GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Inspector General

Inspector General

Executive Summary Concerning the Results of an Office of the Inspector General Investigation Into Misconduct Violations by an Employee of the Protective Services Police Department, D.C. Department of Real Estate Services

2011-0261 (S)

INVESTIGATIVE SYNOPSIS

The District of Columbia Office of the Inspector General (OIG) initiated an investigation after receiving allegations that a Lieutenant in the Department of Real Estate Services (DRES) Protective Services Police Department (PSPD) submitted timekeeping records reflecting 4 days of jury duty when, in fact, she did not serve on jury duty for those days. The OIG investigation revealed that the Lieutenant violated three sections of the DPM[1] by submitting false time and attendance records to receive 4 days of paid leave totaling $843.34, to which she was not entitled.

During the investigation, OIG investigators interviewed a PSPD Commander and the PSPD Captain who supervised the Lieutenant. OIG investigators also interviewed the Clerk of the Circuit Court for Charles County (Charles County), Maryland (Court Clerk) and the Charles County Jury Commissioner (Jury Commissioner). OIG investigators reviewed Charles County jury records and DPM policies and procedures relating to employee court leave and jury duty. In addition, OIG investigators reviewed the Lieutenant's PSPD time and attendance records, as well as electronic mail messages (e-mails) exchanged among the Lieutenant, the Commander, and the Captain.

The OIG investigation revealed that the Lieutenant received from Charles County a notice to appear for jury duty for 1 week/one trial beginning Monday, January 31, 2011. Although the Lieutenant was not called and did not appear for jury duty on any day in that week, she failed to report to work. The Lieutenant recorded her time on a

[1] DPM § 1803.1 provides, in pertinent part, that District government employees shall avoid conduct which might result in or create the appearance of (a) (3) Impeding government efficiency or economy; (a) (5) Making a government decision outside official channels; and (a)(6) Affecting adversely the confidence of the public in the integrity of government.

time and attendance log, which she signed, and in the electronic PeopleSoft system as "Jury Duty" for 4 days in that week (January 31, 2011, through February 3, 2011), resulting in her receipt of 32 hours of pay at a rate of $26.37 per hour totaling $843.84.

In an interview with OIG investigators, the Court Clerk explained that the Charles County automated Code-a-phone message system requires prospective jurors to call the Code-a-phone message system after 5:00 p.m. each day in the week indicated on the jury duty notice to receive instructions for the next day. The Court Clerk further explained that the Code-a-phone message system does not instruct prospective jurors to remain on stand-by. The OIG investigation determined that a prospective juror is instructed to report to court only if his/her juror group number is called.

OIG investigators interviewed the Commander, who stated that the Lieutenant called him to report that her juror number had not been called and that she requested permission to remain on "stand-by" at her residence in case the court contacted her.[2] The Commander told OIG investigators that he approved her doing so. The Commander also told OIG investigators that he contacted the Jury Commissioner at the Lieutenant's request on February 3, 2011, or February 4, 2011, and confirmed that the Lieutenant had been on stand-by for jury duty from Monday, January 31, 2011, through Thursday, February 3, 2011, but had not been instructed to report to court for jury duty. The Commander said that he also asked the Captain about PSPD policies and procedures for jury duty, but the Captain stated that "[he] didn't know."

OIG investigators reviewed DPM Chapter 12 (Hours of Work, Legal Holidays, and Leave), § 1263.7 which states, "Court leave shall only be granted for the period actually spent in jury or witness service, plus reasonable travel time." In addition, DPM § 1264.1 states, "Jury service for which court leave is authorized shall include any service as either a grand juror or petit juror in any jurisdiction, including time spent pursuant to a summons to appear for such service, whether or not actually selected to serve on such jury or juries."

In an interview with OIG investigators, the Captain said that the Commander sent him an e-mail stating that the Commander verified with Charles County that the Lieutenant had jury duty. The Captain told OIG investigators that he served on jury duty with Charles County during January or February 2010. He called the Code-a-phone message system for juror instructions and when his jury number was not called for Monday, he reported to PSPD for work. When he called the Code-a-phone message system on Monday evening, he was instructed to report to court the next day. After he appeared at Charles County on Tuesday, he was dismissed from jury duty for the remainder of the week, so he reported to PSPD for work on the remaining days. The Commander stated that the Code-a-phone message system did not mention the phrase "stand-by," but he thought that the juror instruction message might have changed since then.

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[2] Although the Commander could not recall whether the Lieutenant called to report her status each day, the Commander said that she kept in contact with him over the 4-day period.

The Jury Commissioner told OIG investigators that she recalled speaking with the Commander and confirming that the Lieutenant's juror number was not called to report to court between January 31, 2011, and February 3, 2011. The Jury Commissioner could not recall whether she used the term "stand-by" in her conversation with the Commander, but explained that the Code-a-phone message instructs jurors whose numbers are not called to call the message system after 5:00 pm for the next day's instructions. The Jury Commissioner also told OIG investigators that the content of the Code-a-phone message for prospective jurors has been the same for many years.

At her OIG interview, the Lieutenant admitted that she was not called to appear for jury duty at Charles County and remained at her residence each day. The Lieutenant was shown a copy of her jury summons, her time and attendance log, a print-out of her PeopleSoft entries, all for the period January 31, 2011, to February 3, 2011. The Lieutenant identified her name and/or signature on each of the documents and confirmed that the documents accurately reflect the dates and times she was on jury duty and confirmed that the time and attendance log and the PeopleSoft print-out accurately reflect her representation that she was on jury duty.

The Lieutenant said that she advised the Captain in advance that she had received a jury duty notice and the Captain instructed her to record her jury duty for the requisite 4 days on the Master Roll Call Schedule. The Lieutenant told OIG investigators that for each of the 4 days, she contacted the Commander and informed him that she was on stand-by for jury duty and would remain at her residence for the remainder of the day. The Lieutenant said that each day the Commander allowed her to do this. The Lieutenant admitted to OIG investigators that she received instructions from the Code-a-phone message system for each day from January 31, 2011, through February 3, 2011, that her juror number had not been called, and that she was not required to report to court for jury duty, but to remain on stand-by in the event the court needed her for jury duty later that day. The Lieutenant admitted that her jury summons stated that she was to report for service **only** if her group number was instructed to report to court. The Lieutenant said that on February 3, 2011, she received instructions from the court that her juror number had been released.[3]

This matter was referred to the United States Attorney's Office, which declined prosecution because the amount of pay the Lieutenant fraudulently received was only $843.84.

ANALYSIS AND CONCLUSIONS

The Lieutenant violated District standards of conduct by submitting false time and attendance records indicating that she was on jury duty when, in fact, she was not. Consequently, the Lieutenant received 4 days of paid leave totaling $843.34, to which she was not entitled. In addition, the Lieutenant misrepresented her jury duty status when she spoke to one of her supervisors over the 4-day period to inform him that she was on

[3] She took annual leave for Friday, February 4, 2011.

"stand-by," implying that she could not report to work. Neither the jury summons nor the recording of the jury instructions directed the Lieutenant to remain on "stand-by" in an expectation that she could be required for service later in the day. Therefore, the Lieutenant had no reasonable basis to conclude that she should not report to work or to record her time as being on jury duty.

As a result, the Lieutenant's conduct impeded government efficiency or economy in that she failed to come to work as required. She also made a government decision outside official channels by deciding to falsify timekeeping records to indicate that she was on jury duty, as defined by DPM §§ 1263.7 and 1264.1, when, in fact, she was not. Consequently, the Lieutenant's conduct affected adversely the confidence of the public in the integrity of government.

Accordingly, the issue of whether the Lieutenant violated DPM § 1803.1 (a)(3) (Impeding government efficiency or economy); § 1803.1 (a)(5) (Making a government decision outside official channels); and § 1803.1 (a)(6) (Affecting adversely the confidence of the public in the integrity of government); is **SUBSTANTIATED**.

RECOMMENDATIONS

Based on the results of this investigation, the OIG recommends that PSPD:

- Address the conduct of the Lieutenant with appropriate administrative action;
- Ensure that all PSPD employees are instructed appropriately regarding the District's policy and procedures for court leave and jury duty; and
- Correct the Lieutenant's PeopleSoft records to reflect annual leave (32 hours), not jury duty, for the period from January 31, 2011, to February 3, 2011.

May 16, 2011