illinois River Warden, issued a memorandum to security staff stating that his office was accepting letters of interest for the 3:00-11:00 PM shift Intel Officer position. The memorandum stated that interested security staff should submit a letter of interest, listing why they would be a good candidate and what qualities they would bring to the position, no later than Friday, November 29, 2019 at 4:00 PM. The memorandum was to be read at roll call for five days.

Ten individuals submitted a letter of interest, including two correctional sergeants and eight correctional officers. [IDOC Employee 1] did not at any time submit a letter of interest in response to the November 19th memorandum. [Senior IDOC Employee 5] sent an email to Commander Sims on January 10, 2020, stating that they wanted to interview three of the candidates who submitted letters of interest—Correctional Officers [IDOC Employee 6], [IDOC Employee 4], and [IDOC Employee 5]—and attaching their timesheets and disciplinary files. That same day, Commander Sims forwarded [Senior IDOC Employee 5]'s email to Northern Region Deputy Commander of Intelligence [Senior IDOC Employee 3] and District 2 Intelligence Coordinator Lieutenant [Senior IDOC Employee 4] stating, "Please handle."

B. Candidate Interviews and Selection

IDOC records reflect that [Senior IDOC Employee 4] conducted interviews of [IDOC Employee 4], [IDOC Employee 5], and [IDOC Employee 6] on or about January 13, 2020. In his OEIG interview, [IDOC Employee 4] stated that during the interview with [Senior IDOC Employee 4], he was asked questions about his start date, military background, education, outside and inside training, where he worked at Illinois River, his use of time, and general responsibilities. [IDOC Employee 5] stated in her OEIG interview that [Senior IDOC Employee 4] asked about what position she was in, her schedule, how she used her time, and other information that [Senior IDOC Employee 4] "probably already knew" or could have easily gathered just by looking at her timesheet. She added the questions were mainly about her schedule and had nothing to do with investigations.

The OEIG requested that IDOC produce relevant hiring or promotional files related to [IDOC Employee 1]'s assignment to the Intel Unit, including interviewer notes for each candidate interviewed, individual scoring sheets reflecting respective candidate interview answers, corresponding scores, and scoring methods. The OEIG also requested other documents typically found in a hiring file as provided in the CEP, such as job posting documents, prescreening tools used, interview assessment criteria and questions, and conflict of interest certification and

disclosure forms. In response, [Senior IDOC Employee 11] advised that such documents do not exist because the Intel Officer position was only a detail assignment.[62]

A memorandum, dated January 14, 2020, from [Senior IDOC Employee 4] to Commander Sims as Commander of Investigations and Intelligence, reflects that [IDOC Employee 4] was "considered a good candidate for this position by [Illinois River] Warden [Senior IDOC Employee 5] as well as Intel and [Investigations] staff at Illinois River CC." In this memorandum, [Senior IDOC Employee 4] opined that [IDOC Employee 4] would be an excellent candidate to be assigned to the Illinois River Intel Unit "based on his skills, education, motivation, eagerness to learn more and all-around attitude."

A memorandum from [Senior IDOC Employee 5] to Commander Sims, as Chief of IID, also dated January 14, 2020, with the subject, "Placement of C.O. [IDOC Employee 4] as an Intel Officer" (Assignment Memo), reflects that [Senior IDOC Employee 5] formally requested that [IDOC Employee 4] be assigned as the second shift - Illinois River Intel Officer. The Assignment Memo had a space for the warden to sign and for the deputy director and Chief of IID to approve and sign. The Assignment Memo was signed by [Senior IDOC Employee 5] as warden on January 14, 2020, signed and approved by then-Deputy Director [Senior IDOC Employee 19] on January 15, 2020, and sent to Commander Sims for signature and approval by Illinois River's Executive Secretary on January 15, 2020 and again on January 24, 2020. However, the Assignment Memo was never signed by Commander Sims or any other individual acting in the capacity of Chief of IID.

Both [IDOC Employee 4] and [IDOC Employee 5] confirmed that within days after their January 13, 2020 interviews, they were told that [IDOC Employee 4] had been selected for the Intel Officer position by Illinois River Investigations Lieutenant [Senior IDOC Employee 20].[63] [IDOC Employee 4] said Illinois River Assistant Warden [Senior IDOC Employee 21] proceeded to formally offer him the second shift Intel Officer position and that he verbally accepted.

[IDOC Employee 4] stated that approximately two weeks after he accepted the Intel Officer position, he checked in with [Senior IDOC Employee 20], who informed him that the Chief of IID had left and that [IDOC Employee 1]'s [family member], Commander Sims, was temporarily assigned as the Chief. He said that approximately a week later, [IDOC Employee 1] was pulled out of roll call to go to the Intel Office. According to [IDOC Employee 4], that same day, [IDOC Employee 1] told [IDOC Employee 4] that he had been interviewed and offered the Intel Officer position. [IDOC Employee 4] said approximately a week or two later, [Senior IDOC Employee

[62] However, in response to a subsequent document request for interview notes of each candidate's interview, [Senior IDOC Employee 11] provided computer printouts of employee information, dated January 13, 2020, for [IDOC Employee 4], [IDOC Employee 5], and [IDOC Employee 6]; each printout contained handwritten notes of the employees' employment and assignment history.

[63] Pursuant to an October 6, 2014 memorandum from then-Illinois River Warden [Senior IDOC Employee 22], [Senior IDOC Employee 20] was appointed as "Chief Investigator" for the facility in accordance with AD 01.12.115 (Institutional Investigative Assignments).

20] told him the position was no longer his ([IDOC Employee 4]'s) and that this decision came from someone in Springfield.[64]

Although the OEIG requested an appointment memorandum for [IDOC Employee 1]'s assignment, IDOC's Ethics Officer advised, "There is no Appointment Memo for [IDOC Employee 1]." Training records, however, reflected that [IDOC Employee 1] attended basic intelligence officer training held February 24-27, 2020.[65]

C. Interview of [Senior IDOC Employee 5]

When asked specifically about the selection process, [Senior IDOC Employee 5] said that IID assignments are not temporary and are not considered detail assignments. [Senior IDOC Employee 5] said that the administration would pull past evaluations, disciplinary records, and timesheets for all interested employees to review and that he would have a dialog with the institutional Intel Coordinator or Investigations Lieutenant to get their input on who they thought would be a good candidate. [Senior IDOC Employee 5] said all interested individuals were usually interviewed, explaining that they wanted to make sure the person had high integrity and would "gel" well with the rest of the group in the unit. [Senior IDOC Employee 5] said that Intel Officers were not selected based on seniority.

With regard to [IDOC Employee 1]'s selection, [Senior IDOC Employee 5] said the three individuals that were selected for interview for the 3-11 shift Intel Officer position at Illinois River had no time issues, had good evaluations, and they were newer employees to IDOC.[66] [Senior IDOC Employee 5] could not remember specifically what made [IDOC Employee 4] most qualified for the Intel Officer position, but he recalled that [IDOC Employee 4] was selected and that therefore, he must have done well in his interview. He was not aware, however, whether Commander Sims ever signed off on the Assignment Memo.

[Senior IDOC Employee 5] said he was aware that [IDOC Employee 1] was in the second shift Intel Officer position.[67] He said he did not recall [IDOC Employee 1] applying for the Intel Officer assignment, but if he did apply, he was not selected for an interview. He said he did not personally know [IDOC Employee 1], but he was familiar with him, adding that [IDOC Employee

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[64] The OEIG also interviewed Illinois River Correctional Sergeant AFSCME Local Union Vice President [Union Representative 2], who said he spoke to [IDOC Employee 4] about this issue. [Union Representative 2] stated at first, he thought this matter could be grievable, but he later learned it was not covered by the AFSCME contract as the Intel Officer positions are considered "appointments." [Union Representative 2] stated the AFSCME contract provisions concerning filling of vacancies does not cover this specific situation because there is no formal vacancy.

[65] [IDOC Employee 1]'s training records reflected the status of all past trainings he was enrolled in and completed. For the basic intelligence officer training, his status is reflected as "Attended" for the training held February 24 through 27, 2020, but that the training was not completed until January 21, 2021.

[66] [Senior IDOC Employee 5] stated that the Intel Officer position is not a sergeant position and one or two names were taken out of the running because they were sergeants.

[67] [Senior IDOC Employee 5] said he was unaware for "quite some time" that Commander Sims did not sign the Assignment Memo for [IDOC Employee 4], explaining that he transferred to Western on January 16, 2020—the day after the deputy director signed off on the Assignment Memo. [Senior IDOC Employee 5] said he learned that [IDOC Employee 1]was in the Intel Officer role when he came back to Illinois River to assist for a half day while [Senior IDOC Employee 21], then-Acting Warden, was off. He said he may have also asked [Senior IDOC Employee 21] about how [IDOC Employee 1] received the assignment.

1] was "fairly new." [Senior IDOC Employee 5] said that he was aware that there was an issue with [IDOC Employee 1] being late for work when he was still a correctional officer trainee.

[Senior IDOC Employee 5] said he did not believe an appointment memorandum was in place for [IDOC Employee 1], but there should be as it is required by the AD. He added that he did not know of any other instance where an appointment memorandum was not in place for an individual assigned to the Intel Unit or without the warden's agreement.

D. Comparison of Candidate Personnel Histories

The OEIG reviewed the personnel records for [IDOC Employee 4], [IDOC Employee 5], and [IDOC Employee 6], and compared their histories to [IDOC Employee 1]'s. Below is a summary:

[IDOC Employee 4] began working as a correctional officer trainee (COT) at Illinois River in March 2017 and was promoted to correctional officer in June 2017. [IDOC Employee 5] was hired as a COT at Illinois River effective August 2018 and promoted to correctional officer in November 2018. [IDOC Employee 6] was hired as a COT at Centralia Correctional Center in January 2014 and promoted to correction officer in March 2014. He transferred to Illinois River in February 2019. Records reflect that none of these three individuals had any disciplinary history.

[IDOC Employee 1] was hired as a COT in November 2018 and was promoted to correctional officer in February 2019. IDOC records reflect that [IDOC Employee 1] received a formal Counseling on November 19, 2019 for violating IDOC affirmative attendance policy.

E. Interview of [IDOC Employee 1]

During his OEIG interview, [IDOC Employee 1] confirmed that he was assigned to the Intel Unit in or about the middle of February 2020 and that he attended a one-week basic intelligence officer training held in Springfield. He added that he was supposed to receive more training but did not due to the COVID-19 pandemic.

[IDOC Employee 1] stated that he first became interested in IID when he began his employment with IDOC in 2018, and was specifically interested in the Intel Unit, which monitored gang activity. [IDOC Employee 1] confirmed that he heard about the second shift Intel Officer opportunity in late 2019 when it was read at roll call, but he admitted he did not submit a letter of interest at any point. Rather, he stated he talked directly to "some of the higher ups" and that he initiated a phone call to [Senior IDOC Employee 4] from his personal phone to inquire about the position. He did not recall specifically when he made that call, but [IDOC Employee 1] stated during the call, he asked about the job duties and responsibilities. According to [IDOC Employee 1], [Senior IDOC Employee 4] said that since he ([IDOC Employee 1]) expressed an interest in the position, he would be interviewed and that he ([Senior IDOC Employee 4]) had not conducted any interviews yet for the Intel Officer position.

[IDOC Employee 1] stated prior to calling [Senior IDOC Employee 4], he asked his [family member], Commander Sims, about the position at Thanksgiving dinner in 2019.[68] He said his [family member] gave him a brief overview of the Intel Officer position and said it was "worth doing," but did not push him towards it. Specifically, he stated Commander Sims told him that with the Intel Officer position, he would gain a deeper understanding of how the facility operated, learn about the "backdoor" inmate dealings that one never sees as a regular correctional officer, and that Intel Officers operate on their own. He denied that his [family member] gave him any information that would help him prepare for the interview process. [IDOC Employee 1] said he did not know [Senior IDOC Employee 4] prior to calling him and that his [family member] gave him [Senior IDOC Employee 4]'s phone number and directed him to talk to [Senior IDOC Employee 4] because he was the District Coordinator.

[IDOC Employee 1] acknowledged that the other candidates were interviewed in January 2020 and that he was interviewed in February 2020, explaining that he took a lot of time off in January. [IDOC Employee 1] said he was not surprised when he received the interview and that it was [Senior IDOC Employee 4] and [Senior IDOC Employee 20] who interviewed him. He said he did not know why he was ultimately chosen for the position, but that he believed it was because he was known for having a good work ethic, did not take that many sick days, and had spoken to [Senior IDOC Employee 20] a lot for PREA cases.

[IDOC Employee 1] said he received Intel phone system, LEADS, and CLEAR training, but he never received log in information or access to those systems. He said he was told that [Senior IDOC Employee 21] would not give him access to the systems.[69] [IDOC Employee 1] said he eventually got tired of not having access so he told [Senior IDOC Employee 21] that if she was not going to give him access to the systems, to just put him in a normal post and assign someone else to the Intel Unit.[70] He stated he stopped working in the Intel Unit in either late September or early October 2020, but he was unsure whether he was officially out of the Unit.

F. Interview of Larry Sims

In his OEIG interview, Commander Sims, when asked about the selection process for IID assignments, stated that after an assignment vacancy is read at roll call, the warden might look at those names of individuals interested in the assignment and narrow it down to the individuals he or she wants, rejecting the rest of them. Commander Sims did not know what was required to be submitted to the warden for consideration for an assignment to IID and did not know whether the warden conducts interviews to narrow down the list of names. He said the warden would submit the name or names to IID and then IID might "okay" the selection or say no. Commander Sims

[68] Thanksgiving 2019 occurred on November 28th. As stated above, per [Senior IDOC Employee 5]'s November 19, 2019 memorandum, interested staff were asked to submit written letters of interest by November 29, 2019.

[69] [IDOC Employee 1] said he was told the reason he was not given access to certain Intel systems was because of a pending OEIG investigation.

[70] [IDOC Employee 1] said he wrote letters to [Senior IDOC Employee 21] regarding access to the system in approximately late August and mid-September 2020. After his interview, [IDOC Employee 1] provided the OEIG with a copy of a memorandum he purportedly sent to [Senior IDOC Employee 21] on September 15, 2020, where he writes that the lack of proper access to Intel systems for the seven months he has been assigned to the Intel Unit was "directly affecting [his] ability to properly do the job [he] has been assigned to do and renders [him] almost useless to staff."

said if IID receives a list of names of employees for consideration, they will ask for the candidates' timesheets via email. He said there is no policy about reviewing candidates' timesheets and evaluations, but rather this is just something IID does as a matter of practice.

Commander Sims said if IID sends someone to speak to the candidates, that person will ask about the candidate's background and future plans. He said the candidate might also be asked about their criminal background or other relevant issues. Commander Sims said there is no official questionnaire that the candidate is asked, and there is no official scoring.

Commander Sims characterized the assignments as posts just like any other post at a facility, though he acknowledged IID posts were not subject to the 90-day rotations like other posts at a correctional facility. When asked about the selection process, Commander Sims confirmed that correctional officers were not assigned to Intel based on seniority. Further, Commander Sims said especially in IID, one would not want to have to take somebody just because they are the most senior because sometimes the most senior employees are the most disgruntled.

With respect to the Intel Officer vacancy in the Intel Unit at Illinois River which resulted in the appointment of his [family member], [IDOC Employee 1], to the Unit, Commander Sims stated that the selection for the position occurred prior to [Senior IDOC Employee 1] becoming the Chief of IID. Commander Sims confirmed that [Senior IDOC Employee 5], who was Illinois River Warden at the time, had selected another candidate for the position. He said that in approximately January or February 2020, the Northern Region Intel Unit Deputy Commander, [Senior IDOC Employee 3], called him (Commander Sims) about the vacant Intel Officer position and wanted to know why [IDOC Employee 1] did not put in for it. According to Commander Sims, [Senior IDOC Employee 3] asked him (Commander Sims) to find out if [IDOC Employee 1] was interested in the position so they could "give [[IDOC Employee 1]] a shot if he wants one."[71]

Commander Sims stated that he called his [family member], asked him if he knew about the vacancy and if he was interested, and that [IDOC Employee 1] said he was aware and was thinking about it. Commander Sims stated he told [IDOC Employee 1] that "if [he] want[ed] to try it, here [was his] shot . . . now is the time." He said he may have also given [IDOC Employee

[71] On February 11, 2020, OEIG's Hiring & Employment Monitoring (HEM) Division received a complaint referral regarding the cancellation of a hiring sequence for an IID Program Commander (North) position. HEM recently issued Advisory 20-HEM-0014/20-HEM-0093 based on its review of this hiring sequence. The original sequence posted August/September 2019 was cancelled before interviews were conducted. According to IDOC, a new IID Chief ([Senior IDOC Employee 1]) was starting and the agency wanted to wait for his determination to move forward with the position. The position was reposted from February 18, 2020 through May 3, 2020 and interviews were conducted in October 2020. [Senior IDOC Employee 3] was an applicant for both postings and selected for an interview. Commander Sims was one of the interviewers. [Senior IDOC Employee 3] was the top-ranked candidate scoring a perfect 4.0. HEM did not provide approval to proceed on this hire, and it is the OEIG's understanding that IDOC has not filled the position. HEM also confirmed in November 2020 and October 2021 that no temporary assignments have been made to this position. Based on the timing of [Senior IDOC Employee 3]'s involvement with [IDOC Employee 1]'s assignment to the Intel Officer position, it is the OEIG's determination that the Program Commander position should be reposted and Commander Sims should not be allowed to participate in the hiring process for this position. Furthermore, IDOC should ensure that anyone involved in hiring for this position does not have any relationship that poses a conflict of interest such as the one between [Senior IDOC Employee 3] and Commander Sims.

1] [Senior IDOC Employee 20]'s phone number so he could call [Senior IDOC Employee 20] and find out what the position entailed. Commander Sims said [IDOC Employee 1] told him he wanted to "give it a shot," and he (Commander Sims) informed [Senior IDOC Employee 3] of this. Commander Sims recalled that he subsequently had a conversation with [Senior IDOC Employee 3] and that he directed [Senior IDOC Employee 3] to talk to whomever. He said [Senior IDOC Employee 3] told him he would talk to the new acting warden. Commander Sims explained that during this time, [Senior IDOC Employee 5] transferred to Jacksonville from Illinois River and that [Senior IDOC Employee 21] was Acting Warden at the time. He added that he figured that because [Senior IDOC Employee 5] was leaving Illinois River, the timing was right to give [IDOC Employee 1] a shot.

Commander Sims said [Senior IDOC Employee 4] interviewed [IDOC Employee 1] and that after that, he asked [Senior IDOC Employee 4] what he thought about [IDOC Employee 1]. Commander Sims said [Senior IDOC Employee 4] thought [IDOC Employee 1] would be fine so he (Commander Sims) decided to put his [family member] [IDOC Employee 1] in the position after the interview. Commander Sims stated a month or two later, he learned that [IDOC Employee 1] still did not have access to the Intel system, so he checked on it with [Senior IDOC Employee 3]. He said [Senior IDOC Employee 3] told him the warden was still upset she did not get to pick who she wanted for the assignment and that she was not going to sign the appointment memorandum. He explained that the appointment memorandum allows a person assigned to the Intel Unit to get computer access to the Intel system. He recalled he did not want to get involved and that he asked staff to work it out. After learning sometime later that [IDOC Employee 1] still did not have access and that the warden was "still balking on it," Commander Sims stated he directed [Senior IDOC Employee 3] to pull [IDOC Employee 1] from the assignment because it was not fair to [IDOC Employee 1]. He said [IDOC Employee 1] was targeted and that the only reason this was an issue was because [IDOC Employee 1] was his [family member].

When asked about the Assignment Memo for [IDOC Employee 4], Commander Sims recalled receiving the memorandum, but he stated at that point, [IDOC Employee 4] was simply a name that had been selected and that because he (Commander Sims) had not signed the Assignment Memo, nothing had been finalized. When asked why he did not sign the Assignment Memo, which records reflected he had received on January 15 and 24, 2020, he stated there was no reason for him not to sign off on [IDOC Employee 4] and that he was just swamped at the time and had not gotten around to reviewing the paperwork yet. He also said there were no issues with [IDOC Employee 4] that would cause him not to approve [IDOC Employee 4]'s selection and that he did not recall anyone ever saying anything negative about [IDOC Employee 4]. Though, he stated that he did not know that another individual—[IDOC Employee 4]—had been selected for the assignment when he decided to assign [IDOC Employee 1] to the Intel Unit.

Commander Sims again explained that even though the warden and the deputy director may sign off on the selection of an individual for an assignment to IID, the selected employee may not get it. For example, he said there may be concerns about an individual's ability to maintain confidentiality. Commander Sims confirmed, however, that there was no concern with [IDOC Employee 4], his ability to maintain confidentiality, or his ability to perform the duties of the Intel Officer position.

Ultimately, Commander Sims acknowledged that [IDOC Employee 1] did not submit a letter of interest but that he nevertheless interviewed for the Intel Officer position. He also acknowledged that had he (Commander Sims) not spoken to [IDOC Employee 1] about the position, his team would have not reviewed [IDOC Employee 1]'s timesheets and they would not have interviewed him. He added that if [IDOC Employee 1] had not been interested in the position, [IDOC Employee 4] would have received the position.

G. Interview of [Senior IDOC Employee 1]

During his interview, [Senior IDOC Employee 1] stated his first day working at IDOC as Chief was Monday, February 3, 2020 after retiring as a Federal Bureau of Investigation Special Agent. [Senior IDOC Employee 1] said he had heard a little bit about [IDOC Employee 1] being assigned into an Intel Officer position at Illinois River, adding that he did not know about the specifics about what happened and did not want to know. Specifically, he said that he was aware that Commander Sims might have been involved in pulling strings to get [IDOC Employee 1] the assignment and that a different correctional officer might have expressed an interest and then was interviewed and selected for the position. He said that in approximately the summer of 2020, Commander Sims called him on the phone about the matter, but [Senior IDOC Employee 1] shut him (Commander Sims) down and told him he did not want to know about it. [Senior IDOC Employee 1] said he told Commander Sims to leave him ([Senior IDOC Employee 1]) out of it and that the situation would work itself out. He said that in his view, in order to protect his people's rights, he should not know about their issues. [Senior IDOC Employee 1] said he was not aware of anyone being disciplined or counseled related to [IDOC Employee 1]'s assignment to Intel. He said he took no action with respect to [IDOC Employee 1]'s assignment and that he did not look into the issue of assignments when he started receiving document requests from the OEIG.

[Senior IDOC Employee 1] said he was not aware that the warden at Illinois River and deputy director at the time signed off on an assignment memorandum for a different correctional officer (not [IDOC Employee 1]) and that this would have predated him coming to IDOC. He also stated he was not aware that [IDOC Employee 1] was put into the Intel Officer assignment without an assignment memorandum being created or any other documentation of the assignment. Finally, he said he was not aware that because there was no assignment memorandum created, [IDOC Employee 1] never received computer access to the Intel system and was unable to do some of his duties. [Senior IDOC Employee 1] stated he would think it would be a conflict of interest for a [family member] to be involved in the assignment of his [family member] and that it seemed pretty clear that should not be done.

V. ANALYSIS

A. IDOC's Improper Practice of Assigning Correctional Staff to Intel and Investigation Positions

The CEP "sets forth the principles that will govern the State's hiring and employment policies and procedures for *positions* at agencies under the jurisdiction of the Governor."[72] The OEIG's investigation revealed, however, that IDOC has a long standing practice of appointing correctional officers from each facility to IID without following competitive hiring principles.

There is a significant basis to believe that Intel Officers and Coordinators are full-time positions at IDOC. First, IDOC AD 05.08.101 generally describes the duties and responsibilities of Intel Unit staff. While it does not describe the duties and responsibilities of an Intel Officer, the AD states that institutional Intel Unit staff positions are considered "full-time" and are prohibited from having additional duties assigned or being assigned to another post. Second, interviews from several individuals who had either been assigned to or managed Intel Officers or Coordinators, including IID [Senior IDOC Employee 1], all consider the role of Intel staff as distinct and different from the role of a correctional officer, and a full-time position. Third, a comparison of the position description for the correctional officer and the post descriptions for the Intel Officer and Intel Coordinator roles further confirms that Intel staff did not perform the duties described in the correctional officer position description, and rather had unique duties and responsibilities. Fourth, a review of personnel records for corrections staff assigned to the Intel Unit revealed that in many cases, correctional officers assigned to the Intel Unit were evaluated on different criteria than that contained in the position description, and moreover, many of their performance evaluations were completed by IID staff. Finally, the evidence in this case shows that correctional officers assigned to the Intel Unit, in employment applications, listed their Intel roles as if they were unique positions when describing their work history.

Although the evidence shows that Intel Officer and Intel Coordinator roles are in fact positions as contemplated by the CEP, IDOC did not follow most hiring policies and procedures when filling vacancies within the Intel Unit.[73] For one, the CEP requires that the State maintain verifiable objective minimum qualifications for every position at agencies under the Governor's jurisdiction, which must be included in each position's official position description and which must directly relate to the duties and responsibilities of each position. There are no position descriptions for Intel Officers or Intel Coordinators, and the post descriptions for these do not establish minimum qualifications for these positions. In addition, correctional officer position descriptions do not directly relate to the duties and responsibilities of assigned Intel staff positions, nor do they accurately communicate the duties Intel Officers or Intel Coordinators are expected to perform.

The CEP also generally requires job postings for positions, particularly non-exempt positions, for a minimum of 10 business days on a Statewide vacancy site.[74] These job postings must reflect the class specifications and minimum qualifications of the position and include the position description. However, the OEIG found that IDOC did not do this for Intel Officer and Intel Coordinator positions. Rather, the investigation revealed that some facilities would internally

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[72] The Governor's Comprehensive Employment Plan for Agencies Under the Jurisdiction of the Governor (July 15, 2021), *available at* https://www2.illinois.gov/oeig/HEM/Documents/Amended%20CEP_eff.%207.15.2021.pdf (last visited Oct. 25, 2021).

[73] During the course of this investigation, the OEIG learned that this practice of assigning correctional staff to Intel assignments extends beyond that of the Intel Officer position to Intel Coordinator and District Coordinator; and on the Investigations side, Investigations Officer. The OEIG notes that these assignments also appear to in effect be transfers to new positions, which also circumvented established hiring processes.

[74] *See id*. at Section V.

read Intel Unit vacancies at roll call and ask that interested staff submit letters of interest. Though, even this internal roll call announcement practice was not uniform and interviews established that in some cases, vacancies were not announced and individuals were selected for Intel roles based on word-of-mouth recommendations.

The CEP requires that agencies establish hiring criteria or categories of key competencies, application and interview questions and ideal responses prior to posting positions. The evidence established in this case confirmed this does not happen for Intel Officer and Intel Coordinator positions. In fact, by all accounts, the only criteria used when determining whether a correctional officer should be appointed to the Intel Unit are the officer's use of sick time, discipline history, and motivation, as opposed to relevant investigations or intelligence experience.

Competitive hiring practices are, not only required, but even more important when persons assigned to Intel Unit roles, as shown here, gain benefits and opportunities not afforded to other correctional officers, such as additional specialized training and access to IDOC senior-level staff. [Senior IDOC Employee 5], [Senior IDOC Employee 6], and [IDOC Employee 3] described how the training and experience gained during their respective stint in IID helped in getting promotions. Moreover, without adherence to competitive hiring requirements, as seen in the case of [IDOC Employee 1], the filling of these positions can be easily manipulated to favor those who are not the most qualified.[75]

It has been suggested by IDOC Deputy Director of HR [Senior IDOC Employee 11] and IID [Senior IDOC Employee 1] that institutional Intel Unit assignments are details and not full-time positions. [Senior IDOC Employee 11] also stated in her interview that generally, detail assignments should not be occurring often—something that [Senior CMS Employee 1], CMS Deputy Director of Labor Relations, echoed in her interview. Upon examination of the AFSCME Agreement, however, it is clear that assignments to Intel exhibit none of the characteristics typically found in detail assignments. Under that agreement, a detail is defined as a temporary transfer of an employee to a work assignment that is removed from the employee's normal work site. Intel staff assignments, as established above, are far from temporary, and in many cases, correctional officers are assigned to the Intel Unit and remain so assigned for years. Intel Officers are also not an irregular occurrence. Further, the AFSCME agreement states that details are to be offered to qualified employees in order of seniority. Several individuals interviewed as part of this investigation, including Commander Sims and [Senior IDOC Employee 5], however, described how seniority was not considered when determining which correctional officers should be assigned to Intel.

Although characterizing the positions of an Intel Officer or Coordinator as a "detail" or "post" may provide IDOC with greater latitude in work assignments, this can only be done if such an assignment is actually a detail or post. In this case, Intel Officers did not fit the description of a detail per the AFSCME Agreement (i.e. offering the assignment by seniority and limiting the duration). Furthermore, correctional officers were not placed in IID on a rotational basis like other posts. [Senior IDOC Employee 17], Chief of Operations, acknowledged that correctional officers do not submit letters of interest for other posts within a facility, which are done at the discretion

[75] The OEIG notes that it did not uncover any evidence to suggest that any assignments to the Intel and Investigations Units were a result of unlawful political discrimination.

of a shift commander, and the Intel work was not subject to 90-day rotations like other posts at a correctional facility. Rather, individuals are assigned to Intel permanently and are, in effect, full-time positions, and thus, such positions should be subject to the defined hiring process set out in the CEP.

For years, IDOC employees have been working in full-time positions at IID without following appropriate employment and hiring policies and principles. Because this has been a long-standing practice, spanning decades, the OEIG is not making a finding on all of the numerous IDOC employees, past and present, involved in this flawed system. Rather, the OEIG finds that IDOC engaged in mismanagement by failing to follow appropriate employment policies. For these reasons, this allegation is **[REDACTED]**.[76]

[The information in this paragraph is redacted because it relates to a matter in which the OEIG has not determined that reasonable cause exists to believe that a violation has occurred. Therefore, the Commission exercises its discretion to redact this subsection pursuant to 5 ILCS 430/20-52.] [77]

B. Larry Sims Directed the Assignment of His [family member] in Violation of IDOC Policy and the CEP

IDOC Administrative Directive 03.02.100 provides that "Employees who have responsibility for initial hiring, promotions, transfers, demotions, or any other personnel transaction shall disqualify themselves from any decision-making if any of the persons being considered are their relatives," including children.[78] Further, IDOC Administrative Directive 03.02.108, governing standards of conduct, provides that employees shall not engage in conduct that impairs their ability to perform their duties and responsibilities in an impartial manner and that employees have a duty to report possible conflicts of interest, including job reassignments that would place an employee under the direct or indirect supervision of a relative.[79] Commander Sims violated these policies when he directed the assignment of his [family member], [IDOC Employee 1], to the Intel Unit—a unit he oversees.

As established above, the Intel Officer position, though treated as if it were only an assignment, is in effect its own position, with duties that significantly differ from that of a standard correctional officer. The evidence in this case established that Commander Sims recognized that the Intel Officer at Illinois River presented an opportunity for his [family member], [IDOC

[76] The OEIG concludes that an allegation is "[redacted]" 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.

[77] [The information in this footnote is redacted because it relates to a matter in which the OEIG has not determined that reasonable cause exists to believe that a violation has occurred. Therefore, the Commission exercises its discretion to redact this footnote pursuant to 5 ILCS 430/20-52.]

[78] IDOC Administrative Directive 03.02.100.F.2, Administrative Review of Personnel or Service Issues (eff. Oct.1, 2016). The policy was revised, effective January 1, 2021, in relevant part expanding the definition of "Relative" and also includes a definition of "Immediate Family," but such changes do not affect the analysis in this case.

[79] IDOC Administrative Directive, 03.02.108.G.8, Standards of Conduct: Conflicts of Interest (eff. Nov. 1, 2019). This Directive was also revised effective January 1, 2021, but the conflicts of interest provision was substantially the same.

Employee 1], to gain a deeper understanding of how the facility operated, learn about "backdoor" inmate dealings that correctional officers typically do not see, and be able to operate on his own. According to Commander Sims, when he learned from [Senior IDOC Employee 3] in early 2020 that [IDOC Employee 1] had not submitted a letter of interest for the Intel Officer role, he called [IDOC Employee 1] and told him that if he wanted to try out this position, the timing was right to give it a shot, noting that [Senior IDOC Employee 5] had recently transferred to another facility and was no longer warden at Illinois River.

Commander Sims acknowledged receiving an Assignment Memo for [IDOC Employee 4] in mid-January 2020 and admitted that there was no reason for him not to approve [IDOC Employee 4]'s appointment to Intel Officer. He also acknowledged that [IDOC Employee 1] did not follow the facility's established process for expressing interest in the Intel Officer position. Though this process was not in keeping with the CEP, it created some semblance of a competitive process, and even that was not followed in this case. Nevertheless, Commander Sims admitted that he decided to put his [family member] in the Intel Officer position, even though another had been selected for the role, suggesting that this was perfectly acceptable because he had not signed off on the Assignment Memo so nothing was final. Commander Sims also acknowledged that his team would not have reviewed [IDOC Employee 1]'s timesheets or interviewed [IDOC Employee 1] had he (Commander Sims) not intervened, and that [IDOC Employee 4] would have been put into the Intel Officer position.

Commander Sims was clearly in a position to exercise influence over the transfer of his [family member] to the Intel Unit. As such, he should have disqualified himself from any decision-making regarding the Illinois River Intel Officer assignment in accordance with IDOC ADs 03.02.100 and 03.02.108, but he failed to do so. Further, once [IDOC Employee 1] was assigned to the Intel Unit, seeing that [IDOC Employee 1] would now indirectly report to his [family member] with respect to Intel matters , Commander Sims had a duty to report this conflict. Again, Commander Sims failed to do so. In his defense, Commander Sims explained that there are times when wardens' chosen persons for an IID assignment will not be approved due to concerns about things like their ability to maintain confidentiality. But that was not the case here. In fact, Commander Sims acknowledged that he had no concerns about [IDOC Employee 4]'s ability to perform the duties of an Intel Officer or his ability to maintain confidentiality. He just wanted to give his [family member] "a shot."

Commander Sims manipulated the established system for filling Intel Officer vacancies in order to benefit his [family member]. It is important to note, had IDOC followed hiring protocols emphasized in the CEP, however, Commander Sims would have had to disclose the conflict of interest and he would have been barred from further participating in this employment action. Even if Commander Sims believed the CEP was not applicable based on IDOC's past practices, Commander Sims should have recognized that his involvement in directing the interview and assignment of his [family member] to the Intel Unit posed a conflict of interest, which should have been disclosed, and he should have recused himself from making a decision in the matter.

For these reasons, the allegation that Commander Sims directed the assignment of his [family member], [IDOC Employee 1], in violation of IDOC policy is **[REDACTED]**.

[The information in this paragraph is redacted because it relates to a matter in which the OEIG has not determined that reasonable cause exists to believe that a violation has occurred. Therefore, the Commission exercises its discretion to redact this subsection pursuant to 5 ILCS 430/20-52.]

VI. [REDACTED] AND RECOMMENDATIONS

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

- **[REDACTED]** – IDOC engaged in mismanagement for failing to properly treat IID assignments as formal positions that follow a competitive hiring process**.**

- **[REDACTED]** – Larry Sims violated IDOC policy when he directed the assignment of his [family member] to the Intel Unit.

The OEIG recommends that IDOC take whatever disciplinary action it deems appropriate with respect to Commander Sims, up to and including termination.

The OEIG also recommends that the Governor's Office work with IDOC and CMS to ensure that Investigations and Intelligence assignments, as they stand, are appropriately categorized as positions, complete with positions descriptions that defined minimum qualifications and requirements. Further, as full-time positions, they should follow the CEP and competitive hiring principles and practices, including evaluations and supervision. If however, upon further review, reorganization or reassignment of duties, an Intel officer, as well as other assigned positions in IID, are going to be actual "details," such assignments must adhere to the prescribed time limits and be offered to qualified employees in order of seniority, pursuant to the applicable bargaining agreement. Furthermore, agency policies should be implemented so that there is an explicit process for agency personnel making these assignments to ensure a uniform and equitable approach to such placements. And finally, reporting of such detail assignments would be necessary.

The OEIG strongly reminds and recommends that IDOC ensure that everyone involved in a hire fill out the conflict of interest form and train employees to understand that personal relationships outside of work need to be identified and vetted. While supervising someone does not necessarily amount to a conflict, relationships outside of work, such as [Senior IDOC Employee 15] and [Former Senior IDOC Employee 1]'s, can be an actual, or give an appearance of, a conflict necessitating recusal.

Finally, given the timing of [Senior IDOC Employee 3]'s involvement in [IDOC Employee 1]'s assignment to the Intel Unit, and Commander Sims's role as an interviewer for the IID Program Commander North position, the OEIG strongly recommends that IDOC repost the IID Program Commander North position and that Commander Sims, not be part of that hiring process.

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

Date: **October 28, 2021**

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, #161**
Deputy Inspector General

Emily Grace Paymer, #125
Investigator

OFFICE OF THE GOVERNOR
207 STATE HOUSE
SPRINGFIELD, ILLINOIS 62706

JB PRITZKER
GOVERNOR

November 2, 2021

Via E-Mail to Antoinette Kwateng on behalf of:
Susan M. Haling
Executive Inspector General
Office of Executive Inspector General
69 West Washington, Suite 3400
Chicago, Illinois 60602

Re: OEIG Case No. 20-00408 –
Initial Response to Final Summary Report

Dear Executive Inspector General Haling:

Thank you for providing us with the Final Summary Report in Case No. 20-00408. In light of the detailed recommendations, we anticipate that our office and the Illinois Department of Corrections (IDOC) will provide several responses to you as we work to address the issues raised in the Report. This letter serves as our initial response.

First, the Governor's Office and IDOC will take steps as quickly as possible to respond to the OEIG's findings set out in the Final Summary Report. We will provide updates on those steps. Second, in response to one of the recommendations, IDOC is beginning the process of discipline (up to discharge) for Commander Sims. Third, CMS is working with IDOC to repost the IID Program Commander North position as recommended in the Report.

If you have any questions regarding this initial response, please let me know.

Sincerely,

[redacted]

Ann M. Spillane
General Counsel

OFFICE OF THE GOVERNOR
207 STATE HOUSE
SPRINGFIELD, ILLINOIS 62706

JB PRITZKER
GOVERNOR

December 2, 2021

Via E-Mail to Antoinette Kwateng on behalf of:
Susan M. Haling
Executive Inspector General
Office of Executive Inspector General
69 West Washington, Suite 3400
Chicago, Illinois 60602

Re: OEIG Case No. 20-00408 –
Second Response to Final Summary Report

Dear Executive Inspector General Haling:

Please allow this letter to serve as the second response from the Office of the Governor to the Final Report for OEIG Case Number 20-00408.

There are two developments to report since our initial response on November 2. First, the Governor's Office and IDOC determined that a new direction and leadership change in IDOC's Investigations and Intelligence Division (IID) was appropriate at this time in light of a number of considerations. The former Chief of IID is no longer with IDOC as of November 19, 2021 and we are working to identify a new candidate for that position. Second, IDOC has initiated the process of discipline for Commander Sims. Considering prior decisions of the Civil Service Commission and Commander Sims' overall employment history, IDOC is pursuing a 30-day suspension.

If you have any questions regarding this response, please let me know. We will provide a further response within one month.

Sincerely,

[redacted]

Scott Lerner
Deputy General Counsel

OFFICE OF THE GOVERNOR
207 STATE HOUSE
SPRINGFIELD, ILLINOIS 62706

JB PRITZKER
GOVERNOR

December 30, 2021

Via E-Mail to Antoinette Kwateng on behalf of:
Susan M. Haling
Executive Inspector General
Office of Executive Inspector General
69 West Washington, Suite 3400
Chicago, Illinois 60602

Re: OEIG Case No. 20-00408 –
Third Response to Final Summary Report

Dear Executive Inspector General Haling:

Please allow this letter to serve as the third response from the Office of the Governor to the Final Report for OEIG Case Number 20-00408. The report raises a number of issues relating to IDOC's Investigations and Intelligence Division (IID). We are working with IDOC to assess the appropriate reforms needed to address the issues raised in the report and to strengthen the work of that division. We understand the importance of providing a more detailed response in the near term and will provide a further response within one month. If you have any questions, please do not hesitate to contact Ann, Whitney, or me.

Sincerely,

[redacted]

Scott Lerner
Deputy General Counsel

OFFICE OF THE GOVERNOR
207 STATE HOUSE
SPRINGFIELD, ILLINOIS 62706

JB PRITZKER
GOVERNOR

March 31, 2022

Via E-Mail to Antoinette Kwateng on behalf of:
Susan M. Haling
Executive Inspector General
Office of Executive Inspector General
69 West Washington, Suite 3400
Chicago, Illinois 60602

Re: OEIG Case No. 20-00408 –
Fourth Response to Final Summary Report

Dear Executive Inspector General Haling:

Please allow this letter to serve as the fourth response from the Office of the Governor to the Final Report for OEIG Case Number 20-00408. We have appreciated the additional time to respond that your office has afforded us.

We continue to work with IDOC to assess the appropriate reforms needed to address the issues raised in the report and to strengthen the work of IDOC's Investigations and Intelligence Division. IDOC continues to search for a new Chief of Investigations and we believe that it is important if at all possible that the new Chief play a role in identifying the appropriate solutions and reforms. Unfortunately, that search has taken longer than we had hoped and has delayed our ability to provide a more concrete update. We identified a strong candidate who we just learned unfortunately will not be able to accept the job. We hope to report progress in our search and to detail more concrete steps shortly. Separately, we are able to report that Commander Sims has served his 30-day suspension.

We will provide an additional response within one month. If you have any questions, please do not hesitate to contact Ann, Whitney, or me.

Sincerely,

[redacted]

Scott Lerner
Deputy General Counsel

OFFICE OF THE GOVERNOR
207 STATE HOUSE
SPRINGFIELD, ILLINOIS 62706

JB PRITZKER
GOVERNOR

June 17, 2022

Via E-Mail to Antoinette Kwateng on behalf of:
Susan M. Haling
Executive Inspector General
Office of Executive Inspector General
69 West Washington, Suite 3400
Chicago, Illinois 60602

Re: OEIG Case No. 20-00408 –
Final Response to Final Summary Report

Dear Executive Inspector General Haling:

Please allow this letter to serve as the fifth and final response from the Office of the Governor to the Final Report for OEIG Case Number 20-00408.

In our fourth response, we explained that it had been our hope to onboard a new Chief of Investigations at IDOC who could focus on identifying long-term improvements to IDOC's Investigations and Intelligence Division ("IID"), including improvements relating to how IID is staffed. While we remain committed to improving the approach to staffing at IID and to strengthening the work of IID overall, it has taken longer than hoped to hire a new Chief of Investigations. At this point, we do not want to further delay the process set out in the Ethics Act regarding founded reports, so we are submitting this final response. We will separately continue to keep the OEIG apprised of our efforts to hire a new Chief of Investigations and our longer-term work to improve the staffing of IID. IDOC has drafted a preliminary plan for how it envisions modifying IID and will work with the Governor's Office and CMS to refine and implement that plan.

In the meantime, we are working with the existing staff at IDOC including the Acting Chief of Investigations to institute a number of intermediate changes in response to the Final Report. These changes include:

- Ensuring that vacancies that arise within IID are communicated and announced appropriately to the corrections officers in the facilities and that candidates understand how to express their interest and have an opportunity to submit themselves for consideration.

- Developing selection criteria for vacancies that arise within IID and documenting the rationale for selecting a particular candidate as well as who was responsible for the selection.

- Ensuring that relationships and potential conflicts among decision-makers are disclosed and that decision-makers with conflicts do not participate in selection.

- Developing a description of responsibilities for those individuals working within IID and ensuring that the reporting structure for IID staff is clear.

- Performing routine (at least annual) performance evaluations of those individuals working within IID based on the responsibilities identified, and ensuring that only individuals with acceptable reviews continue in the role.

- Ensuring that personnel records accurately reflect when individuals are working within IID.

IDOC is in the process of updating its Administrative Directive regarding Institutional Investigative Assignments to align with these changes.

Thank you again for your detailed report and recommendations. If you have any questions, please do not hesitate to contact Ann, Whitney, or me.

Sincerely,

[redacted]

Scott Lerner
Deputy General Counsel