



INVESTIGATIVE REPORT

Lori Torres, Inspector General

OFFICE: INDIANA STATE POLICE (ISP)
TITLE: OUTSIDE EMPLOYMENT; CONFLICT OF INTERESTS
(UNSUBSTANTIATED)
CASE ID: 2019-11-0297
DATE: July 7, 2020

Inspector General Staff Attorney Kelly Elliott, after an investigation by Inspector General Special Agent Mark Mitchell, reports as follows:

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

Complaint

In November 2019, the OIG received a complaint alleging that an employee (Employee) with the Indiana State Police (ISP) was operating a private training business (Business) in violation of the Code of Ethics (Code), which is found in Ind. Code 4-2-6 and 42 IAC 1. The complaint alleged that the Employee was providing his private training services to ISP personnel. The complaint indicated that the allegations were based on pictures and videos posted to the Business' Facebook page that showed ISP personnel engaging in training exercises. The complaint

questioned if the Employee maintained a contract with ISP to provide his training services to ISP personnel.

Investigation

OIG Special Agent Mark Mitchell investigated the allegations. During the course of his investigation, Special Agent Mitchell interviewed the Employee and reviewed ISP's policies, the Employee's state Outlook account and the Employee's personnel file. Special Agent Mitchell also reviewed the Business' Facebook page and other documents related to the Business.

Special Agent Mitchell learned that the Employee is the sole owner and operator of the Business. He reviewed the Business' Facebook page and found images and videos of ISP personnel engaging in training exercises. The Business' Facebook profile picture showed the Employee wearing apparel with "ISP" written on it. Special Agent Mitchell also found images and videos of law enforcement officers from other agencies and military personnel engaging in training exercises on the Business' Facebook page.

Special Agent Mitchell interviewed the Employee. The Employee stated he adhered to ISP policy and received permission to engage in non-department employment with the Business. He stated that the Business does not maintain any contracts with any law enforcement agencies, including ISP. He also stated he has never provided his private services to a law enforcement agency. He stated he understands that providing services to law enforcement agencies could be a conflict of interests. He explained that he is mindful of the ethics rules pertaining to ghost employment and is careful not to conduct any activities related to the Business during his ISP working hours. He noted that he does not take calls related to the Business during his ISP working hours.

Special Agent Mitchell received information from ISP regarding Standard Operating Procedures for Non-Department Employment. ISP's SOP for Non-Department Employment requires ISP employees to obtain permission from ISP to engage in any non-department employment. Special Agent Mitchell confirmed that ISP provided the Employee permission to engage in non-department employment with the Business.

Special Agent Mitchell learned that ISP does not have a specific policy relating to social media; however, ISP provided that employees should not have photos of themselves in uniforms on any private business social media website without approval of the Superintendent. ISP maintains a policy that states an employee shall not post, transmit, reproduce and/or disseminate information (including photos and videos) "to the internet or any other form that would tend to discredit or reflect unfavorably upon the employee, [ISP], or any of its employees." ISP employees shall also not represent themselves as an employee of ISP "in a public forum with other information, opinion or posture that would tend to discredit or reflect unfavorably upon the employee, [ISP], or any of its employees."

Special Agent Mitchell reviewed the Employee's state Outlook account and did not find any communications or meetings related to the Business. Furthermore, he found that the Business has never maintained a state contract or grant with ISP or any other state agency. Special Agent Mitchell also visited the Business' Facebook page after his interview with the Employee and found that the page's profile picture no longer depicted "ISP" on the Employee's apparel.

Conclusion

Special Agent Mitchell's investigation found no evidence to support the allegations that the Employee violated any provisions of the Code by engaging in outside employment with the Business; however, it appears that the Employee may have violated internal ISP policies as it

relates to content posted on the Business' Facebook page. Accordingly, the OIG is closing this case for insufficient cause but is referring this matter to ISP so that ISP may counsel the Employee on ISP policies relating to the use of photos and videos of ISP personnel on his Business' social media platforms.

Dated: July7, 2020

APPROVED BY:

A handwritten signature in black ink that reads "Lori Torres". The signature is written in a cursive, flowing style.

Lori Torres, Inspector General