IN THE EXECUTIVE ETHICS COMMISSION
OF THE STATE OF ILLINOIS

In re: DANIEL REARDON	)	
JAMES CRANE	)	OEIG Case # 10-00043

OEIG FINAL REPORT (REDACTED)

Below is a final summary report from an Executive Inspector General. The General Assembly has 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).

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

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

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

FINAL REPORT

I. ALLEGATIONS

The Office of Executive Inspector General (OEIG) received a complaint alleging Illinois Department of Corrections (IDOC) parole agents Daniel Reardon and James Crane impermissibly accessed and disclosed confidential parolee data, causing the confidential parolee data to be released to the news media. The OEIG concludes that this allegation is **FOUNDED**. During the course of the investigation, Mr. Reardon and Mr. Crane were also non-cooperative in violation of the State Officials and Employees Ethics Act (Ethics Act). In addition, the OEIG finds that Mr. Reardon and Mr. Crane engaged in conduct that reflected unfavorably upon IDOC and engaged in conduct unbecoming an IDOC employee.

II. BACKGROUND

A. The Meritorious Good Time Program

In September of 2009, IDOC formalized an early release program known as the Meritorious Good Time Push Program (Good Time Program). Prior to formalizing the Good Time Program, IDOC had an unwritten rule requiring prisoners to serve a minimum of 61 days at an IDOC facility before being eligible for early release or parole. Under the Good Time Program, prisoners were eligible for parole prior to the expiration of the 61-day period. The Good Time Program did not exclude any prisoners from participating, including prisoners convicted of certain violent crimes.

Between September and December 2009, more than 1,700 prisoners were paroled under the Good Time Program. Of the 1,700 prisoners paroled, 56 of them were returned to State custody, either because of a new arrest or because they violated a condition of release. Specifically, 48 of the 56 prisoners were charged with violating the terms of their respective release and the remaining 8 of the 56 were charged with new offenses.

In December 2009 and January 2010, several news articles were published regarding the Good Time Program, two of which were written by John O'Connor of the Associated Press. The two O'Connor articles included confidential prisoner information.

In December 2009, and after the publication of news articles regarding the Good Time Program, Governor Pat Quinn terminated it and stated he would formalize the 61-day rule.

B. Daniel Reardon

Daniel Reardon has been an IDOC parole agent since 1984. As a parole agent, Mr. Reardon supervises IDOC parolees who reside in Southern Illinois counties. As part of his duties, Mr. Reardon accesses IDOC's Automated Management System. This system allows Mr. Reardon to update and access parolee information on a real time basis. In order to access data regarding a particular parolee, Mr. Reardon is required to use his unique private identification number. Each time Mr. Reardon, or for that matter any parole agent, reviews information on the Automated Management System, a record is created reflecting the parole agent's private identification number.

The Automated Management System contains information that is not available to the public, including the parolee's age, original charge date, date of release, and nature of new offense.

C. James Crane

James Crane has been an IDOC parole agent since 1985. As a parole agent, Mr. Crane also supervises IDOC parolees who reside in Southern Illinois counties. Like Mr. Reardon, Mr. Crane has access to IDOC's Automated Management System and is assigned a unique private identification number.

III. INVESTIGATION REGARDING PAROLEE INFORMATION ACCESS

A. Reporter John O'Connor's Freedom of Information Act Requests

Beginning on December 18, 2009, Associated Press reporter John O'Connor began submitting Freedom of Information Act requests to IDOC seeking information on 460 IDOC prisoners who had been paroled under the Good Time Program.[1] An OEIG review of Mr. O'Connor's FOIA requests reveals that he *did not* request information relating to the following seven IDOC parolees:

- [parolee 1]
- [parolee 2]
- [parolee 3]
- [parolee 4]
- [parolee 5]
- [parolee 6]
- [parolee 7]

IDOC Chief Legal Counsel [redacted] confirmed that in responding to the FOIA requests, IDOC did not supply any information to Mr. O'Connor about the above seven parolees, because they were not included in any of Mr. O'Connor's FOIA requests.

B. Daniel Reardon Accesses Parolee Information

On December 29, 2009, just over ten days after Mr. O'Connor began issuing FOIA's, Daniel Reardon conducted parolee searches via the Automated Management System. OEIG investigators reviewed the various searches Mr. Reardon conducted. Mr. Reardon accessed parolee information via the Automated Management System for the following five individuals, none of which Mr. O'Connor had requested FOIA information about.

- [parolee 2]
- [parolee 4]
- [parolee 5]
- [parolee 6]
- [parolee 7]

Mr. Reardon conducted additional searches on the above five parolees on December 30, 2009.

C. Interview of [employee 1] Regarding Mr. Reardon's Access

On February 11, 2011, OEIG investigators interviewed [employee 1]. Investigators requested [employee 1] review the December 29 and 30, 2009 Automated Management System

[1] Mr. O'Connor issued 16 FOIA requests to IDOC. Each request identified by name between 6 to 78 Good Time Program parolees.

search records to determine the identity of all IDOC employees who accessed and reviewed parolee information for the five parolees on those two days.

According to [employee 1], every IDOC employee, other than Mr. Reardon, had a legitimate IDOC business reason to review parolee information for the five individuals. Specifically, the records revealed that the parole agents, other than Mr. Reardon, were the assigned parole agents or worked in the warrant department. According to [employee 1], Mr. Reardon was not assigned to supervise any of these five parolees. In fact, the five parolees were supervised by parole agents in the Northern Region, Chicago, Illinois. [Employee 1] advised that because Mr. Reardon was responsible for parolees in Southern Illinois, he had no reason to access records for parolees residing in the Northern Region.

D. John O'Connor's December 30, 2009 Article

On December 30, 2009, one day after Mr. Reardon conducted searches on five parolees, John O'Connor wrote the first of two articles relating to the Good Time Program. The December 30, 2009 article was titled, "Released Prisoners Again Accused of New Crimes."[2] In the December 30, 2009 article, Mr. O'Connor cited a "law enforcement official familiar with the records" on the condition of anonymity.

The December 30, 2009 O'Connor article noted that at least 18 prisoners released under the Good Time Program were returned to prison, having committed "new, violent crimes." In the article, Mr. O'Connor included specific information regarding three parolees. The three parolees Mr. O'Connor identified were three of the seven individuals whom Mr. O' Connor had *not* requested FOIA information and were three of the five parolees Mr. Reardon accessed the day before (December 29, 2009). Those parolees were as follows:

- [parolee 4]
- [parolee 6]
- [parolee 7]

In addition, for each of the above three parolees, John O'Connor identified their age, original charge, date of release, and the nature of the new offense, which is information available via the Automated Management System.

E. James Crane Accesses Parolee Information

On January 5, 2010, James Crane accessed and reviewed parolee information via the Automated Management System for the following two individuals:

- [parolee 1]
- [parolee 3]

F. Interview of [employee 1] Regarding Mr. Crane's Access

[2] Numerous news outlets published this article including, Breitbart, Lincoln Daily News, and Real Clear Politics.

[Employee 1] reviewed the Automated Management System records to determine the identity of all IDOC employees who accessed and reviewed parolee files on January 5, 2010.

According to [employee 1], all of the IDOC employees, other than Mr. Crane, had a legitimate IDOC business reason to review these records. According to [employee 1], Mr. Crane was not assigned to supervise either [parolee 1] or [parolee 3]. In fact, the two parolees were supervised by parole agents in the Northern Region, Chicago Illinois. [Employee 1] advised that because Mr. Crane was responsible for parolees in Southern Illinois, he had no reason to access records for parolees residing in the Northern Region.

G. John O'Connor's E-Mail to IDOC Employees

On January 7, 2010, Mr. O'Connor sent an e-mail to a number of IDOC officials and a Governor's Office employee.[3] In the e-mail, Mr. O'Connor stated that he was working on a story and possessed information that conflicted with statements made by Governor Quinn regarding the Good Time Program. Mr. O'Connor stated that he believed Governor Quinn had failed to accurately quantify the number of Good Time Program parolees who had been re-arrested as a result of having committed new crimes. Mr. O'Connor specifically recounted the re-arrest information for the following five parolees, for whom he *did not* request FOIA information:

- [parolee 1]
- [parolee 2]
- [parolee 3]
- [parolee 4]
- [parolee 5]

In his January 7, 2010 email, Mr. O'Connor also made reference to the identity of 56 parolees released under the Good Time Program who had also been returned to custody.

H. Interview of [employee 1] Regarding 56 Parolees

During her February 2011 OEIG interview, [employee 1] also reviewed the Automated Management System access information for the 56 parolees identified in Mr. O'Connor's January 7, 2010 email. A review of the records revealed that Mr. Reardon accessed the files for 34 of the 56 parolees. It was also determined that Mr. Crane accessed the files for 11 of the 56 parolees.

Mr. Reardon and Mr. Crane accessed the records beginning in December 2009, which was about the same time John O'Connor began issuing his FOIA requests.[4]

I. John O'Connor's January 8, 2010 Article

[3] The e-mail was sent to Governor's Office employee [employee 2] and IDOC employees [employee 3], [employee 4], and [employee 5].

[4] As noted above, Mr. O' Connor began making his FOIA requests on December 18, 2009.

On January 8, 2010, John O'Connor wrote a second article titled, "17 Early Release Parolees Charged with New Crimes." The State Journal-Register published the second article. The second article contained information relating to the following five Good Time Program parolees:

- [parolee 1]
- [parolee 2]
- [parolee 3]
- [parolee 4]
- [parolee 5]

IV. INITIAL SUBJECT INTERVIEWS AND CRANE RETIREMENT

A. First Interview of Daniel Reardon

On July 7, 2010, OEIG investigators interviewed Daniel Reardon. During the interview, Mr. Reardon stated that he is acquainted with John O'Connor. According to Mr. Reardon, Mr. O'Connor contacts him approximately one time per year to discuss information for his stories. Mr. Reardon denied ever sharing information obtained from the Automated Management System with Mr. O'Connor or any other media outlet or representative.

Mr. Reardon was asked why he reviewed the case files of the men identified in Mr. O'Connor's articles. In response, Mr. Reardon stated that as a union steward he was concerned with the labor management safety issues raised by the Good Time Program. Mr. Reardon said he accessed the information to prepare for a labor management meeting during which the effects of the Good Time Program would be discussed. Mr. Reardon, however, stated that the labor management meeting never occurred.

When asked to explain how he had determined which parolees' records he would review in preparation for the labor management meeting, Mr. Reardon said that he may have reviewed the records of those parolees whose parole agents had contacted him to express concerns they (parole agents) had with either the parolee or the Good Time Program.

B. First Interview of James Crane

On May 27, 2010, OEIG investigators interviewed James Crane. During the interview, Mr. Crane stated that he considers Mr. Reardon a friend. Mr. Crane said he and Mr. Reardon have worked together throughout their IDOC careers and assist each other with their caseloads.

Mr. Crane denied ever sharing information obtained from the Automated Management System with Mr. O'Connor or any other media outlet or representative. Mr. Crane stated that he never supervised [parolee 1] or [parolee 3], and stated that *if* he had accessed information about them from the Automated Management System, it was because he entered one of his parolee's identification numbers "incorrectly," and said it was a coincidence that Mr. O'Connor mentioned detailed information about those parolees in his email and newspaper article. Mr. Crane was

unable to explain why he and Mr. Reardon were the only IDOC staff who accessed the case files in question without having a legitimate IDOC business reason. Mr. Crane repeated Mr. Reardon's assertion that he may have reviewed the files in preparation for a labor management meeting. In addition, Mr. Crane said that in his capacity as a union steward he received calls from other agents concerning parolees.

C. James Crane Retires

In December 2010, OEIG investigators learned that Mr. Crane retired from State employment effective November 30, 2010.

V. RE-INTERVIEWS OF SUBJECTS

A. Interviews of the Parole Agents for Parolees Named in the O'Connor Articles

Between November 2010 and December 2010, OEIG investigative staff interviewed the parole agents for the following individuals:

- [parolee 1]
- [parolee 2]
- [parolee 3]
- [parolee 4]
- [parolee 5]

Each parole agent denied contacting Mr. Reardon or Mr. Crane to discuss the Good Time Program or any parolee under his supervision. Moreover, each parole agent denied knowing or recognizing the names of Mr. Reardon and Mr. Crane.

B. Second Interview of James Crane

On March 24, 2011, OEIG investigators conducted a second interview of Mr. Crane. During the interview, Mr. Crane stated he accessed the Automated Management System for the eleven Good Time Program parolees noted above, but did so at the request of Mr. Reardon. Mr. Crane stated that upon entering the Marion Field Office (Mr. Crane could not recall the date), Mr. Reardon supplied him with the identifying information for eleven parolees. According to Mr. Crane, Mr. Reardon asked him to run the histories for the eleven parolees. Mr. Crane could not recall if he was asked to access the names of more than the eleven Good Time Program parolees.

Mr. Crane stated he reviewed the information for the parolees in the Automated Management System and did so with the intent to identify how each parolee had violated his parole. Mr. Crane stated he shared that information with Mr. Reardon. Mr. Crane stated he did not know what Mr. Reardon did with the information. Mr. Crane stated it was his understanding that Mr. Reardon needed the information to prepare for a labor management meeting. Mr. Crane stated a labor management meeting wherein the Good Time Program was discussed occurred

sometime in July 2010. Mr. Crane stated that he only shared the information with Mr. Reardon and did not provide Mr. O'Connor with any information.

Mr. Crane was asked about phone calls he said he had received from parole agents in the Northern Illinois Region. In response, Mr. Crane said he never received any telephone calls from parole agents in the Northern Region expressing safety concerns about Good Time Program parolees.

C. Second Interview of Daniel Reardon

On March 24, 2011, OEIG investigators interviewed Mr. Reardon for the second time. During the interview, Mr. Reardon was asked about the instances when he received telephone calls from parole agents from the Northern Region. In response, Mr. Reardon recalled receiving two telephone calls from parole agents working outside the Southern Region. The first occurred in 2007 and the second in March of 2011. OEIG investigators reminded Mr. Reardon that in his prior statement to investigators, he said he might have obtained the names of the Good Time Program parolees in question from those parole agents who had contacted him about the parolees and related safety concerns. In response, Mr. Reardon stated he could not remember where he obtained the identifying data for the parolees whose case files he accessed.

Mr. Reardon stated that if he accessed the Automated Management System and reviewed the parolee information, it was in preparation for a labor management meeting. Mr. Reardon stated that no IDOC policy prevented him from accessing the information for that purpose.

VI. INTERVIEW OF [EMPLOYEE 6]

On April 20, 2011, OEIG investigators interviewed [employee 6]. During that interview, [employee 6] stated that because Mr. Crane was not supervising the parolees, he was prohibited from accessing the Automated Management System and reviewing the confidential data for those Good Time Program parolees, even at Mr. Reardon's request. [Employee 6] also stated Mr. Crane was, therefore, prohibited from subsequently sharing that Automated Management System information with Mr. Reardon.

VII. ANALYSIS

A. Daniel Reardon Impermissibly Accessed Confidential Parolee Records

The Illinois Administrative Code states, "Employees shall respect the confidentiality of information and shall be prohibited from accessing or disclosing information such as, but not limited to, investigations, parolee records, and personnel issues, except to the extent needed in the performance of their job duties."[5] 20 IL Admin. Code 120.40(g). The information contained in the Automated Management System falls within the purview of this provision.

[5] See also IDOC Administrative Directive 03.02.108(II)(G)(1)(g).

[Employee 1] confirmed that Mr. Reardon accessed the Automated Management System on December 29 and 30, 2009 and reviewed confidential parolee records for [parolee 2], [parolee 4], [parolee 5], [parolee 6], and [parolee 7]. As a Southern Illinois parole agent, Mr. Reardon was not responsible for supervising any of those Northern Region parolees. It is apparent Mr. Reardon did not access the information in furtherance of his job duties. Instead, Mr. Reardon accessed the records in order to relay relevant information to reporter John O'Connor. Therefore, the allegation that Mr. Reardon impermissibly accessed confidential parolee records is **FOUNDED.**

B. James Crane Impermissibly Accessed Confidential Parolee Records

The Illinois Administrative Code states, "Employees shall respect the confidentiality of information and shall be prohibited from accessing or disclosing information such as, but not limited to, investigations, parolee records, and personnel issues, except to the extent needed in the performance of their job duties."[6] 20 IL Admin. Code 120.40(g). The information contained in the Automated Management System falls within the purview of this provision.

Mr. Crane admitted that on January 5, 2010, at the request of Mr. Reardon, he accessed the Automated Management System and reviewed confidential parolee records for [parolee 1] and [parolee 3]. Mr. Crane was not responsible for supervising either of the parolees. Admittedly, Mr. Crane did not access those files in furtherance of his job duties. Instead, he did so at the request of Mr. Reardon and with the intent to report to Mr. Reardon the reason each parolee had been returned to custody. Because Mr. Crane accessed the confidential parolee records for [parolee 1] and [parolee 3] in order to share relevant information with Mr. Reardon and not in furtherance of his job duties, the allegation that Mr. Crane impermissibly accessed confidential parolee records is **FOUNDED.**

C. James Crane Impermissibly Released Confidential Information

The Illinois Administrative Code states, "Employees shall respect the confidentiality of information and shall be prohibited from accessing or disclosing information such as, but not limited to, investigations, parolee records, and personnel issues, except to the extent needed in the performance of their job duties."[7] 20 IL Admin. Code 120.40(g). The information contained in the Automated Management System falls within the purview of this provision.

James Crane admitted he disclosed confidential parolee data obtained from the Automated Management System to Daniel Reardon. Mr. Crane claimed he could not be certain what Mr. Reardon did with the information. However, Mr. Crane knew Mr. Reardon was not the parole agent responsible for supervising those parolees and therefore had no legitimate IDOC business reason to have the information. Accordingly, the allegation that Mr. Crane impermissibly disclosed confidential parolee data when he released that information to Mr. Reardon is **FOUNDED**.

D. Daniel Reardon Impermissibly Released Confidential Information

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[6] See also IDOC Administrative Directive 03.02.108(II)(G)(1)(g).
[7] See also IDOC Administrative Directive 03.02.108(II)(G)(1)(g).

The Illinois Administrative Code states, "Employees shall respect the confidentiality of information and shall be prohibited from accessing or disclosing information such as, but not limited to, investigations, parolee records, and personnel issues, except to the extent needed in the performance of their job duties."[8] 20 IL Admin. Code 120.40(g). The information contained in the Automated Management System falls within the purview of this provision.

On December 29 and 30, 2009, Mr. Reardon accessed confidential parolee data for [parolee 2], [parolee 4], [parolee 5], [parolee 6], and [parolee 7]. IDOC officials confirmed that Mr. Reardon was the only IDOC employee to access this information without a legitimate IDOC business reason. Then, on December 30, 2009, shortly after accessing this information, an article written by Mr. O'Connor was published containing confidential parolee data for three of the parolees Mr. Reardon accessed, namely, [parolee 4], [parolee 6], and [parolee 7]. Mr. O'Connor did not issue a FOIA request for any of the parolees or cite to documents he received in response to his FOIA requests as the basis for the information included in his article. Rather, as noted in the O'Connor article, the parolee information was supplied by a "law enforcement official" familiar with the records. The OEIG concludes that despite his denials, Mr. Reardon was in fact that law enforcement official.

Mr. Crane's statements further confirm the conclusion that Mr. Reardon supplied confidential information to Mr. O'Connor. According to Mr. Crane, on January 5, 2010, he accessed the Automated Management System and reviewed confidential parolee data for [parolee 1] and [parolee 3] at the request of Mr. Reardon. IDOC officials confirmed that Mr. Crane was the only IDOC employee who accessed this information without having a legitimate IDOC business reason. Then, two days later, on January 7, 2010, Mr. O'Connor e-mailed IDOT officials and recounted confidential parolee information relating to [parolee 1], [parolee 3], [parolee 2], [parolee 4], and [parolee 5]. These parolees were the same ones Mr. Crane and Mr. Reardon accessed via Automated Management System just days before Mr. O'Connor sent his e-mail. On January 8, 2010, an article written by John O'Connor was published. That article included non-public information related to those same five parolees. This was not a coincidence. The OEIG concludes that Mr. Crane conducted searches for Mr. Reardon who then provided that information to Mr. O'Connor.

In further support of this conclusion, the OEIG notes that Mr. Reardon admitted that he was acquainted with John O'Connor and further admitted discussing information with John O'Connor, although he denied sharing parolee information with John O'Connor in this instance.

While both James Crane and Daniel Reardon denied sharing information from the Automated Management System with John O'Connor, neither Mr. Reardon nor Mr. Crane could offer a reasonable explanation as to why they reviewed parolee information for parolees not under their supervision. Instead, they stated that they either accessed the information:

(1) for a labor management meeting;
(2) in furtherance of their duties as union stewards; or
(3) by accident.

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[8] See also IDOC Administrative Directive 03.02.108(II)(G)(1)(g).

However, none of the above explanations have merit. In addition, other than the purported "accident," none of the above reasons are related to either of their job duties. It is clear that Mr. Reardon and Mr. Crane impermissibly accessed the Automated Management System records and that Mr. Reardon shared confidential information with reporter John O'Connor.

Initially, Mr. Reardon and Mr. Crane suggested they reviewed the confidential parolee data after the parole agents responsible for the parolees contacted them with safety concerns about the Good Time Program. Those statements are not credible. Mr. Reardon and Mr. Crane are asking the OEIG to accept the assertion that they were contacted by Northern Illinois parole agents (1) to access the same database the Northern Illinois parole agents could access (2) to retrieve the same information the Northern Illinois parole agents could retrieve (3) about parolees the Northern Illinois agents were assigned to supervise. Nevertheless, OEIG investigators confirmed that none of the assigned parole agents contacted Mr. Reardon or Mr. Crane or even recognized Mr. Reardon or Mr. Crane's names.

During his second interview, Mr. Reardon changed his statement, and stated that he had only been contacted twice by Northern Region parole agents. During Mr. Reardon's second interview he stated he could not recall where he received the identifying information that prompted him to access the Automated Management System to review the parolees' confidential data.

During his July 7, 2010 OEIG interview, Mr. Crane also suggested that he inadvertently accessed the Good Time Program parolee information by incorrectly entering the parolee identification number of one of his parolees. Mr. Crane retrieved information on a total of eleven participants in the Good Time Program, two of whom were identified by reporter John O'Connor within days after Mr. Crane accessed the Automated Management System. It would be nearly impossible to incorrectly key in a parolee identification number and have that entry coincidentally return information for one of the parolees mentioned by reporter John O'Connor. The OEIG finds incredible Mr. Crane's assertion that he accidently coincidentally retrieved confidential information about the same two parolees identified by Mr. O'Connor.

Mr. Reardon and Mr. Crane also tried to explain their actions by stating that they accessed the confidential parolee data in preparation for an unscheduled labor management meeting. At the time Mr. Reardon and Mr. Crane accessed the parolee data in late December 2009 and early January 2010, the Governor had already announced the discontinuation of the Good Time Program, thus making the program's effect on parole agent safety moot and a subsequent labor management meeting to discuss the effect unnecessary and untimely.

When questioned about this purported labor management meeting, Mr. Reardon stated that it never occurred, and Mr. Crane stated it occurred in July 2010. If Mr. Reardon and Mr. Crane accessed the confidential parolee data for the July 2010 labor management meeting, they did so six or seven months prior to the actual meeting date. Such an action — accessing the parolee data six or seven months prior to the occurrence of a meeting to discuss a program that was no longer in existence — is illogical and mere pretext. Moreover, although Mr. Crane stated that he accessed the confidential parolee data for use at a labor management meeting, Mr. Crane

admitted not knowing what Mr. Reardon actually did with the information. Accordingly, the explanations offered by Mr. Reardon and Mr. Crane are both insufficient and illogical.

Mr. Reardon violated the Administrative Code when he impermissibly accessed confidential parolee information outside of his job duties. He then further violated the Administrative Code by releasing that confidential information to reporter John O'Connor. As such, the allegation that Mr. Reardon caused confidential information to be released to a member of the media is **FOUNDED**.

E. Daniel Reardon Violated the Ethics Act Non-Cooperation Provision

The Ethics Act requires every employee under the jurisdiction of the OEIG to cooperate in any OEIG investigation. 5 ILCS 430/20-70. The Ethics Act further states that failure to cooperate includes, but is not limited to, making knowing false statements to OEIG investigators. *Id.* The OEIG concludes that Daniel Reardon not only made numerous false statements to OEIG investigators during his two OEIG interviews, but that he continues to make false statements. The totality of the evidence in this case indicates that Mr. Reardon was instrumental in relaying confidential Good Time Program parolee information to John O'Connor and even though Mr. Reardon has been given multiple opportunities to admit to his wrongdoing, he continues to deny involvement. Mr. Reardon continues to tell OEIG investigators that he reviewed the information in the Automated Management System in preparation for a labor management meeting. Mr. Reardon's continued false statements to OEIG investigators amounts to non-cooperation under the Ethics Act.

Furthermore, during his July 7, 2010 interview, when asked to explain how he determined which parolees' records he would review in preparation for the purported labor management meeting, Mr. Reardon stated he may have reviewed the records of those parolees whose parole agents contacted him to express concerns they had with the Good Time Program. When asked the same question during his March 24, 2011 interview, Mr. Reardon recanted and said he had only been contacted by two Northern Region parole agents during his career and not at times proximate to his review of the Good Time Program parolee information in the Automated Management System. In the meantime, however, the OEIG contacted the Northern Region parole agents responsible for supervising the five paroles at issue. They all said they did not contact Mr. Reardon. Then during his March 24, 2011 interview, Mr. Reardon stated he could not recall how he obtained the identifying data for the parolees whose case files he accessed. Mr. Reardon's response to this question during his first OEIG interview was knowingly false, as evidenced by Mr. Reardon's ready knowledge revealed during his second OEIG interview, specifically that he had only ever been contacted twice by Northern Region parole agents. Because of this conflicting information, Mr. Reardon's assertions during his two interviews were false, which constitutes "failure to cooperate," within the meaning of the Ethics Act. Therefore, the allegation that Mr. Reardon failed to cooperate in this OEIG investigation is **FOUNDED.**

F. James Crane Violated the Ethics Act Non-Cooperation Provision

Mr. Crane also failed to cooperate with OEIG investigators. Mr. Crane made false statements to conceal both his and Mr. Reardon's wrongdoing, and continues to deny that he knew why Mr. Reardon asked him to access confidential parolee data for Good Time Program parolees. Even though Mr. Crane may not have directly provided confidential information to John O'Connor, he was aware that Mr. Reardon intended to do so. By maintaining that neither he nor Mr. Reardon shared confidential parolee information with John O'Connor, Mr. Crane continues to fail to cooperate in this OEIG investigation and, thus, this allegation is **FOUNDED.**

G. Daniel Reardon and James Crane Engaged in Conduct that was Unbecoming IDOC Employees

Illinois Administrative Code states, "Employees shall conduct themselves in a manner that will not reflect unfavorably on the Department and shall not engage in conduct that is unbecoming of an employee or that may reflect unfavorably on or impair the operations of the Department." 20 IL Admin. Code 120.30.[9]

Mr. Reardon and Mr. Crane violated this policy when they accessed confidential parolee information. By accessing confidential parolee information for a purpose not related to their job duties, and with the intent to share the information with third parties (Mr. Crane with Mr. Reardon and Mr. Reardon with reporter John O'Connor), Mr. Reardon and Mr. Crane engaged in conduct unbecoming IDOC employees. Therefore, the allegation that Mr. Reardon and Mr. Crane engaged in conduct unbecoming IDOC employees is **FOUNDED**.

H. Daniel Reardon and James Crane Engaged in Conduct that Reflected Unfavorably on IDOC

Illinois Administrative Code states, "Employees shall conduct themselves in a manner that will not reflect unfavorably on the Department and shall not engage in conduct that is unbecoming of an employee or that may reflect unfavorably on or impair the operations of the Department." 20 IL Admin. Code 120.30.[10]

Mr. Reardon and Mr. Crane violated the above provision when they released confidential parolee information to individuals not entitled to receive this information. Releasing confidential parolee information reflects unfavorably on the operations of the Department. As IDOC parole agents, Mr. Reardon and Mr. Crane are charged with complying with Department rules and regulations including protecting information that is confidential. By releasing confidential information to unauthorized parties, Mr. Reardon and Mr. Crane failed to act in a manner favorable to IDOC. As such, the allegation that Mr. Reardon and Mr. Crane engaged in conduct that reflected unfavorably on IDOC is **FOUNDED**.

I. Daniel Reardon and James Crane Engaged in Conduct Unbecoming IDOC Employees When They Made False Statements

[9] See also IDOC Administrative Directive 03.02.108(I)(B).
[10] See also IDOC Administrative Directive 03.02.108(I)(B).

Illinois Administrative Code states, "Employees shall conduct themselves in a manner that will not reflect unfavorably on the Department and shall not engage in conduct that is unbecoming of an employee or that may reflect unfavorably on or impair the operations of the Department." 20 IL Admin. Code 120.30.[11]

During their OEIG interviews, Mr. Reardon and Mr. Crane attempted to conceal their behavior by making false statements to OEIG investigators. Such conduct is unbecoming an IDOC employee. Therefore, the allegation that Mr. Reardon and Mr. Crane engaged in conduct unbecoming IDOC employees is **FOUNDED.**

VIII. RECOMMENDATIONS

- **FOUNDED** – Daniel Reardon impermissibly accessed confidential parolee data.
- **FOUNDED** – James Crane impermissibly accessed confidential parolee data.
- **FOUNDED** – Daniel Reardon impermissibly released confidential parolee data to reporter John O'Connor.
- **FOUNDED** – James Crane impermissibly released confidential parolee data to Daniel Reardon.
- **FOUNDED** – Daniel Reardon was non-cooperative in this OEIG investigation.
- **FOUNDED** – James Crane was non-cooperative in this OEIG investigation.
- **FOUNDED** – Daniel Reardon engaged in conduct that was unbecoming when he impermissibly accessed confidential parolee data.
- **FOUNDED** – James Crane engaged in conduct that was unbecoming when he impermissibly accessed confidential parolee data.
- **FOUNDED** – Daniel Reardon engaged in conduct that reflected unfavorably on IDOC when he impermissibly released confidential parolee data.
- **FOUNDED** – James Crane engaged in conduct that reflected unfavorably on IDOC when he impermissibly released confidential parolee data.
- **FOUNDED** – Daniel Reardon engaged in conduct unbecoming an IDOC employee when he made false statements to OEIG investigators.
- **FOUNDED** – James Crane engaged in conduct unbecoming an IDOC employee when he made false statements to OEIG investigators.

[11] See also IDOC Administrative Directive 03.02.108(I)(B).

Based upon the evidence, the OEIG recommends that Daniel Reardon be terminated and a copy of this Final Report be kept in Mr. Reardon's personnel file in the event he applies for future employment with IDOC. In light of the fact that James Crane is no longer a State employee, the OEIG recommends that a copy of this Final Report be kept in his personnel file in the event he applies for future employment with IDOC.

The OEIG will request that the Illinois Attorney General file a complaint with the Illinois Executive Ethics Commission alleging violations of the Ethics Act by Mr. Reardon and Mr. Crane.

No further investigative action is warranted and this case is considered closed.

Illinois
Department of
Corrections

Pat Quinn
Governor

S. A. Godinez
Director

1301 Concordia Court • P.O. Box 19277
Springfield IL 62794-9277

Telephone: (217) 558-2200
TDD: (800) 526-0844

Via email and U.S. Mail

June 20, 2011

Kristy L. Shores
Deputy Inspector General
Division of Complaints and Compliance
Office of Executive Inspector General
32 West Randolph Street Suite 1900
Chicago, IL 60611

RE: OEIG Case No. 10-0043

The Illinois Department of Corrections ("Department") is in receipt of your final report concerning multiple findings against Mr. Reardon and Mr. Crane. Please accept this as an initial response in the above-referenced case. Mr. Reardon remains an active Department employee who has submitted a letter of intent to retire from the Department. Mr. Crane retired during the course of your office's investigation.

The Department agrees with your office's recommendation that your final report be incorporated into the personnel file of Mr. Crane. As to Mr. Reardon's case, the Department is respectful of your Office's recommendation that the Department terminate Mr. Reardon. However, the Department is bound in this matter by a collective bargaining agreement ("CBA") discipline process and prior discipline precedent.

Pursuant to provisions of the AFSCME CBA, Mr. Reardon is allowed notice of charges in advance of a hearing in front of an employee review board which will in turn make recommendations for discipline to Department management. Mr. Reardon may eventually exercise his appeal right to challenge any discipline, which ultimately may be heard and decided by a third party arbitrator. Consequently, final discipline in this matter may not solely be controlled by the Department.

After extensive review of the final report and investigative material and with an emphasis on serious misconduct discovered throughout the course of the investigation, the Department will pursue the following charges against Mr. Reardon:

1) "Daniel Reardon was non-cooperative in this OEIG investigation."

2) "Daniel Reardon engaged in conduct unbecoming an IDOC employee when he made false statements to OEIG investigators."
3) "Daniel Reardon impermissibly accessed confidential parolee data."
4) "Daniel Reardon impermissibly released confidential parolee data to reporter John O'Connor."
5) "Daniel Reardon engaged in conduct that was unbecoming when he impermissibly accessed confidential parolee data."
6) "Daniel Reardon engaged in conduct that reflected unfavorably on IDOC when he impermissibly released confidential parolee data."

We will provide Mr. Reardon with notice of the charges within the next week. The employee review board hearing will occur very shortly thereafter. As final discipline has not yet been imposed in this matter, the Department respectfully requests that his case remain open and that the Department be allowed the opportunity to supplement this response upon the determination of final discipline.

If you have any questions, please do not hesitate to contact me at 312-814-2891

Sincerely,

Cara L. Smith
Chief of Staff

Cc: S.A. Godinez, Director
Joseph W. Rose, Acting Chief Legal Counsel

Illinois
Department of
Corrections

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August 9, 2011

Kristy L. Shores
Deputy Inspector General
Division of Complaints and Compliance
Office of Executive Inspector General
32 West Randolph Street Suite 1900
Chicago, IL 60611

Re: OEIG Case No. 10-00043

Dear Ms. Shores:

Please be advised this letter is a supplemental response to the Department of Corrections' ("Department") June 20, 2011 letter to your office concerning the final report concerning multiple findings against Mr. Reardon. During the investigation phase of this matter, Mr. Reardon filed his intent to retire on March 28, 2011 and Mr. Reardon retired and separated from the Department effective July 29, 2011.

Following the Department's June 20, 2011 letter to your office, Mr. Reardon was served with the OEIG complaint and referral for an Employee Review Hearing on July 18, 2011. Shortly thereafter, the union representing Mr. Reardon requested and was granted a continuance due to the large volume of material in this case. As Mr. Reardon's retirement date approached, the Department decided to set the hearing date after Mr. Reardon's retirement date as any imposition of discipline at that point in time would be considered moot. In the event that Mr. Reardon did not retire at the end of July, he would have faced the hearing upon his return to work on August 1, 2011. Consistent with your office's prior recommendation for former Department employee Mr. Crane, the Department's action will place Complaint #10-00043 Final Report into Mr. Reardon's personnel file in the event he applies for future employment with the Department.

If you have any questions, please do not hesitate to contact me at 217/558-2200 ext. 2002.

Sincerely,

S.A. Godinez, Director
Illinois Department of Corrections