



Missouri Department of Corrections
Office of the Inspector General

** INVESTIGATION REPORT **

A. Roderick

Case Number: 2016100065

Investigator Assigned: Amy Roderick

Type of Investigation: Administrative

Report Date: November 1, 2016

Incident Date / Time: 6/21, 6/22, 6/23, 7/18, 7/20 of 2016

Incident Location: Central Office

Nature: EINV Employee Internal Investigation

Closing: Policy Violation

Secondary Nature: No Secondary Nature

Secondary Closing: No Secondary Findings

Subject# 1	Title, Name, DOC # (Last, First): Ruzicka, Donald E0125640	Height:	Weight:
Type: Suspect	Race: N/A	Gender: Male	Status: Employee

Subject# 2	Title, Name, DOC # (Last, First): [REDACTED]	Height:	Weight:
Type: Suspect	Race:	Gender: Male	Status: Employee

Subject# 3	Title, Name, DOC # (Last, First): [REDACTED]	Height:	Weight:
Type: Witness	Race:	Gender: Female	Status: Employee

Subject# 4	Title, Name, DOC # (Last, First): [REDACTED]	Height:	Weight:
Type: Witness	Race:	Gender: Male	Status: Employee

Subject# 5	Title, Name, DOC # (Last, First): [REDACTED]	Height:	Weight:
Type: Witness	Race:	Gender: Female	Status: Employee

Subject# 6	Title, Name, DOC # (Last, First): [REDACTED]	Height:	Weight:
Type: Witness	Race:	Gender: Female	Status: Employee

Subject# 7	Title, Name, DOC # (Last, First): [REDACTED]	Height:	Weight:
Type: Witness	Race:	Gender: Female	Status: Employee

Subject# 8	Title, Name, DOC # (Last, First): [REDACTED]	Height:	Weight:
Type: Witness	Race:	Gender: Female	Status: Employee

Subject# 9	Title, Name, DOC # (Last, First): [REDACTED]	Height:	Weight:
Type: Witness	Race:	Gender: Female	Status: Employee

Subject# 10	Title, Name, DOC # (Last, First): [REDACTED]	Height:	Weight:
Type: Witness	Race:	Gender: Male	Status: Employee

Subject# 11	Title, Name, DOC # (Last, First): [REDACTED]	Height:	Weight:
Type: Witness	Race:	Gender: Female	Status: Employee

On July 22, 2016 [REDACTED] received a phone call from Parole Board member [REDACTED] stating he overheard Parole Analyst [REDACTED] speaking about how he and Parole Board member Don Ruzicka intentionally dress alike during parole hearings and participated in a "contest" to name song titles during parole hearings.

In speaking with [REDACTED] she stated that on July 22, 2016 at 7:42 am she received a text message from [REDACTED] asking for her to call him on his cell phone as he was traveling. When she contacted [REDACTED] he first stated "I don't want to be a part of something unprofessional" and began making statements such as "you know how you have a song in your head" and was "hem-hawing" around asking her questions. He then made a statement that if all the hearing members showed up at hearings all dressed in black think how it might make an offender feel uncomfortable. While making these random statements, he asked her about motivational interviewing techniques. [REDACTED] believed [REDACTED] was beating around the bush about something and finally asked him what was going on and he told her about overhearing [REDACTED] discuss a "contest" between him and Ruzicka during parole hearings and also reported how they dressed alike during such hearings.

[REDACTED] stated she inquired with Parole Analyst [REDACTED] to see if any types of games were played by parole board members in the past or if he was aware of what was going on with Ruzicka and [REDACTED]. While she was speaking with [REDACTED], [REDACTED] entered the office and stated she overheard their conversation and reported that [REDACTED] told her about a contest during parole hearings in which the word 'armadillo' was spoken several times and that the board panel member would earn extra points if they were able to get the offender to repeat the word.

[REDACTED] recalled on July 20, 2016 she noticed Ruzicka and [REDACTED] both dressed in black and on other dates they dressed similar but she didn't really think anything about it. On July 22, 2016, a clerical reported Ruzicka and [REDACTED] wore funny ties; Ruzicka's had cows on it and [REDACTED]'s had Southpark characters, but again, she didn't think anything of it.

[REDACTED] stated she and [REDACTED], [REDACTED], reviewed the hearing schedule to determine what dates Ruzicka and [REDACTED] had been scheduled to conduct hearings together and listened to those recorded hearings. The hearing panel consists of a parole board member, parole analyst and a probation and parole supervisor, usually a district administrator. It should be noted the panel of three rotates as to who conducts the interview per hearing. In hearings conducted by the probation and parole supervisor none were found to be inappropriate. In fact, [REDACTED] reported the hearings were clearly different and more impactful when conducted by the Probation and Parole Supervisor and by Ruzicka and [REDACTED] when they were not playing the game. [REDACTED] provided me with a list of some of the unusual words or song titles found in hearings conducted by Ruzicka and [REDACTED].

[REDACTED] stated not all recordings of hearings conducted by Ruzicka and [REDACTED] as a team has been reviewed as there have been about 45,000 parole hearings with 35 potential combinations of panel members since Ruzicka was appointed.

On September 14, 2016 a request for investigation relating to the behavior of Parole Board member Don Ruzicka and Parole Analyst [REDACTED] was submitted to the Office of Inspector General.

In May 2016, Ruzicka and [REDACTED] were not scheduled together to conduct hearings.

In June 2016, they were scheduled together on the 20th (9 hearings), 21st (14 hearings), 22nd (7 hearings), and 23rd (10 hearings). Of the June hearings, two hearings on the 21st, four hearings on the 22nd and one on the 23rd were found to contain words or song titles used in the game.

In July 2016, they were scheduled together on the 18th (11 hearings), 19th (9 hearings), 20th (12 hearings), 21st (7 hearings), and 22nd (14 hearings). Of the July hearings, three hearings on the 18th and five hearings on the 20th were found to contain words or song titles used in the game.

In August 2016, they were scheduled together on the 8th (8 hearings), 9th (1 hearing), 10th (11 hearings), and 11th (2 hearings). Of the August hearings, none were found to be inappropriate.

I requested the number of hearings scheduled together through September 22, 2016 due to the fact both were removed from conducting hearings on that date. There were no dates in which they were scheduled together for September.

Don Ruzicka was appointed to the Parole Board on December 21, 2012. Prior to his appointment, he was employed by Missouri Department of Conservation as a Conservation Agent from 1979 to 2006. In 2006, Ruzicka was elected to the Missouri Legislature as a State Representative serving from 2007-2012 until his appointment to the Parole Board in 2012. Ruzicka has not been the subject of any investigations within the Department of Corrections.

[REDACTED] was hired by the Department of Corrections on January 23, 1996. During his tenure with the department, he has served in the following positions: Corrections Officer I, Probation and Parole Assistant, Corrections Services Trainee, Probation Officer I, Institutional Parole Officer, Unit Supervisor at the Probation and Parole Command Center, Probation and Parole Administrator for the Command Center, Interstate Compact Unit, Fugitive Apprehension Unit and has served in his present position of Parole Analyst since 2007. According to the personnel office for Probation and Parole [REDACTED] has never received formal discipline.

According to everyone interviewed in the case, during a video hearing, the parole board member and parole analyst are seated in a room in Jefferson City, Missouri and the offender along with the third panel member are seated in a room at the offender's facility. The offender is seated at a table looking into a picture-in-picture monitor where he or she can see the board member and analyst; the third panel member is seated off to the side of the table out of camera view from the board member and parole analyst. The board member and analyst view a picture-in-picture monitor as well. There may be a correctional officer present in the room depending on the security needs, if necessary. The offender may also have their delegates present in the room as well. In the hearings reviewed for this investigation, there was no indication there were correctional officers or delegates present in the room during the hearing.

On October 12, 2016, I interviewed Administrative Assistant [REDACTED] began employment with the Department of Corrections on May 21, 2000 as an Office Support Assistant, promoted to a Senior Office Support Assistant, Administrative Office Support Assistant, and has served as the [REDACTED] [REDACTED] for the last two years.

I advised [REDACTED] what I was conducting an investigation about and inquired if she knew anything about the game devised by [REDACTED] and Ruzicka. She stated her office is outside of [REDACTED] [REDACTED] office and she overheard [REDACTED] speaking to Parole Analyst [REDACTED] about the games Ruzicka and [REDACTED] were playing while conducting parole hearings. [REDACTED] reported to [REDACTED] that on she was sitting outside during lunch at a picnic table and [REDACTED] came outside and said "I won for today" and she asked "What do you mean I won for today?" He told her

he and Ruzicka were playing a game during parole hearings and they had a key word and every time they used that word while interviewing a client they got a point; if the offender said the word during the hearing they received two points. [REDACTED] told her he won that day and the word for the day was 'armadillo'. He told her they were able to say it many times during the hearing and this particular offender used the word a time or two as well. I clarified with her if [REDACTED] actually called it a game and she stated he did by stating "he won the game for today".

[REDACTED] stated [REDACTED] did not tell her how they picked the words for the day but only that the day's word was 'armadillo'. She described his demeanor as laughing and joking while telling her about the game. She stated it totally caught her off guard. I asked her why he would tell her this; she stated she is not sure only that they have worked together for 16 ½ years and they were just having a conversation.

[REDACTED] stated she didn't report the conversation because [REDACTED] was making light of the game but after thinking about it she thought it really wasn't a nice thing to do to the offenders. Then, when she heard [REDACTED] and [REDACTED] discussing it, she decided she needed to say something because it was a "big deal". [REDACTED] stated she has never heard of other board members conducting business in this manner.

[REDACTED] stated she has seen Ruzicka and [REDACTED] dress similar on a couple of occasions. She stated one morning she saw them come out of the hearing room before the hearings began and they both were dressed all in black; their shirts, ties, pants and shoes were exactly the same. She stated it caught her eye because they were standing next to each other dressed alike. She stated she saw this one other time. [REDACTED] was advised to not discuss this investigation with anyone.

I was provided copies of audio recordings from thirteen video hearings and one on-site hearing conducted by Ruzicka, [REDACTED] and various third party panel members ranging in date from June 21, 2016 through July 20, 2016 that were believed to contain language as related to the allegations of game playing. Additional hearings were reviewed that were deemed to have been conducted appropriately.

Attached to this report is a transcription of each hearing reviewed as it relates to the game of using certain words or song titles; however, below is a brief summary of each hearing.

June 21, 2016-Words of the day 'Hootenanny', 'Peggy Sue'

[REDACTED]
Panel members: Ruzicka, [REDACTED] and District Administrator II [REDACTED]

In the [REDACTED] hearing, [REDACTED] led the interview. During conversation about the offender's criminal history related to stealing, [REDACTED] first used the word 'hootenanny' by stating to her it looked like she was stealing to pass the time when she was younger and stated "...impressing friends or as your grandma woulda probably said it called it a hootenanny, ya know." He continued to use it three more times during statements or questions directed at the offender claiming her grandma would use that word. Each time he used the word, Ruzicka laughed out loud and later into the hearing, [REDACTED] whispered to Ruzicka "I got four."

[REDACTED]
Panel members: Ruzicka, [REDACTED] and District Administrator II [REDACTED]

In the [REDACTED] hearing, Ruzicka conducted the interview. He made reference to the song "Peggy Sue" and asked the offender if she was named after the song to which both Ruzicka and [REDACTED] laughed. Ruzicka used "Peggy Sue" two more times during the hearing. After laughing about the name "Peggy Sue", [REDACTED] stated he was trying to lighten up the hearing then Ruzicka stated "Or you could just have a hootenanny." [REDACTED] stated "Yes, we could have a hootenanny." [REDACTED] whispered to Ruzicka "I'll count that." When the offender was asked about her first use of

heroin, she stated it occurred while attending a rave. [REDACTED] stated "I thought they might have called it a hootenanny" and laughed. The offender stated "A what?" [REDACTED] responded "A hootenanny. A party." Ruzicka and [REDACTED] laughed again.

When interviewed, District Administrator II [REDACTED] recalled hearing the word 'hootenanny' during the hearings on June 21, 2016. She stated she felt the use of the word was unusual and had never heard board members' use words like this in previous hearings. She stated after the offenders left the room, discussions were held by Ruzicka and [REDACTED] about how they would pick a word and see if they could interject it into the hearing process. There was also a discussion between them about who used the word more. She stated she did not feel this was professional but she did not report it to anyone either due to Ruzicka and [REDACTED] positions within the Department. She stated the word had no value in evaluating the release of the offender and it was not discussed as it related to the deliberations about release dates. She further stated she should have reported the behavior.

Board Decision

[REDACTED] - release on August 31, 2016; she has since been paroled.

[REDACTED] - release on November 22, 2017

June 22, 2016-Words of the day 'Platypus', 'Armadillo' and 'Egg/Egging'

[REDACTED]

Panel members: Ruzicka, [REDACTED] and District Administrator I [REDACTED]

In the [REDACTED] hearing, [REDACTED] led the interview. When he asked the offender about living in the country, [REDACTED] inquired about egging houses. During these statements or questions, he used some form of the words egged/egging with the offender. When he asked the offender about a previous conviction of a misdemeanor for taking wildlife illegally, he stated "That wasn't an armadillo, was it?" The offender responded by saying "What did you say?" [REDACTED] repeated the question and laughed while the offender explained it was related to a deer tag issue. [REDACTED] continued to laugh. [REDACTED] then inquired about the offender living in southwest Missouri and mentions armadillos again and Ruzicka is heard laughing in the background. The offender responded about armadillos stating "I don't know man. They're fun to watch. If you chase 'em, they roll in a ball...". [REDACTED] continued with a lengthy conversation about armadillos and stated he has only seen them dead and continued to work in the word 'armadillo' while making additional statements. The conversation then turns to the offender's previous offenses, one in particular related to a weapons offense and [REDACTED] asked "You weren't shootin' armadillos were you?" Ruzicka laughed. [REDACTED] then stated "He's obsessed with armadillos". [REDACTED] and Ruzicka both laugh. The offender then made a comment using the word 'armadillo' and both Ruzicka and [REDACTED] laughed about it.

[REDACTED]

Panel members: Ruzicka, [REDACTED] and District Administrator I [REDACTED]

In the [REDACTED] hearing, Ruzicka led the interview. While questioning the offender about items he stole from a garage, he stated to the offender, "That's a pretty rare items, about like a platypus. How did you know those items were there?" The offender just answered his question and the hearing continued.

[REDACTED]

Panel members: Ruzicka, [REDACTED] and District Administrator I [REDACTED]

In the [REDACTED] hearing, [REDACTED] led the interview. During the review of the offender's history, [REDACTED] discussed rifle shooting and stated to the offender, "So I would assume that when you were younger instead of BB's, you were throwing eggs at houses." The offender responded that he did not. [REDACTED] asked him if he ever threw an egg at a house and the offender stated he had not. [REDACTED] responded "Well, I, I was reading this, and thinking, man, this guy

is like an egger. He's an expert egger." The offender again responded he had not and that he had never heard of anyone egging houses but that he had heard of throwing frozen paintballs. Ruzicka commented by stating "That's the modern day egging" and laughed. [REDACTED] then stated to Ruzicka "Good use."

[REDACTED] inquired about the offender previously living in Louisiana and stated "Lived in Louisiana, huh? Down with the armadillos?" [REDACTED] then told the offender he thought he was a city guy and he wouldn't know what an armadillo was but since he was from down south...Ruzicka laughed. [REDACTED] then asked the offender if they had armadillos in New Orleans and the offender responded "Really dude." [REDACTED] continued to ask the offender if he ever saw one and finally made the statement "Alright, it's kinda like a possum with a shell" and laughed.

[REDACTED]
Panel members: Ruzicka, [REDACTED] and District Administrator [REDACTED]

In the [REDACTED] hearing, [REDACTED] led the interview. During this hearing, there was a great deal of noise made from ruffling of papers therefore some of it was hard to hear. The offender was discussing his situation of being homeless and that he obtained a gun to hunt for small game for food which resulted in his current offense. [REDACTED] then asked "Ever run across any armadillos out there?" The offender responded he did not, and then [REDACTED] responded "I don't think they are very good to eat though, I don't know." The room was very quiet at this point. [REDACTED] later whispered to Ruzicka "Try to pick up one more." Toward the end of the hearing, [REDACTED] told the offender if he ever became homeless again he suggested getting a chicken for eggs instead of a gun. Ruzicka whispered to [REDACTED] "That's good."

When interviewed, District Administrator [REDACTED] recalled the word 'armadillo' being used during the hearings. She stated Ruzicka and [REDACTED] told her they would pick a word for each other to be used during the hearing. [REDACTED] stated while it did not make her uncomfortable, she thought it to be weird and that the use of the words was odd. She stated she was not sure if this was inappropriate but was odd. She stated [REDACTED] was just asking questions in order to use the word 'armadillo' which were not pertinent to the hearing process. She stated she believed there were other words used but could not recall them. She felt the word 'armadillo' was difficult to work into the line of questioning. She stated she did not report this behavior as she did not think it to be harmful or inappropriate. However, she stated if these recordings were made public, it would be embarrassing for her personally as well as the State. Although they discussed the game, [REDACTED] felt the hearings were conducted fairly and the game did not have an effect on the result of the decision. She never heard other board members play this game.

Board Decision

[REDACTED]-release on December 2, 2016

[REDACTED]-release on March 6, 2017

[REDACTED]-release on February 14, 2017

[REDACTED]-release on May 17, 2017

June 23, 2016-Words of the day 'Biomass' and 'Manatee'

[REDACTED]
Panel members: Ruzicka, [REDACTED] and District Administrator [REDACTED]

This hearing was conducted on site at Moberly Correctional Center. [REDACTED] led the interview. During the interview [REDACTED] asked the offender if he heard the terminology "biomass or manatee" stating one was rare and the other was a bunch of "hodge-podge put together." He was using these terms to describe the offender's criminal history. Later in the interview [REDACTED] asked the offender if he recalled the words he used earlier and the offender stated he did not remember those words; [REDACTED] repeated the words but never discussed the relevance.

When interviewed, District Administrator [REDACTED] stated she recalled before the hearing, Ruzicka and [REDACTED]

talked about giving each other two words to use during the hearing. She stated they had the words on a piece of paper but never told her what the words were. She stated they would score points if they used the words during the hearing. She stated she was not involved in the game.

She stated she believed this was inappropriate but did not report it due to Ruzicka and [REDACTED] positions with the Department. She stated she believed they discussed the use of the words after the hearing but could not specifically recall what was discussed. She stated the use of the words had no bearing on the deliberations to release the offender.

Board Decision

[REDACTED]-release on June 29, 2018

July 18, 2016-Song titles of the day "Hound Dog" (Elvis), "Folsom Prison Blues" (Johnny Cash), "Two Out of Three Ain't Bad" (Meatloaf)

[REDACTED]

Panel members: Ruzicka, [REDACTED] and District Administrator I [REDACTED] and Unit Supervisor [REDACTED]. [REDACTED] was not present as a hearing member, but per security protocol there were two employees in the room with the offender.

In this hearing, [REDACTED] led the interview. [REDACTED] described the sexual offenses the offender had been convicted of then stated, "Your grandma would probably be like he ain't nothin' but a hound dog, you know it". The hearing proceeds with a discussion about the offender's offense. Toward the end of the hearing, [REDACTED] told the offender if he kept this behavior up, he might be placed in the sexually violent predator unit and he might as well learn "Folsom Prison Blues" and then laughed.

[REDACTED]

Panel members: Ruzicka, [REDACTED] and District Administrator I [REDACTED]. Again, [REDACTED] was present in the room but not as a hearing member.

In this hearing, Ruzicka led the interview. During a discussion about programs the offender had enrolled in and completed, Ruzicka responded with "Two out of three ain't bad." [REDACTED] whispered to Ruzicka "Good job."

When interviewed, District Administrator I [REDACTED] recalled the use of song titles during the hearing process. She stated before the hearings, Ruzicka and [REDACTED] were joking about incorporating song titles into the questioning. She recalled them specifically talking about "Folsom Prison Blues" before the hearing began. She stated she may not have even realized when they used other song titles. She stated this was strange but she did not feel the need to report it to anyone. She never heard other board members play this game.

When Unit Supervisor [REDACTED] was interviewed, she stated she was not present as a hearing member but was there for security purposes. She stated she recalled the use of song titles; she remembered Ruzicka and [REDACTED] discussing amongst themselves that this was a challenge to each other to use certain words during the hearing. They each gave the other the words to use when they conducted the hearing. She was surprised they were talking about this and thought it odd and inappropriate. She did not report it to her supervisor as her supervisor, [REDACTED], was present in the room. They might have said to each other that this was odd. She never heard other board members play this game.

Board Decision

[REDACTED]-release on July 9, 2018

[REDACTED]-release on January 5, 2020

July 20, 2016-Song titles of the day "Soul Man" (Blues Brothers), "All My Rowdy Friends Are Coming Over Tonight" (Hank Williams, Jr.); Word of the day 'Grumpy'

Panel members: Ruzicka, [REDACTED] and Unit Supervisor [REDACTED]

In this hearing, Ruzicka led the interview. While discussing the offender's present offense, Ruzicka stated "You took this lady's credit card I'm a soul man I see you met this lady at church..." The manner in which the song title was embedded into the sentence was not caught by the offender. Later in the hearing Ruzicka and [REDACTED] are heard whispering but it can't be discerned what was said.

Panel members: Ruzicka, [REDACTED] and Unit Supervisor [REDACTED]

This interview was conducted by [REDACTED] discussed the circumstances leading to the offender's revocation and was referring to her Facebook posts then said "So it's kinda like all my rowdy friends are coming over tonight and post it on social media, ya know?" The offender seemed agitated about this statement and offered an explanation about the photos and posts as she believed [REDACTED] took them out of context.

Panel members: Ruzicka, [REDACTED] and Unit Supervisor [REDACTED]

This interview was conducted by [REDACTED] While discussing the offender's use of marijuana, he stated "So only when all your rowdy friends are coming over tonight" then laughed. Ruzicka laughed as well. [REDACTED] stated to the offender "That's a song title, isn't it" then [REDACTED] and Ruzicka laughed.

Panel members: Ruzicka, [REDACTED] and Unit Supervisor [REDACTED]

This interview was conducted by [REDACTED] While discussing the offender's drug use history, [REDACTED] asked her if she used drugs with her fiancé and she stated she had and with a group of friends. [REDACTED] stated "so all your rowdy friends that came over that night?" then stated to the offender, "That's a song, I think. Heard it?" The offender responded she had not. Ruzicka and [REDACTED] laughed. Ruzicka referred to [REDACTED] as 'Mr. Grumpy' in some manner four times during the hearing and laughed after each time it was used.

Panel members: Ruzicka, [REDACTED] and Unit Supervisor [REDACTED]

This interview was conducted by Ruzicka. After a discussion about the offender's substance abuse issues and criminal history, Ruzicka stated he wanted to talk about the good things in her life. Ruzicka stated "I see you go to church. You know, I'm a, I'm a soul man, uh, your, you had a, you're going, a working on GED classes, you were at the Burrell Health Center, mental health classes, uh, you had..." The offender did not respond to the "Soul Man" reference probably due to the manner in which he embedded it into the sentence.

When interviewed, Unit Supervisor [REDACTED] stated she did not remember the specific hearings but recalled after the hearing there was a discussion about a song title; she stated she laughed because she recognized it as a name of a song. There was also discussion that the offenders did not recognize the names of the song titles used. She stated Ruzicka and [REDACTED] began the use of song titles in the first hearing and it continued throughout the hearings the rest of the day. She stated she couldn't recall what was discussed during deliberations but did not feel

anything had affected the decision on the offender's release. She has never heard other board members play this game.

Board Decision

██████-release on September 25, 2018

██████-release on June 28, 2018

██████-release on February 1, 2018

██████-release on July 29, 2017

██████-release on January 16, 2019

On September 22, 2016, Parole Board ████████ decided to remove Ruzicka and ██████ from the schedule for conducting parole hearings while this investigation was pending. Therefore, Ruzicka and ██████ were interviewed the day they were removed from hearings.

On September 22, 2016 I interviewed Parole Board Member Don Ruzicka at my office. I explained the Employee Right to Representation form to Ruzicka and he stated he didn't request an employee representative when ██████ offered this to him because he could not think of anyone besides a board member or parole analyst. He stated he was told he could not have one of those employees as a representative due to the fact they may be interviewed related to this investigation. Ruzicka stated he was fine moving forward without an employee representative.

Ruzicka explained the video hearing process and where the hearing members and offenders were located during the hearing. Ruzicka stated he believed the video hearing process has pros and cons but overall believes video hearings are better as a cost saving measure.

I inquired about training Ruzicka received as it related to proper interaction with offenders. He stated he follows the hearing form and asks the questions on the form; it is a detailed lengthy conversation about an offender's criminal history, education, drug use, family, work and school. He stated he observed other panel members styles of conducting hearings and stated "Just pick it up as you go." When he went to Colorado for his initial training, he believed he received training in topics such as criminal thinking.

I advised him I was conducting an investigation into his behavior during parole hearings. I explained the information provided to me and asked him to explain how this game was crafted. He stated he and ██████ were talking one day and they talked about doing this since they use analogies during hearings all the time. For example, he explained, the word 'hootenanny' came up to use it as it related to "parties and drug activity." Ruzicka stated it was his idea to incorporate the words into the hearing interview.

When I asked Ruzicka why points were assigned to the use of the words, he stated it was to see if it could be used again; just keeping track of the word. When I asked what the point of all this was, he stated just to see who could use the word. I asked him why this was important to do in a hearing. He stated "The word was used, the hearing and information was covered and a decision was made based on the entire interview."

I asked Ruzicka how incorporating these words and song titles into the interview elicited responses needed to assist him in determining risk and release of an offender. For example, I asked him how the use of 'hootenanny' assisted in the interview. He stated, "It assisted with the full body of the complete interview."

When I again questioned Ruzicka about the relevancy and effectiveness of using these particular words, he stated "Through the complete and thorough hearing process we were able to determine the release date."

I asked Ruzicka how the use of the song title "Hound Dog" was relevant when speaking to a sex offender about his

crimes. He again stated, "Through the complete and thorough hearing process we were able to determine the release date." I asked him how the use of "Folsom Prison Blues" was relevant to explaining the sexually violent predator unit and then laugh about it; he stated, "The thorough hearing was completed. Here again, it was used during the interview and the interview continued on, it was complete." I asked him if he thought this was a professional statement by someone in his position to make to an offender; he stated he didn't remember the particular type of case and did not respond to the question any further.

I asked him why he used the word 'platypus' when speaking to the offender that stole items from a garage. He stated "I guess if they were rare items he'd taken and a platypus is a rare and unusual thing...it was used in the interview and a complete and thorough interview was conducted".

I asked him about the relevancy of throwing the song title "Soul Man" into his statement to the female offender that stole credit cards from a lady she met at church. He responded, "She was a church person. Well, we used those words but I can assure you we conducted a thorough and complete hearing."

I asked him if he was appointed to his current position in order to play games with the hearing process. He stated "I don't play games. Well, here again, the hearings we had, and if we used those whenever, I assure you we had a thorough and complete hearing."

I asked him if he felt the hearings were conducted in the best interest of the offenders. He again stated they held a full and thorough hearing. I again asked him if he thought they were conducted in the best interest of the offender and public safety. He replied, "Once again, we had a thorough and complete hearing." I told him he was not answering my question and asked it again. He stated, "There are words and analogies used in hearings all the time but when we are through, we conducted a thorough and complete hearing."

I then directed his attention to the assignment of points to the use of the words and asked why points were assigned. He stated in order to know the word was used. I asked him why that mattered. He stated to keep track of the words. I again asked him why; he stated to keep track. Again, I asked why that was relevant; he stated to keep track of who used it the most. This line of questioning went on with his continued statements of it mattered to see who used it the most.

I asked Ruzicka who picked the words that were used for the day. He stated he would pick words for [REDACTED] if he conducted the interviewing and [REDACTED] chose words for him. He stated extra points were given if the offender used the word in response to their interview.

I asked him if the third member of the panel, the probation and parole supervisor sitting with the offender, knew what was going on. Ruzicka stated he was not sure. He stated he did not remember each circumstance as they conduct so many hearings. I inquired if they conducted so many hearings using this type of interviewing that he could not recall how many times they played the game during the hearing process. He replied they conduct a lot of hearings in a month. I asked him if they played this game in all the hearings conducted by him and [REDACTED]. He stated they did this for a few days and stopped. I asked him if these words or song titles were discussed during deliberations and he stated maybe he and [REDACTED] did at the end of them; he didn't think they discussed it with the third panel member.

I asked him if he received some kind of training that stated this was an accepted practice for interviewing. He stated it was just a word used in an interview. He stated he did not believe they did this during site hearings, only on video hearings. I asked him if he believed there would be problems if he did that on site and he stated "Here again, it wasn't a lengthy continuous thing." He stated nothing prohibited him from doing it on site, it didn't come up and it "just ended." I asked him if other board members conducted hearings in this manner and he stated he didn't think so but didn't have knowledge of that. He stated he and [REDACTED] are friends, "we just clicked" but continued to state he is friends with all of the board members and analysts.

I asked Ruzicka about the plans with [REDACTED] to dress similar. He laughed and stated it was "just another one of those things." He stated "[REDACTED] and I talked about it...let's both wear pink shirts or all in black...'Men in Black' we associated it with one day. It was just us dressing similar". I asked him how many times they dressed alike. He stated "6, 7, 8, I don't know. We just dressed similar and people would comment, people at the office did." I asked him if they dressed similar while on the road conducting hearings and he stated he thought they did noting one instance they decided to wear blue shirts. Ruzicka stated he has only participated in dressing alike with [REDACTED]

I asked Ruzicka if all of this sounded ridiculous after discussing this with me. He stated "Yeah. Like I said, it happened and it was over...maybe that little check in here (he was pointing to his chest) was to move on. We didn't discuss ending it, it just kinda ended."

I asked him if these hearings were made public if he would be satisfied with how he conducted himself. He stated because the words were unusual they may be noticeable. I read him the list of words and song titles again and he stated, "Here again, the words were used in the hearing but a complete and thorough hearing was done; I assure you of that." I asked him if what he did was unprofessional. He stated he could have used other analogies or similarities but they do all kinds of comparisons in interviews. I told him by using these particular words and titles and assigning points it looked like they were playing a game and not just using analogies and he stated "Yeah, to see who could use it the most."

Ruzicka stated "In my 40 years with the State this is the first time I have ever had contact, a meeting like this. I haven't done anything. I should not have used them." I asked him if he believed the use of the words degraded or belittled the offender and he stated "As I said, those words were used, but we did have a complete and thorough hearing."

Ruzicka was advised to not discuss this investigation with anyone; however, if he did have additional questions he could contact me or [REDACTED]

On September 22, 2016, I interviewed Parole Analyst [REDACTED] [REDACTED] was advised of the Right to Representation as a Probation and Parole employee and declined to have one present.

[REDACTED] explained the video parole hearing process which was consistent with Ruzicka's description. [REDACTED] stated the video hearings allow them to complete hearings quicker and provides extra time to work on files and keep up on daily tasks as they do not have to travel as much.

[REDACTED] has received numerous hours of training on how to interact with offenders during his tenure with the Department of Corrections. However, he stated he has not attended much training as an analyst.

I explained that I was investigating concerns with how parole hearings were being conducted by him and Don Ruzicka due to the utilization of certain words and song titles in the interviewing of offenders. [REDACTED] stated he did not recall how the idea for playing the game came about other than they just decided to "change it up" and see how many words they could use. He stated Ruzicka picked the words he would use during the interview and he would select words or song titles for Ruzicka. He stated they did not play this game at site hearings, only during video hearings.

I asked [REDACTED] how the words or song titles elicited valuable information from an offender in order to determine if he or she was ready for release. He stated "It doesn't. We just thought it would lighten the mood and change it up." I asked [REDACTED] how the words or song titles assisted with evaluating public safety when deciding to release an offender. He stated "It doesn't."

I asked [REDACTED] if the hearings were conducted in the best interest of the offender when these games were played. He

stated "No. We only did it two times when we were together." When I asked him why they did it at all he stated he did not know.

I asked him if there were discussions about the game during deliberations after each hearing. He stated there were and the District Administrators knew about the games but he was not sure if they knew before or after the hearing but it was discussed after the hearings.

I asked [REDACTED] about him and Ruzicka dressing similar. He stated they did it only once every so often, and then said about four times. He stated they would wear the same color of shirts..black, white or whatever color Ruzicka had with him. He stated Ruzicka would text him the color of the shirt in the morning and he would match what he could. He stated they thought it would be funny. He said people in the office commented on it and thought it was funny.

[REDACTED] stated he has never played these games with other board members or planned to dress similar with others either.

I asked him what training he had that would lead him to believe that it was good practice to play these games during hearings. He stated it was not good practice and it degraded the process. He stated they only did it for one week and it was not a good idea. He stated they quit doing it because it was not good practice and it was unprofessional. He stated they did not have a discussion about stopping the game, they just stopped.

He stated he told [REDACTED] about playing the game because they have been friends for a long time and didn't think anything about it.

[REDACTED] was advised to not discuss this investigation with anyone; however, if he had additional questions he could contact me or [REDACTED]

On October 12, 2016 I interviewed Parole Board member [REDACTED] [REDACTED] was appointed to the board on April 24, 2012. Prior to this appointment, [REDACTED] was elected to the Missouri House of Representatives in 2004 and served three terms. Prior to serving in the House, [REDACTED] was a Missouri State Highway Patrol Trooper and Sheriff of Moniteau County.

[REDACTED] stated he contacted [REDACTED] "Because I was concerned something was going on that I didn't want to be any part of; involved something about the interviews. I didn't have any firsthand knowledge but I didn't want to be involved in it." He reported to [REDACTED] that he heard in the hallway a discussion about how Ruzicka and [REDACTED] were trying to get offenders to say certain words during an interview. [REDACTED] stated "I don't play games during an interview; I thought it was a silly idea and I don't know whose idea it was, I didn't want any part of it or have to do it but it concerned me." He stated when he heard the discussion in the hall, he came out of his office and there were some parole analysts, [REDACTED] and others present in the hall; he was not sure if Ruzicka was present. He stated [REDACTED] was discussing how he and Ruzicka tried to get offenders to say a certain words during the hearing. [REDACTED] stated he didn't know if it was a game or some method of interviewing to try to connect with the offenders but it didn't sound like anything he wanted to be a part of. He stated he did not report this to [REDACTED] the day he heard it as he just thought about it and the more he thought about it, he decided he needed to report it. He stated to try to get the offender to say a certain word during the hearing would make the interview much more difficult and stated "Its business to me, no nonsense."

[REDACTED] stated the game playing didn't seem to be a secret since [REDACTED] was talking about it in the hallway but it still concerned him. [REDACTED] stated it is not the way he would connect with an offender during an interview and was concerned about its effect on the interview.

I asked him what words were used and he recalled the word 'armadillo' was talked about. He stated he didn't know if that word had really been used or if it was an example of a word to demonstrate how they were playing the game.

█████ stated, "It's a serious job; dealing with somebody's life. This is a full time job and important. My job is to help and motivate people; make a difference."

█████ stated when he called █████ he asked her questions about the motivational interviewing process thinking that might be what █████ talking about. He stated, "I was trying to search her out; she didn't know what was going on." █████ told him she would listen to the tapes. █████ stated he did not have time to "mess around" during a hearing and try to craft his interview based on a how to work a word in. He stated it is not a professional way to do business and that he believes it warranted discipline.

█████ discussed the video hearing set up and process and told me most hearings are conducted by video now due to the number of hearings. He stated multiple hearings can be conducted in Central Office at the same time as they have several rooms set up for use. █████ stated there is a guide for the interview during a hearing, but one learns what is supposed to be covered and questions are directed based on the individual offender's history and current status.

I asked █████ if he saw Ruzicka and █████ dress similar. He stated he saw them dressed all in black on the same day. He also had seen them wear the same color of shirts but he didn't know if it was intentional but he thought it would be silly if it was.

On October 26, 2016, I interviewed █████ a second time to answer some follow up questions. I inquired how the words or song titles were picked and if they came as a result of reviewing offender files. █████ stated they were randomly picked and they hoped they could work them in the interview. He stated Ruzicka was always prepared with words or song titles but he was not. He stated he only recalled using the words two times and one time with songs, then clarified they only used the words two hearing days and songs one hearing day but during several hearings.

I inquired about a hearing on June 23rd with offender █████ in which the words 'biomass' and 'manatee' were used two times during the hearing. He stated Ruzicka gave him those words and he believed these were used as part of the game but he did not even know what they mean. I advised him this hearing was on site at Moberly Correctional Center and he responded "It was? Sorry about that, I only recalled the video hearings." He apologized again and stated he had not recalled that one.

I asked who he discussed the game with while standing in the hallway at Central Office in mid-July. He stated there were several people such as █████ and the Release Manager, but he couldn't recall her name, and there could have been others. He stated some of them just asked questions how they incorporated the words but he did not recall any negative feedback from them.

█████ still contends that he and Ruzicka never had a conversation to stop playing the game. He stated he never thought the game was that fun and he was never prepared with words or songs. I asked him if he participated out of pressure from Ruzicka and he stated "no" and that he willingly participated in playing the game. █████ acknowledged he and █████ ride to and from work together most days but denies they ever discussed the playing of the game.

█████ later emailed me the name of the Release Manager, █████.

On October 27, 2016 I interviewed Parole Analyst █████ has been employed with the Department of Corrections for approximately 20 years serving in positions of Corrections Officer, Probation and Parole Officer, Unit Supervisor and was promoted to Parole Analyst in 2002.

I explained the investigation to █████ and asked him if he overheard a conversation about the game Ruzicka and

█████ played. He stated one time in July is the only time he heard about it. He stated he was talking to █████ in the hall but could not recall if Ruzicka was present. █████ said something about a word game he and Ruzicka were playing in which they used certain words during a hearing. █████ did not know what specific words were used or how they were picked; █████ just discussed using certain words in the hearing interview. █████ stated there were others in the hallway as sometimes they all congregate at the clerical's desk but he was not sure if she was at her desk during this time. █████ stated he thought █████ █████ was present and at least one other person but could not recall who.

█████ stated the day █████ called █████ and reported the behavior he was driving the vehicle he and █████ were in. █████ stated he and █████ had not discussed Ruzicka and █████ game or if it should be reported. █████ stated it had been bugging him and █████ phone call to █████ kept him from contacting █████ and "taking it to another level." However, █████ stated it was going to come out one way or another; he just had not taken the step to call █████ yet. █████ stated he did not know █████ was going to make the call to █████ the day he did.

He stated it bugged him for the simple fact Ruzicka and █████ were even doing this and that it was childish. █████ stated he was thinking 'first, why are you doing this and second, why are you talking about it?' but he claims he did not say this to █████

█████ stated he has never known previous parole board members to participate in this kind of behavior.

I asked █████ if he recalled Ruzicka and █████ dressing similar. He stated he had seen them dressed similar and heard people make comments about it but couldn't specifically say what they remarked other than, 'Oh, I didn't get the memo or I didn't get the memo it was green Monday', things like that. He didn't know if the dressing similar was intentional or coincidental. He stated he would not have assumed they were doing it intentionally.

█████ stated he has not had any discussions with anyone about this but in his opinion it was a foolish thing to do. █████ was advised to not discuss this investigation with anyone moving forward.

Based on the information obtained during this investigation, it is believed Parole Board Member Don Ruzicka and Parole Analyst █████ violated the Governor's Executive Order No. 92-04 by failing to conduct the business of state government in a manner that inspires confidence and trust; and failed to conduct work with respect, concern and courtesy toward clients, coworkers and the general public.

In addition to violating the Executive Order, Ruzicka and █████ violated department policy Staff Member Conduct, D2-11.10.III.A.1.:

- a. by failing to strive toward excellence in the day to day work activities;
- b. by failing to treat all persons respectfully, fairly, honestly and with dignity;
- c. by failing to perform duties responsibly;
- d. by failing to empower and assist other staff members to perform their job in a responsible manner; and
- I. by failing to represent to the public the highest moral, ethical, and professional standards.

Ruzicka and █████ developed a game in which words or song titles were given to one another to incorporate into the interviewing process with offenders during their parole hearings. Points were earned by Ruzicka and █████ based on the number of times they used the designated words or song titles and bonus points were earned if the offender used the word as well. Both Ruzicka and █████ admitted to the use of the words and song titles and that points were awarded to the use of them; however, Ruzicka's attitude displayed during the interview suggested he did nothing

wrong and that he was professional in his interactions with offenders during these hearings.

Ruzicka did not deny the use of the words and song titles and clearly communicated he did not see what was wrong with conducting hearings in this manner; in fact, he likened the game, without referring to it as a game, to interviewing using analogies. It is clear when listening to the hearings; the words were not used in most instances as analogies. He admitted points were applied to the number of times the words or song titles were used but again minimized the true meaning for the points. Ruzicka was asked many times why the use of the points was important if this was not a game and he could not respond in any other manner other than it was to keep track of who used it the most but would not provide an answer why this was important. Ruzicka and [REDACTED] can both be heard in different hearings whispering to each other about the accumulation of points. By this acknowledgement during the hearing, it was clear to me this was a very important aspect of the game.

[REDACTED] on the other hand, admitted their behavior was unprofessional and inappropriate and accepted responsibility for his actions.

However, what is most interesting is that neither one of them admits to any conversation with each other nor with anyone else that made them cease playing the game. Both insist they just stopped playing the game. There were several people that knew about them playing the game and it is hard to believe there were no discussions about the inappropriateness of this behavior that may have led them to stop doing it.

It is clear when listening to the hearings in which the game was played, both Ruzicka and [REDACTED] seemed to struggle with the interviewing process. It seemed they were trying so hard to embed the words or song titles into their questions or statements that they were not focused on the proper questions to ask or nor were they actively listening to the responses from the offenders. At no time were the words or song titles used in an effective manner that provided information to the hearing panel to assist in determining if the offender was a good risk to release or that public safety was being considered. And, most times, it seemed the offender was being made fun of by the use of such words and song titles during this process.

Hearings in which the game was not played were listened to and it seemed those hearings were conducted in a more professional manner and issues surrounding the offender's release were more thoroughly discussed.

Ruzicka and [REDACTED] are both long term employees of the State and have been placed in positions to ensure public confidence in the integrity of the government. By playing this game during the parole hearing process, they have diminished the confidence that either one of them would not conduct hearings like this in the future.

Ruzicka and [REDACTED] as well as the District Administrators and Unit Supervisors, stated the game did not play a role in the deliberation process as it related to the release of the offender. It may seem that the decision of when to release the offender was decided on file material and not anything derived from the interview during the hearing. That being said, the purpose for the game can be nothing more than making light of a serious process and wasted valuable time of employees and offenders.

As stated before, there were several employees that were aware of the game being played by Ruzicka and [REDACTED]. Every Probation and Parole District Administrator and Unit Supervisor that sat on the panel during these hearings became aware of the game at some point, either before or after the hearing. [REDACTED] discussed the game with others at Central Office, including other parole board members, parole analysts and the Chief State Supervisor's administrative assistant. Yet, due to the positions held by Ruzicka and [REDACTED] no one reported the inappropriate behavior. Enhanced training of employees may be warranted so they understand the importance of reporting employee misconduct, regardless of the position the employee holds, in order to redirect behavior before it gets out of hand.

A copy of this investigation will be submitted to the Chairman of the Parole Board and the Chief State Supervisor to address as they deem appropriate.

Evidence Section:

1 **Recovery Date:** September 14, 2016

Description: 14 Audio Recordings of parole hearings

Recovery Location: Probation and Parole Central Office

Storage Location: Case file

Recovered By: [REDACTED] to Amy Roderick

2 **Recovery Date:** October 12, 2016

Description: Audio interview of [REDACTED]

Recovery Location: Office of Inspector General

Storage Location: Case file

Recovered By: Amy Roderick

3 **Recovery Date:** September 26, 2016

Description: Audio interview and written statement of [REDACTED]

Recovery Location: WERDCC

Storage Location: Case file

Recovered By: Mike Lawzano

4 **Recovery Date:** September 29, 2016

Description: Audio interview and written statement of [REDACTED]

Recovery Location: WMCC

Storage Location: Case file

Recovered By: Mike Lawzano

5 **Recovery Date:** October 27, 2016

Description: Audio interview and written statement of [REDACTED]

Recovery Location: BCC

Storage Location: Case file

Recovered By: Mike Lawzano

6 **Recovery Date:** September 30, 2016

Description: Audio interview and written statement of [REDACTED]

Recovery Location: FCC

Storage Location: Case file

Recovered By: Mike Lawzano

7 **Recovery Date:** September 30, 2016

Description: Audio interview and written statement of [REDACTED]

Recovery Location: FCC

Storage Location: Case file

Recovered By: Mike Lawzano

8 **Recovery Date:** September 29, 2016

Description: Audio interview and written statement of [REDACTED]

Recovery Location: CCC

Storage Location: Case file

Recovered By: Mike Lawzano

9 **Recovery Date:** September 22, 2016

Description: Audio interview of Don Ruzicka and Employee Right to Representation form

Recovery Location: Office of Inspector General

Storage Location: Case file

Recovered By: Amy Roderick

10 **Recovery Date:** October 10, 2016

Description: Written statement of Don Ruzicka

Recovery Location: Office of Inspector General

Storage Location: Case file

Recovered By: Amy Roderick

11 **Recovery Date:** September 22, 2016 and October 26, 2016

Description: Audio interviews of [REDACTED] and Employee Right to Representation form

Recovery Location: Office of Inspector General

Storage Location: Case file

Recovered By: Amy Roderick

12 **Recovery Date:** October 12, 2016

Description: Audio interview of [REDACTED]

Recovery Location: Office of Inspector General

Storage Location: Case file

Recovered By: Amy Roderick

13 **Recovery Date:** October 27, 2016

Description: Audio interview of [REDACTED]

Recovery Location: Office of Inspector General

Storage Location: Case file

Recovered By: Amy Roderick

14 **Recovery Date:** October 24, 2016

Description: Parole hearing schedules for June, July, August

Recovery Location: Probation and Parole Central Office

Storage Location: Case file

Recovered By: Amy Roderick

15 **Recovery Date:** September 14, 2016

Description: Request for Investigation, memo from [REDACTED] and IOC from [REDACTED]

Recovery Location: Probation and Parole Central Office

Storage Location: Case file

Recovered By: Amy Roderick

16 **Recovery Date:** October 26, 2016

Description: Transcripts of audio recorded parole hearings

Recovery Location: Office of Inspector General

Storage Location: Case file

Recovered By: Amy Roderick