

Investigation to WSP mail
on 5-2-12

THE STATE



OF WYOMING

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Robert Lampert
Director

SERIOUS INCIDENT REVIEW INQUIRY

5-29-12
sl

TO: Eddie Wilson
Warden
Wyoming State Penitentiary

REPORT BY: Booth, Scott *AS*
Investigative Lieutenant
Investigations Unit (IU)
Serious Incident Review Chairperson

DATE: May 1, 2012

SIR 12-0003

INCIDENT: Improper Release of Inmate Arthur Penrod from the Wyoming State Penitentiary (WSP) April 10, 2012.

SUBJECT: Penrod, Arthur
Inmate / WSP
ID # 25574

COMMITTEE: Krejci, Dee
Records & Data Management Specialist
Wyoming Women's Center (WWC)

Peterson, Joseph
Computer Technology Support Specialist
Wyoming Medium Correctional Institution (WMC1)

Slack, Dean
Investigative Lieutenant
Investigation Unit (IU)

PERSONS INTERVIEWED:

<u>Name</u>	<u>Identification</u>	<u>Location</u>	<u>Interview on page</u>
Carter, Doug	Corporal	WSP	14
Flemming, Russell	Sergeant	WSP	15
Gallo, Kya	Records & Data Management Supervisor	WSP	27
Goheen, Kelly	Lieutenant	WSP	21
Helvig, Tim	Lieutenant	WSP	16
Howell, Andrea	Case Manager, Intake	WMCI	32
Jacobs, John	Major	WSP	26
Lockwood, Timothy	Senior Public Relations Specialist	Cheyenne, WY	34
Martin, Todd	Deputy Warden	WSP	19
Penrod, Arthur	Inmate 25574	WSP	17
Prindle, Heather	Sergeant	WSP	23
Schwesinger, Crystal	Sergeant	WSP	15
Thayer, Janell	Housing Manager	WSP	24
Wilson, Eddie	Warden	WSP	31

**OTHERS
MENTIONED:**

<u>Name</u>	<u>Identification</u>	<u>Location</u>
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Abbott, Scott	Deputy Prisons Division Administrator	Cheyenne, WY
Ebell, David	Caseworker	WSP
Fetsco, Daniel	Deputy Director Board of Parole	Cheyenne, WY
[REDACTED]	Senior Computer Technology Systems & Infrastructure Analyst	Cheyenne, WY
Hansen, Mary	Records Specialist	WSP
Houge, Jann	Office Support Specialist II	WSP
Lampert, Bob	Director WDOC	Cheyenne, WY
Lindley, Steve	Deputy Director WDOC	Cheyenne, WY
McFerrin, Darcy	Unit Manager	WSP
[REDACTED]	[REDACTED]	Casper, WY
Odell, Patricia	Correctional Program Supervisor	Cheyenne, WY
Pilger, William	Senior Assistant Attorney General (Wyoming)	Cheyenne, WY
Prindle, Bert	Captain	WSP
Urbain, Steven	Captain	WSP
Wixson, Dottie	Accounting Clerk	WSP

SUMMARY:

The essence of this Serious Incident Review (SIR) was to determine if staff followed rules, policies and procedures, to determine if the incident was handled properly, were alternatives available and analyzed, was the best solution implemented, any action that should be taken to avoid similar future incidents, recommendations that may be in order for disciplinary action, criminal prosecution or recognition for outstanding performance of duty and if there are

significant aspects/issues, as a result of the incident, that require attention or action by the Wyoming Department of Corrections (WDOC).

The SIR Committee, consisting of Scott Booth, Dee Krejci, Joseph Peterson, and Dean Slack had been directed on April 12, 2012, by Daniel Shannon, Prisons Division Administrator, to initiate a SIR. During the course of the SIR, the Committee discovered that there was sufficient information available to WSP staff to have at first postponed and eventually prevented the improper release of Inmate Arthur Penrod on April 10, 2012.

At approximately 2:50 am on April 10, 2012 Penrod informed Corporal Doug Carter that he was to be released later in the morning, but that he had another sentence to serve. Carter checked WCIS to verify Penrod's information and he was able to locate a Post Sentence Investigation (PSI) that showed Penrod had been convicted of another crime and had a 5 to 7 year sentence to complete. Carter completed a staff report and informed his immediate supervisor, Sergeant Chrystal Schwesinger, and watch commander, Lieutenant Timothy Helvig. Schwesinger took it upon herself to notify, via email, Major John Jacobs, Unit Manager Darcy McFerrin, and Deputy Warden Todd Martin about an existing PSI for Penrod that showed he had another sentence to complete before he should be released. Schwesinger also reported this information verbally to Helvig. When Helvig received Carter's staff report he made copies and distributed the information to Captains Bert Prindle and Steven Urbin, Jacobs, Martin, and Warden Eddie Wilson. Helvig also passed the information on to the next watch commander, Lieutenant Kelly Goheen. However, Helvig did not talk to the inmate or make any inquiries into how Carter and Schwesinger had obtained the reported information. Goheen directed Sergeant Russell Flemming to contact Jacobs and the Records Office prior to Penrod's release, which he did. Flemming reported that he advised Jacobs and Records & Data Management Supervisor Kya Gallo about the information pertaining to Penrod's release.

Jacobs reported that he had informed Martin about the night shift reporting conflicting information regarding Penrod's pending release. Martin directed Jacobs to contact Gallo in an attempt to resolve the issue, which he did. Gallo said she reviewed all the documentation she "typically" reviews and determined that Penrod was okay to be released. However, Gallo did not look at all the information that was available to her. Had she done this, Penrod's release may have been halted.

Later in the afternoon on April 10, 2012 Housing Manager Janell Thayer located a different PSI on WCIS that Gallo does not "typically" review. Thayer notified Gallo of the new PSI. Gallo was then able to determine that Penrod did have another sentence to serve.

When the Committee interviewed Jacobs, Martin, and Gallo they were all asked if anyone had spoken to Carter and or Penrod as to determine why the information reported did not coincide with the information obtained by the records office. Gallo reported that she originally did not know of Carter's report and that she does not interview inmates prior to their release. Jacobs and Martin reported to the Committee they had focused on an oversight that may have been potentially made by the records office, not on the information provided to them by Carter and or Penrod himself.

During the course of the review, the Committee obtained information that showed the process for discharging inmates from WDOC custody was flawed. The Committee determined that there is no departmental policy, or WSP operational procedure governing the release of offenders from WDOC supervision. The releasing authority is essentially the WSP records manager and not the Warden. Furthermore, the two main information data bases (WCIS and Monitor) for the WDOC are not compatible with each other nor do they share information. Additionally, there is no formal exit interview or debriefing required for separating offenders.

It must be noted that the information that Carter was able to obtain regarding Penrod and his newest conviction was readily available and had been so since November 2, 2011. In the opinion of the Committee, the main contributing factor for the improper release of Penrod was the oversight of WSP management in not interviewing Carter, Schwesinger, or Penrod. Had they done so, Penrod's improper release from WDOC custody more than likely would have been prevented.

INVESTIGATION:

On April 12, 2012 a Serious Incident Review Committee was organized by WDOC Prisons Division Administrator Daniel Shannon, consisting Investigative Lieutenant Scott Booth (Chairperson), Records Specialist Dee Krejci, Computer Technology Support Specialist Joe Peterson, and Investigative Lieutenant Dean Slack. The Committee was tasked to review the improper release of Inmate Arthur Penrod from WSP on April 10, 2012.

On April 16, 2012 the Committee was forwarded a copy of an email that had been sent to Director Lampert from Corporal Carter. Carter had sent the Director the email on April 13, 2012 at about 6:22 am (a copy of the email will be maintained in case file. The following is what Carter wrote the Director:

“Sir,

I tried to stop this release as soon as I found out it was going to happen. Mr. Penrod told me that he had a consecutive sentence that he needed to serve 5 hours (approx. 0300) before he was due to be released. I pulled him up on WCIS and it didn't show a consecutive sentence. But then I looked at his PSI and it plainly showed that he had been convicted of aggravated assault in August 2011 and was to serve 5 to 7 at WSP. I reported the situation to my Sgt. (Crystal Schwesinger) and she E mailed the unit manager (Darcy McFerrin). I also turned in a report and delivered it to the watch commander (Lt. Tim Helvig). I also passed this information on to the 1st shift Sgt. (Heather Prindle). I followed my chain of command and somebody dropped the ball.

Anyone with access to PSIs could have verified the information that I passed on, both written and verbally. It only took me 30 seconds to look him up and I don't have the official ability to do so as I'm only a Corporal.

Mr. Penrod did tell me that his ride was coming from Casper, so I assume there's a good chance he might still be there. Penrod wanted to call his ride and cancel. However, I did not allow him to make the call because I didn't like the way the whole situation smelled. Maybe I should have let him make the call in order to buy some time for further investigation on the matter.

At any rate, the story I read in the paper did not completely coincide with what actually happened. I don't know if you knew the whole story, or if it was dis-information sent to the press to save face. I just want to set the record straight with WDOC. If my report somehow got lost in the shuffle, I have an unsigned hard copy and an electronic copy that I can provide if needed.

Thank you,
Cpl. D. Carter"

On April 17, 2012 at approximately 9:38 am, the committee received a packet of documents (Attachment 1) from Major William Moore regarding the incident under investigation; consisting of 118 pages; 44 pages of the 118 contained no pertinent information and will not be included in the attachment but will be filed in the base file. The packet had been compiled by Deputy Warden Todd Martin. The packet consisted of the following documents:

1. A WDOC form 102, Staff Report, dated April 10, 2012 at 3:31 am, consisting of two pages, submitted by Corporal Doug Carter.
2. A WDOC form 102, Staff Report, dated April 10, 2012 at 2:31 am, consisting of two pages, submitted by Records & Data Management Supervisor Kya Gallo.
3. A WDOC form 102, Staff Report, dated April 11, 2012 at 1:41 pm, consisting of two pages, submitted by Caseworker David Ebell.
4. A forwarded email from Major John Jacobs to Gallo dated April 10, 2012 at 9:59 am; the original email came from Sergeant Crystal Schwesinger to Jacobs on April 10, 2012 at 3:10 am, consisting of one page.
5. An email from Gallo to Jacobs sent on April 10, 2012 at 10:17 am, consisting of one page.
6. An email from Accounting Clerk Dottie Wixson sent on April 5, 2012 at 4:38 pm to WSP management, consisting of one page.
7. An email from Correctional Program Manager Brian Farmer sent on April 11, 2012 at 9:03 am, consisting of one page.
8. A memorandum from WSP Housing Manager Janell Thayer to Deputy Warden Todd Martin dated April 11, 2012, consisting of four pages.

9. A "Judgment and Sentencing" document from Seventh District Court (Natrona County) dated August 15, 2011, stamped received by WDOC (Central Office in Cheyenne) November 7, 2011; consisting of four pages.
10. An "Order of Arrest" (OOA) from the State of Wyoming Board of Parole dated May 26, 2011, consisting of one page.
11. A "Petition for Final Hearing for Determination of Parole Revocation" dated September 12, 2011, consisting of three pages.
12. A Natrona County Sheriff's Office file on Penrod dated August 10, 2011 at 10:28 am, consisting of five pages.
13. A "Summary Admission Report" dated September 22, 2011, signed by Case manager Andrea Howell, consisting of three pages.
14. A Wyoming Department of Corrections Offender Demographic Data sheet, dated September 22, 2011; consisting of two pages.
15. A WDOC form 160, "Sentence Information Document" dated September 20, 2011; consisting of one page.
16. A WDOC Male Reclassification Instrument dated November 23, 2011; consisting of six pages.
17. Copies of case notes from the Wyoming Correctional Information System (WCIS) pertaining to Penrod, printed on April 11, 2012; consisting of sixteen pages.
18. A PSI report pertaining to Penrod dated October 25, 2011, consisting of 18 pages.

A review of the documents revealed the following pertinent information:

On April 10, 2012 at 3:31 am Carter submitted a staff report to night shift supervisor Lieutenant Tim Helvig. Carter wrote the following in his report: "On 4/10/12 I (Cpl. Carter) was assigned to H pod 2. At approx. 0250 I/M Penrod #25574 asked to speak with me in his cell (106). I/M Penrod told me that his property had been packed out during 1st shift for his release from the facility. He then stated that he had a consecutive sentence and should not be released. I looked I/M Penrod's information on the database and it showed no recent sentences. However, I did find that he had pled guilty to an aggravated assault with a deadly weapon on 8/10/2011 and plea bargained down to a 5 to 7 year sentence to be served at WSP. I reported this information to Sgt. Schwesinger and she stated she would E mail the information to the unit manager. I believe that I/M Penrod's situation should be further investigated before he is allowed to walk out the gate. End of report." Carter's report was reviewed by Helvig. Helvig noted on the report "Forward to 1st shift to contact Records office before release."

On April 10, 2012 at 3:10 am Sergeant Chrystal Schwesinger emailed Darcy McFerrin, Martin, and Jacobs the following, "Inmate Penrod was packed up to leave and on his most current PSI he has another number to do. You might want to look into this." Jacobs forwarded this email to Gallo on April 10, 2012 at 9:59 am.

On April 10, 2012 at 10:17 am Gallo responded to Jacobs email. She wrote, "Inmate Penrod is currently serving his consecutive sentence. He originally served docket number 15709-B. and was discharged to his consecutive docket 17542-C. Both of these sentences were from Natrona County. Docket 17542-C is the most recent docket we have on this inmate and it was discharged on 04-10-12."

On April 10, 2012 at 2:31 pm Gallo submitted a staff report. She wrote the following, "On 04-10-12 at approx 0730 hours I (Kya Gallo) received a call from Sgt Fleming ask about the release of IM Penrod 25574. Sgt Fleming was concerned that IM Penrod had a consecutive sentence and should not be released. I checked WCIS and saw that he is currently serving docket 17542-C and it was consecutive to docket 15709-B that has already been completed. I also checked in the base file, and the R Drive to see if there were any other dockets listed. I could not find any documentation on a sentence that was consecutive to docket 17542-C. I informed Sgt. Fleming and Major Jacobs that I do not have anything on a consecutive sentence and Penrod was to discharge today (04-10-12) on docket 17542-C. I also checked and found that his NCIC warrant check was ran on 03-02-12 and cleared without any warrants listed."

On April 11, 2012 at 1:41 pm Caseworker David Ebell submitted a staff report. He wrote the following, "On 4/4/2012 I received an e-mail from Dottie Wixson stating Inmate Penrod's discharge on 4/10/2012 and how is he leaving. I talked to Ms. McFerrin about Penrod and asked her if he had a consecutive sentence. Ms. McFerrin stated she believed he had a consecutive sentence and for me to e-mail Ms. Wixson back and have her check on him to see if there was a consecutive sentence on him. I sent an e-mail to Ms. Wixson and stated on my e-mail that "I believe he has a consecutive". A few minutes later Ms. Wixson e-mailed me back and stated that she had talked to Kya, he does not have a consecutive, he will be discharging on 4/10/20 12. At this time, I checked WCIS Inquiry and saw that there was no detainer/consecutive listed. I went to H-Unit Pod 2 and asked Penrod if he had a consecutive after this number. Penrod stated no. I then asked Penrod for his discharge information. Penrod stated [REDACTED] was picking him up in [REDACTED] I asked him for the license plate number. Penrod stated he would have to call [REDACTED] later and he would give me [REDACTED] license plate number tomorrow. I then left H-Unit Pod 2 and sent an e-mail Ms. Wixson with the information I had and asked her if I needed the license plate number. Ms. Wixson e-mailed me back and stated yes and I told her I would give her the license plate number tomorrow. On 4/5/20 12 I went to H-Unit Pod 2 and Penrod gave me the follow information: [REDACTED]"

On April 5, 2012 at 4:38 pm Wixson sent out an email to WSP staff with the following message, Title "Penrod 25574", message "discharging April 10th", has ride: [REDACTED]"

[REDACTED]

On April 11, 2012 at 9:03 am Brian Farmer emailed the following message to Director Bob Lampert, Dan Shannon, Scott Abbott, Todd Martin, and Steve Lindly: "NCIC. We also faxed a copy of the Order to the Casper Police Department. The CPD put together a team and went to the address we had in Casper. [REDACTED] was there and talked to police. He was not at the residence, but [REDACTED] gone to Rawlins yesterday morning to pick him up. They got into some kind of fight. Apparently they left Rawlins in the wrong direction, so there was some time for the fight to play out. They turned around and returned to Rawlins. [REDACTED] let him out at a gas station and [REDACTED] returned to Casper. Apparently he knew that he should not have been released. According to [REDACTED], he tried to tell WSP staff that he had more time, but "no one listened". [REDACTED] said that [REDACTED] was expecting a visit from the police. The police did conduct a search of the premises and did not find any evidence that he was there or had been there. They did tell [REDACTED] that if [REDACTED] has any future contact with him that [REDACTED] should advise him to turn himself in. They advised [REDACTED]. [REDACTED] They will continue to keep a look out for him in Casper and will apprehend him if he is spotted. They are completing a report on the contact with [REDACTED]. That will likely be done in a couple of days. Sgt. Hadlock is the person who we had contact with. Scott will contact Todd and discuss contacts with Rawlins area law enforcement. We will ask Rawlins PD and Carbon County Sheriff to keep an eye out for him. With the warrant in NCIC, he should be held upon any law enforcement contact. I have placed the J&S, PSI, and original copy of the warrant in his Cheyenne base file. Please let me know if you have any questions on this matter.

On April 11, 2012 Housing Manager Janell Thayer submitted a memorandum to Deputy Warden Todd Martin pertaining to Inmate Penrod. Thayer wrote, "Per your [Martin] request the following is a chronology of information prior to inmate Penrod's release on April 10, 2012". The following information had been provided to Martin from Thayer after Penrod's release:

5-26-11: Petition of Parole revocation/Order of arrest noting arrest/charge of Aggravated Assault.

8-12-11: J&S signed by Judge Sullins, Date stamped Filed by District Court/Mittimus signed on 8-15-11.

8-17-11: inmate received at WMCI—parole revocation

*8-22-11: Offender Demographic Notes (from WMCI Records) that inmate was returned from parole-noting Burglary conviction (conspiracy)

*9-12-11: Findings of fact (from the parole board) noting arrest/charge Aggravated Assault

9-13-11: Case note from intake case manager Andrea Howell indicating that the inmate

was charged with a new felony (Aggravated Assault) to run consecutive, noting 5 to 7 years. Unknown where sentence information was derived from—as WMCI Records had not received or inputted J&S for Aggravated Assault.

9-15-11: MDT notes conflicts with [REDACTED] as well as [REDACTED] in prior Agg Assault).

*9-20-11: Offender Demographic (WMCI records) notes parole boarding street time findings on Burglary

*9-20-11: SIDS (completed WMCI Records) notes Burglary, no consecutive sentence

*9-22-11. Intake summary case notes (from Andrea Howell) reference a consecutive Agg Assault charge of 3yr 6mos to 5 years (Note: this was the sentence structure on the previously completed Agg Assault). It is believed that Ms. Howell was referencing the previously discharged Aggravated Assault sentence.

9-29-11: Inmate transferred to WSP

10-25-11: Date of Post Sentence Investigation Report submission (see date on PSI). Date unknown when Post Investigation was placed on PSI/OS Inquiry.¹

11-1-11: Monitor print screen (from today's date) indicates that investigation closed, 8/22/11 noted that Penrod sentenced to WSP for 5-7 years.

11-7-11: J&S received by Central Office (note State of Wyoming Dept of Corrections stamp—facilities don't date stamp legal documents).

February 2012: WSP begins discharge list/process. Comparing good time Sheets/vs disciplinaries, with discharge report generated from WCIS, R drive checked for any additional SIDS/ODDS, J&S or PSI's.

2-29-12: Discharge list sent out to email group

3-1-12 to 3-2-12: warrant check for discharge list, PSI's checked for [REDACTED] discharge ODDS and ID's completed.

3-21-12: April discharge list checked for good time/disciplinaries.

4-9-12: Notification sent for Penrod's discharge.

¹ The date Thayer claims was "unknown" was readily accessible on WCIS. When the PSI list is pulled up on WCIS for a particular inmate, the submission date is on the same lines under the block information titled "PSI date". According to information the committee was able to locate on WCIS, Penrod's PSI for docket #18655-B had been entered on November 2, 2011.

4-10-12: Phone call from Sgt Fleming regarding Penrod having a consecutive sentence.

Email from Crystal Schwesinger

In response, base file hand reviewed, WCIS offense screen double checked, R drive checked, NCIC/warrant reviewed.

*all classifications note Ag Assault as most severe crime, however, this may have been derived from the parole board actions/references, (ie: detainers/warrants are counted as current convictions).

4-10-12: Inmate Penrod's release from WSP

14:30hrs: staff report completed by Kya Gallo, forwarded to HM Thayer, Major Jacobs and DW Martin.

16:30hrs: HM Thayer calls in reference to report, discussion regarding ID's, further review indicates a PSI on the OS Inquiry staff comments noting 5-7 years per plea agreement, noting the September 2011 parole revocation (Conspiracy conviction) and the present conviction of Aggravated Assault.

Based on the above information the following may have contributed to the release of inmate Penrod:

-documentation was not located that a J&S was received by the institutions (WMCI or WSP), documentation indicates the J&S was received at Central Office.

-Monitor print screen-cases indicates a category conviction for 18655-B, however case status is noted as pending sentencing.

-inmate Penrod's number of convictions for Aggravated Assault further complicated identification for both Case Management staff and Records staff, and as a J&S was not received and entered into Offense screen, when questions arose regarding a consecutive information indicated the sentence for Aggravated Assault had been discharged previously.

-Previous WSP transportation for intake post orders indicated that a J&S must be hand received by transportation staff when picking up the inmate from county jail. As this inmate was returned to WDOC on a parole revocation/order of arrest from the Parole Board, receipt of a J&S would not be applicable. As such other than review of parole board revocation proceedings WDOC institution staff would not have been aware of an additional pending charge (conviction was not noted on parole board proceedings/documents).

-Review of R drive documents does not reference the 2011 Post Sentence Investigation

report or the J&S on 18655-B.

Recommendations:

- WDOC Discharge policy does not exist, WSP operational procedure does not exist.
- Monitor and WCIS are two distinct systems that do not interface with each other.
- The discharge system for WDOC relies solely on the knowledge and interpretation of good time/sentence calculation of the WSP Records Manager. Essentially there is not a checks and balance process.
- Review of the system in which Judgment and Sentences are received/saved/documented by WDOC Central Office and Institutions. Procedures for new inmates dictate the J&S is received prior to receipt of inmate and upon transport. This doesn't ensure receipt of consecutive sentences or sentences for parole violators.
- The OS Inquiry screen for offenses is not user friendly. Users need to be able to discern whether the sentence is active, not active or discharged. Furthermore, the user also needs to be able to interpret below the sentences to determine if there is consecutive sentences.
- OS inquiry regarding sentence structure is not real time updated. For example minimum and maximum sentences are dependent upon completion of quarterly good time calculations and users must know how the good time system works (disciplinary completed in that month—not occurring in the month) and when good time reports are calculated (upon input of disciplinarys by all WDOC institutions).

A Judgment and Sentencing (J&S) document for Inmate Arthur Penrod, docket number 18655-B², was contained in the packet, dated August 15, 2011 from the Seventh District Court (Natrona County). The J&S appears to have been stamped "Certified Copy" and stamped received by "State of Wyoming Dept. of Corrections" on November 7, 2011. The J&S ordered that Penrod would be remanded into the custody of the WDOC for a sentence of no less than 5 years and no more than 7 years concurrent with his current conviction (docket number 17542-C).

On May 11, 2011 the State of Wyoming Board of Parole conducted a petition hearing for a determination of parole revocation regarding Penrod. The Board of Parole wrote the following, "On or about May 11, 2011, said parolee [Penrod] was arrested and charged with felony Aggravated Assault. AND [sic], Whereas the parolee waived a preliminary hearing. Wherefore, based on the above information, it is hereby recommended that Arthur Derk Penrod #25574 be returned before the Board of Parole for a revocation hearing." This document was signed by Board of Parole Deputy Director Daniel Fetsco on May 26, 2011.

On September 12, 2011 the Board of Parole filed an "Amended Final Disposition and Order"

² Gallo stated, in her interview, the J&S had been obtained after Penrod's release from the District court.

finding of facts. The Board of Parole noted that on or about May 11, 2011 Penrod had been arrested and charged with Felony Aggravated Assault. The Board of Paroles conclusion was to revoke the parole which had been granted to Penrod on August 24, 2010.

A record pertaining to Penrod had been generated by The Natrona County Sheriff's Office on August 10, 2011. The record reported identification data relevant to Penrod. The record also contained a section titled "Involvement". This section showed that Penrod's most recent contact with Law Enforcement had taken place on May 11, 2011. The "description" of the involvement was listed as "Aggravated Assault".

On September 22, 2011 the Wyoming medium Correctional Institution (WMCI) generated a "Summary Admission Report" pertaining to Inmate Penrod, docket #17542. The report had been completed by Case Manager Andrea Howell on September 22, 2011. Howell wrote that Penrod had been returned back to prison on parole revocation. She indicated he had been ordered to complete his original sentence and then begin his consecutive charge and sentence of Aggravated Assault "3Y6M-5Y", terminating on April 10, 2012. It should be noted there was no mention of a new conviction (docket #18655-B) in this report.

Copies of WCIS Casenotes, included in the attachment, show that Howell made two significant entries pertaining to Penrod. On September 13, 2011 Howell wrote, "Revocation Hearing: IM Penrod attended a revocation hearing before the Wyoming Board of Parole on September 12, 2011 @1320 [1:20 pm]. Attending was his former Parole Agent – via phone April Steffensmeier and myself [Howell]. On May 11, 2011 IM Penrod was involved in an incident where a friend was in a altercation with another and beat a man with a pipe – IM Penrod was a witness to the crime and left with the individual that caused the Aggravated Assault. He was charged with a new felony (Aggravated Assault) to run consecutive to his original sentence. He was not given any street time credit or Parole time back. He will finish his current sentence and then begin a 5Y-7Y sentence for the incident in May of 2011. A. Howell-Anderson CM/Intake." On September 22, 2011 Howell wrote, "Inmate Penrod has returned back on a Parole Revocation and has a new charge added to serve after he completes his other sentence".

On October 25, 2011 a PSI had been completed on Penrod pertaining to docket #18655-B. The PSI showed that Penrod had been convicted of "Aggravated Assault with a Deadly Weapon (Felony). According to the PSI, the offense date was on May 11, 2011. The court and file number were listed as "7th Judicial District Court #18655-B". In the adult criminal history section of the PSI it showed Penrod had a previous conviction for "Aggravated Assault and Reckless Endangerment X3 (Felony). According to the PSI, that offense date was on October 16, 2002. The court and file number were listed as "7th Judicial District Court #15709-B".

(Note: The Committee was able to locate this PSI on Penrod's WCIS information, in the PSI section. When interviewed, Gallo reported to the Committee she had not looked on WCIS for a copy of Penrod's most recent PSI; she reported she had only checked Penrod's base file and the WDOC "R" drive for his most recent PSI.)

In regards to Attachment 1, the Committee opined that the information contained in Penrod's base file, which was subsequently analyzed and reported by Thayer to Martin, contained enough information to potentially delay Penrod's release until WSP management could determine the validity of Penrod's pending release back into society. It must be noted that the J&S and the PSI pertaining to docket #18655-B were not located until after Penrod had been released from WSP. It must be further noted that there were no reports of anyone within WSP management as having conducted interviews of Penrod, Corporal Carter, and or Sergeant Schwesinger when they (management) could not locate any new documents that contradicted the inmate's release. Thayer reported to Martin a timeline of events and information which she located in WCIS, Monitor, Penrod's Base File, and or the R-Drive. However, she failed to address the issue (in her memorandum) that no one in management had interviewed the inmate or the reporting staff to clarify the questions surrounding Penrod's release from prison. They (WSP management) continued to do the same record checks, expecting different results.

The Committee would also like to note that Thayer provided numerous reasons in her report to Martin as to why WSP management could not determine if Penrod's impending release was proper or not. (i.e.: lack of WDOC policy and procedure, lack of WSP operating procedure, Monitor and WCIS are incompatible, the offender summary on WCIS is not user friendly and too complicated for the user to interpret, the current PSI was not in his file or on the WDOC "R" drive). However, Corporal Carter, who has no formal training on WCIS and or inmate record keeping, was able to obtain information regarding Penrod's current conviction (docket #18655-B) on a PSI which had been on WCIS since November 2, 2011. According to information contained in Carter's staff report, he was able to obtain this information in less than thirty minutes.

For complete details of the attachment, refer to the attachment.

On April 17, 2012, at approximately 7:31 pm, the SIR Committee interviewed Corporal Doug Carter. The following pertinent information was obtained:

Carter stated that he was working the night shift in Pod H2 on April 9, 2012 and witnessed Penrod pacing in his cell. Carter further stated that Penrod did not initially speak to him, but opined that at some point Penrod would talk with him. Carter further opined that due to Penrod's pacing behavior that he considered placing him on Temporary Restriction Order (TRO) at some point during the night.

Carter explained that sometime before 3:00 am on April 10, 2012, Penrod spoke with him; he informed him (Carter) that he had been "packed out" for release from WSP. It was at this time that Penrod also told him that he had a consecutive sentence that he needed to serve. He opined that Penrod's conscience got the better of him and that is why he (Penrod) told him (Carter) of his new crime and sentence; he (Penrod) also asked to see a lieutenant. Carter said that he questioned Penrod further and found out that he had committed a crime in 2011 of which he received another 5 to 7 year sentence. (Carter interjected at this point that he looked up Penrod's PSI and found that the crime had been committed in August 2011) Carter

digressed and said that he looked up Penrod in the "database ", and stated that he initially could not find the conviction that Penrod referred to, so he looked at the PSI section of WCIS. Carter stated that as soon as he saw Penrod's PSI he found the new conviction that Penrod had referred to. After further questioning, Carter remembered that the PSI he found was one of two listed in WCIS. When Carter was shown Penrod's most current PSI (by the Committee, refer to Attachment 1), he positively identified it as the PSI he had found on WCIS.

Carter stated that once he found this information he approached his unit Sergeant, Sergeant Crystal Schwesinger. He said that he told Schwesinger about the information he had found and informed her that something needed to be done. Carter continued by saying that Schwesinger told him that she was going to write an e-mail to Unit Manager Darcy McFerrin. He told Schwesinger that he would write a staff report concerning this issue. Carter opined that time was of the essence regarding this issue and wrote his report immediately. He stated that his only delay in writing the report was due to a mandatory facility count. Carter went on to say that he turned his report into Lieutenant Timothy Helvig, who after reading the report said that "there was nothing he (Helvig) could do and that he would pass the information on to first shift." Carter stated that after turning his report in he heard nothing more about it. Upon his return to work the next night, Carter found out that Penrod had been released when he should have remained in WDOC custody.

Carter continued by saying that he had written an e-mail to WDOC Director Robert Lampert concerning Penrod's release. He said that he did this after reading the Casper newspaper's account of Penrod's release. Carter stated that he did write an e-mail to Lampert concerning Penrod's release.

Carter opined that he would have done things differently regarding this issue of Penrod's release. He explained by saying that he would have called Cheyenne in order to get to the bottom of this issue before allowing Penrod to leave. Carter again stated that he informed Helvig that something needed to be done regarding this issue and that Helvig told him there was nothing he could do. Carter also said that he made Helvig and Schwesinger aware that he had looked at Penrod's PSI in WCIS. Carter further opined that there was evidence enough that WSP needed to check into the issue further.

(Note: a short time later the Committee recalled Carter into the interview room for further questioning)

When asked, Carter stated that no one from WSP management had asked to speak with him concerning Penrod release. He specifically said that no one, including the Deputy Warden, the Major, the Captains, Janell Thayer, or Records Manager Kya Gallo spoke with him at any time concerning Penrod's release. He stated that he did pass the information on to Sergeant Heather Prindle regarding the information he knew of concerning Penrod at shift change. Carter also clarified that the e-mail that he wrote to Lampert was done from his home computer through his state e-mail account. Carter stated that the Director had told him that he would be speaking to the SIR Committee and that he would pass on all of the information

to the SIR Committee.

On April 17, 2012, at approximately 7: 52 pm, the SIR Committee interviewed Sergeant Crystal Schwesinger. The following pertinent information was obtained:

Schwesinger stated that she had been approached by Corporal Carter who informed her that he had seen Penrod's PSI and it showed that he (Penrod) had another 5 to 7 year sentence to serve and should not be released. She said that she told Carter to write a staff report and that she would send an e-mail out concerning the issue. She clarified that she had written the e-mail to Martin, Jacobs, and McFerrin. She opined that she also informed Helvig (verbally) as well. Schwesinger further opined that Helvig had taken the report and passed the information on the first shift.

Schwesinger said that she has worked at WSP for nine years and that this situation is "totally off-the-wall." Regarding an inmate telling a staff member that they should not be released, Schwesinger stated that she had never heard an inmate makes such a statement. Schwesinger confirmed that she in fact saw Penrod's PSI which further confirmed that Penrod had another sentence to serve. She stated that neither she nor Carter made a copy of the PSI and opined that with the information about Penrod's new sentence that WSP may have postponed the release of Penrod. When asked to rank the use or difficulty of finding the information concerning Penrod's new sentence, 1 = easiest to 10 = most difficult, Schwesinger rated the process as a 2. She explained by saying that the biggest difficulty in finding the information was having access to the information via a login and password. Schwesinger stated that she does not have access to WCIS PSI information.

Schwesinger went on to say that she told Helvig that Penrod had another 5 to 7 year sentence, that his PSI confirmed it, that Carter wrote a staff report pertaining to this, and that she sent an e-mail out. She said that Helvig did not discuss the issue with her and only told her that he would pass the information on the first shift.

Schwesinger said that it was not typical for an inmate to be released during the night shift. She said that it typically takes place after the visitors have been brought to the south facility which is sometime around 8:00 am. When asked, Schwesinger said that if she were on the day shift, prior to Penrod's release she would have spoken to the deputy Warden or the Major concerning Penrod leaving WSP.

On April 17, 2012, at approximately 8:08 pm, the SIR Committee interviewed Lieutenant Timothy Helvig. The following pertinent information was obtained:

Helvig initially stated that when he came in to work two nights later he found out that Penrod wasn't supposed to be released. He then digressed and stated that on April 10, 2012, Carter brought him a report towards the end of shift that essentially said that Penrod had told Carter he was not supposed to be released. Helvig said that he wrote on the report that the information should be passed on the first shift for further investigation or that records should be contacted in the morning. He stated he was unsure what he wrote. Helvig continued by

saying that he verbally passed on the information to first shift Lieutenant Kelly Goheen and distributed the report to the Warden, Deputy Warden, Major, and the three Captains.

Helvig stated that he did not perform any investigative work (i.e. look in WCIS, or look at Penrod's PSI) regarding this matter. When questioned further, Helvig stated that he just received his 10 year pin and that in that 10 years he had never heard of an inmate saying that they shouldn't be released. When questioned about the oddity of the situation, Helvig stated that it was odd. Helvig also said that he's had very little to do with Penrod and has not known him to be a management issue. Helvig confirmed that he did not e-mail anyone concerning the questions about Penrod's release.

Helvig claimed that there was nothing he could do about the information contained in Carter's report at 3:30 am, other than to forward the information to first shift. Helvig opined that if he were on first shift he would've gotten with records concerning the issue. When asked, Helvig stated that he believed Carter mentioned that he (Carter) had viewed Penrod's PSI.

When questioned further, Helvig stated that this situation regarding Penrod was unusual. He continued by saying that calling the duty officer essentially would not have made a difference. When asked if he would've contacted the Central Office Duty Officer or the WSP Duty Officer, Helvig stated that he has been advised not to call the duty officer unless there is a Priority I incident taking place. Helvig clarified that he has been given guidance, as well as that he would not call the Central Office Duty Officer or WSP Duty Officer unless a Priority I it was taking place. He then clarified that he hasn't been given any direction regarding calling a duty officer for unusual incidents.

Helvig concluded the interview by stating that he was unaware of any incident report being generated by WSP concerning Penrod's release.

On April 17, 2012, at approximately 8:30 pm, the SIR Committee interviewed Inmate Arthur Penrod. The following pertinent information was obtained:

Penrod stated that he understood why he was speaking with the Committee and began to give his synopsis of what took place. He stated the following:

"They, ah, told me to pack out,[I] packed out, ah, I informed ah, one of the officers later on that night I had a 5 to 7 consecutive, ah, he said he was going to e-mail the lieutenant, I asked personally to talk to a lieutenant, but they wouldn't come down and talk to me. Said I've got a 5 to 7 to do, not suppose to be gettin' released." [SIC]

Penrod said that he asked staff the next morning if he was going to be released and he was told that his release was essentially pending confirmation of record checks. He stated that he believed he made his previous statements to the corporal. Penrod further stated that based on the information he had received, he opined that staff were attempting to confirm his release via e-mails. He continued by saying that on the morning of his release the first shift staff told him they were working on getting information from the records department about his release.

Penrod clarified that of the staff members that he spoke to he could not remember the names of the people other than that he spoke with the corporal the night before his release and an officer on the day of his release.

Penrod outlined his lineage pertaining to the time he spent in prison. He stated that he is been in and out of prison since 2002 to include the new case that he received in August 2011 which added 5 to 7 more years for aggravated assault.

Penrod stated that he did eat breakfast in the H2 pod the morning of his release. He said that between breakfast and his release no one from shift command or WSP management spoke with him concerning his release.

When asked, Penrod opined that since he came back to prison with his new 5 to 7 year sentence, everyone knew that he had a new sentence to serve because he told them. He stated that he told caseworkers at WMCI that he had a new sentence to serve because he was [REDACTED] Penrod stated that he is not hiding this information from anybody that works for the WDOC. When asked if you'd spoken to the records staff at WMCI, Penrod stated "I don't even know who that is." He stated again that he has made it perfectly clear that he had another 5 to 7 year sentence to serve. Penrod also stated concerns about being charged for his release. He further stated that he could not see how the department could charge him "since you guys walked me to the door." Penrod also shared that the officers that escorted him to A&R were talking with one another and they essentially said that there was information in his paperwork stating that he should not be released but there was no paperwork available to keep him in prison.

On the morning of his release, Penrod stated that he was picked up by a friend named [REDACTED] [REDACTED] He said that shortly after they left the facility, they got in an argument and she left him in Rawlins. He continued by saying that he went on his own from there. When asked, Penrod stated that he did not commit any crimes while he was outside of prison and that he has taken a urine analysis (UA) of which he opined that he would pass with "flying colors." He stated that all he did was go to a couple restaurants while he was outside and helped his friend. He further stated that he wasn't trying to run and that he had planned on turning himself in. Penrod went on to say that the day he was arrested he did not resist the officers that came to get him that he went peaceably.

Penrod said that he was unsure if he had received his judgment and sentencing paperwork prior to his meeting with the parole board or if he had shown it to any caseworkers at WMCI. Penrod was asked if he had talked to anybody from WSP management prior to his release (April 10, 2012). He said he had not talked to any WSP management prior to his release on April 10, 2012.

On April 18, 2012, at about 9:00 am the Committee received a packet of documents (Attachment 2) from Deputy Warden Todd Martin. The packet (containing approximately 120 pages) was a duplicate of Attachment 1 with the exception of a WDOC Form 131 (two pages), "Incident

Reporting Form" (IR)³. The duplicate documentation will not be included in the attachment but will be maintained in the case file. The incident that was being reported was the improper release of Inmate Penrod. According to the report, the incident had taken place at 7:30 am on April 10, 2012. The report shows that WDOC Central Operations and the Duty Officer had been notified on April 10, 2012 however, the time was not included in the IR. The report list the incident as a Priority I incident with the following staff being involved Deputy Warden (Todd) Martin, Records Manager Kya Abbott [sic], Housing Manager Janell Thayer, and Corporal Doug Carter. In the Narrative of Events section the following information was provided: "On April 10 2012 at approximately 7:30 am inmate Penrod, Arthur #25574 was released from the Wyoming State Penitentiary due to expiration of sentence. He should not have been released due to a consecutive sentence. Attached is a chronology⁴ written by Housing Manager Thayer which documents the events leading up to the release of inmate Penrod, Arthur #25574. Also attached is a staff report written by Corporal Doug Cat-ter. inmate Penrod, Arthur #25574 told him on 4/ 10/12 at approximately 2:50 a.m., that he didn't believe that he should be released due to a consecutive sentence. Corporal Carter did locate, on WCIS, that he had pled guilty to an aggravated assault with a deadly weapon on 8/10/11 and plea bargained down to a 5 to 7 year sentence. Warden Wilson, Deputy Warden Martin, Major Jacobs, Scott Abbott, Dan Shannon, Steve Lindly and Director Lampert were notified." The IR was submitted by Office Support Specialist Jann Houge on April 17, 2012.

For complete details of the attachment, refer to the attachment.

On April 18, 2012, at approximately 9:08 am, the SIR Committee interviewed Deputy Warden Todd Martin. The following pertinent information was obtained:

Martin reported that on April 9, 2012, Penrod's property was packed up, and then sometime during that day Penrod told WSP staff that he was not supposed to be released. Martin acknowledged that during this incident he was the Acting Warden, as Warden Eddie Wilson was on vacation.

On the morning of April 10, 2012, sometime between 7:15 am and 7:20 am, Martin stated that he received phone call at home from Jacobs. He said that Jacobs told him night shift reported that an inmate (later identified as Penrod) was scheduled for release, who said he (the inmate) was not supposed to be released. Martin said that he directed Jacobs to skip the regular morning meeting, go to the records office and meet Gallo, "and have her go through everything with a fine tooth comb to make sure that he is supposed to be released." Sometime around 8:30 am (Note: it was determined that by 8:30 am, on April 10, 2012 Penrod had

³ WDOC Policy 1.013 "Incident Reporting" requires that Priority I incidents to be reported to the Central Office Duty Officer within two (2) hours of the initial discovery of the serious incident. If the Duty Officer cannot be reached the policy identifies the following individuals shall serve as the next point of contact in the following order: Division of Prison Administrator, Division of Prisons Deputy Administrators, Deputy Director, and the Director. Current policy directs that the IR will be completed within seven calendar days after the discovery of the occurrence/discovery of the incident.

⁴ Reference Attachment 1

already been released from WSP custody), Martin said that Jacobs caught up with him and told him that Gallo could find nothing that would prevent Penrod from being released.

Shortly after talking to Jacobs, Martin stated that he called Gallo and said to her "I want you to be 1001% sure that this guy is supposed to be released before we let him go." Martin said that Gallo replied "Todd [Martin] I've gone through everything, I cannot find anything that says we need to hold him." According to Martin, Gallo told him that she checked Penrod's Base File, his PSI, the R-Drive, and ran an NCIC check. Martin emphatically stated that he asked Gallo to perform an NCIC check. He opined she did it. Later in the interview Martin recanted his initial synopsis of the events that took place after he returned from the morning meeting. He stated that it was after he read Carter's report at 10:00 am that he spoke with Gallo advising her to be "1001%" sure of Penrod's release. (Note: Martin was shown a list of documents contained in Penrod's base file; all of which contain information that may have prevented WSP from releasing Penrod. Martin stated that the only document that he could see on that list that coincided with Gallo's release checklist was the NCIC check)

He also stated that it was his belief that if Gallo had Monitor program access and that that is where she found Penrod's judgment and sentencing paperwork. Martin also stated that during this timeframe he read Carter staff report; he opined that he read it sometime around 10:00 am (Note: Martin said that he attended the scheduled morning meeting and explained that he did not get through all the staff report from the previous night, hence him reading Carter staff report at 10:00 am in his office, instead of during the morning meeting itself).

Martin continued by saying that at approximately 5:15 pm he was called by Jacobs at home. He stated that Jacobs had gone back down to the records department, for reasons unknown to him (Martin), at which time Jacobs was informed by Gallo that Penrod should not have been released. Martin further stated that he immediately telephonically notified Prisons Division Deputy Administrator Scott Abbott and Prisons Division Administrator Dan Shannon, as well as came back to the facility and started making notifications to local law-enforcement. Martin stated that Wilson was notified by Jacobs at approximately 7:30 pm.

Martin stated that he was not yet sure if anyone spoke to Carter or Schwesinger, regarding the information they provided pertaining to Penrod's release, nor did he think about having someone do it. Martin further stated that at this point he was too busy making notifications to think about interviewing Carter or Schwesinger.

Martin noted that there is no current department policy or operational procedure (OP) governing the release of an inmate. Martin opined that each facility is responsible for releasing the inmates in their custody. He further opined that this is a departmental flaw and it needs to be changed. Martin continued by saying that he believed it was reasonable for him to expect the WSP records manager to check all avenues available, including WCIS, to

determine if an inmate should be released or not. Martin also noted that up until this incident, Gallo was the person who authorized the release of inmates. Since this incident, Martin stated that Wilson has told him that from this point forward either he (Wilson) or Martin would be the releasing authorities.

Martin concluded his interview by stating that in 20 years of correctional work he has never had an inmate or heard an inmate tell staff that they should not be released. He also said that departmental information sharing may have helped prevent this situation had the Field Services Monitor program and the Prisons Division WCIS program been compatible with one another.

On April 18, 2012, approximately 10:00 am, the SIR Committee interviewed Lieutenant Kelly Goheen. The following pertinent information was obtained:

Goheen stated that on April 9, 2012, he received an envelope with money in it from someone in the records office. He said that the money was for Penrod who was to be released the next day. (Note: Goheen is relatively new to WSP. According to the most recent WDOC staff list, Goheen was hired on March 30, 2011). When asked to identify the person from the records office who gave him the money, Goheen stated that he did not know who the person was and that he was instructed to place the money envelope into the lockbox in shift command.

On April 10, 2012, at approximately 4:30 am, he received a verbal report from Helvig regarding Penrod's release. He said that Helvig told him that Penrod had reservations concerning the appropriateness of his release. Goheen stated that there was nothing they could be done at 4:30 am, but he had informed Assistant Watch Commander Sergeant Russell Fleming of Helvig's verbal report. Goheen stated that he told Fleming to check on the appropriateness of Penrod's release. According to Goheen, Fleming had spoken to the records office and Jacobs concerning Penrod's impending release; Goheen said that Fleming told him Penrod was set for release. Then at 7:50 am, Goheen stated that he was called down to the Arrival & Release (A&R) area to identify Penrod prior to his release. He further stated that he was unsure as to why there seemed to be such an urgency to release Penrod. Goheen opined that from his previous correctional experience that the release process was never rushed. According to Goheen, Sergeant Heather Prindle was in the A&R area, and he witnessed her count out approximately [REDACTED] in cash to Penrod. Goheen also said that there were no release papers in the A&R area for Penrod. Goheen stated that he was unsure of who the releasing authority was regarding Penrod, but believed that the records office had some type of discharge paperwork that would be going with him.

⁵ According to the WSP Business office Accounting Clerk Kathy Haymaker, Penrod had actually been paid out [REDACTED] a copy of Haymaker's email will be maintained in the casefile.

Goheen said that as the shift commander on duty, it was his responsibility to ensure the proper identification of the released inmate. He stated that he did do this. He also said that he observed Penrod prior to his release and described him as "antsy." Goheen stated that Penrod did not say anything to him about the inappropriateness of his release; he said that the only thing Penrod told him was that "I'm ready to leave." Goheen further stated that he was informed by H. Prindle there was nothing more for him to do and that she was awaiting the arrival of the release paperwork from the records office.

Goheen stated that he has not read any departmental policy or operational procedure pertaining to releasing inmates, but he opined that one should and probably does exist.

On April 18, 2012, at approximately 10:26 am, the SIR Committee interviewed Sergeant Russell Fleming. The following pertinent information was obtained:

Fleming stated that he was the assistant watch commander on April 10, 2012. He said that during the process of preparing for the oncoming shift, he was informed that Penrod was scheduled to be released. Fleming stated that he heard that there was an issue regarding Penrod's release and that Penrod may have had more prison time to serve. He continued by saying that when he learned of a potential issue regarding Penrod's release he called Jacobs and inquired of him as to what they should do. Fleming said that he made this phone call at approximately 6:30 am.

Fleming further stated that he explained to Jacobs the issues surrounding Penrod's release, at which time Jacobs told him to not do anything with Penrod until the records department could confirm his release. According to Fleming, he called Gallo shortly after 8:00 am and informed her that he had been advised to keep Penrod from leaving the facility until he received confirmation from her office that he could be released. Fleming stated that essentially Gallo told him that there was no reason for Penrod to remain at the facility and that his release was good. Fleming opined from the time that he first spoke with Gallo until she authorized his release, they may have been on the phone for no more than 5 minutes.

Fleming went on to say that once he received this information from Gallo he informed Goheen and Jacobs that the records office confirmed Penrod's release and authorized him to leave the facility grounds. Fleming stated that he spoke with Jacobs at approximately 8:30 am regarding the information he received from Gallo. When asked, Fleming said that he did remember reading the report that outlined reasons for Penrod to remain at WSP and that that is what prompted him to call Jacobs and Gallo. He also said that he went to the records office in the South facility and asked if there were any other documents needed for Penrod's release. He said he was informed that all the paperwork had been dropped off and that there would be no other paperwork following. Fleming stated that he did not know the name of the

records office person he spoke to. Fleming further stated that he was unaware that a mistaken been made regarding Penrod's release until after he returned from his four days off.

Fleming stated that he has worked in corrections for a little over nine years and in that time he had never known an inmate to tell anyone that they should not be released. He shared that while in the A&R area Penrod said nothing concerning his release. Fleming also stated that he was unsure if any policy and procedure, operational procedure, or post-order that dealt with the release of inmates. He opined that Penrod seemed calm during the process.

On April 18, 2012, at approximately 10:46 am, the SIR Committee interviewed Sergeant Heather Prindle. The following pertinent information was obtained:

Prindle stated that she did not write a staff report concerning Penrod's release. She continued by saying that when she arrived in her work area she was informed by the night shift that Penrod was "stressing' out" about his pending release and that he had another "number"⁶ to do.

Prindle went on to say that somewhere between 7:00 am and 7:30 am she was notified by "checkpoint"⁷ that Penrod's ride had arrived. She stated that she informed checkpoint that Penrod's ride should wait. Prindle said that she informed Fleming and Goheen that Penrod's ride was awaiting his release, as well as advising them that there were reports as well as Penrod's own words that he should not be released. When asked to clarify, Prindle stated that Penrod told the night shift that he was not supposed to be released.

Prindle digressed and stated that she remembered Penrod returning to WSP from WMCI and she inquired of him as to why he was back at WSP. She said that Penrod told her that he had picked up another number while he was on parole; aggravated assault. Prindle continued by saying that she felt that it was strange that Penrod was leaving WSP, especially since he had told her that he had another sentence to complete.

Prindle stated that Fleming had contacted Jacobs, as well as the records office regarding Penrod's release. She said the information she received was at the records office had approved Penrod's release. She stated that somewhere shortly after 8:00 am on April 10, 2012 she had received what she believed was the final approval for Penrod to leave WSP. Prindle said that she called the H2 pod and had them release Penrod to the A&R area. She said that she started the out processing paperwork for Penrod which included him signing for his Social Security card, driver's license⁸, and his money. She said that she told Fleming that

⁶ "Number" is a commonly used term by inmates referring to another sentence that they must complete prior to release.

⁷ "Checkpoint" is the area of the facility in which visitors and/or family members gather awaiting their opportunity to go to visit an inmate or await the arrival of an inmate that is to be released.

⁸ Documents in Attachment 3 showed that Penrod received a Wyoming State identification card, not a driver's

there was no discharge paperwork for Penrod and that she was informed that there were only two envelopes that Penrod would be signing for and that was it. She stated that once this paperwork was complete Penrod was sent out of the facility.

Prindle opined that any discharge paperwork pertaining to Penrod had already gone through the records office and was placed in his file. She said that there was no paperwork involved in the release process that confirmed that Penrod was to be released. Prindle also said that her only verification pertaining to any release comes through the watch commander.

Prindle digressed again and stated that Penrod told the nightshift on April 9, 2012 that he was discharging the next day but that he did not understand why. She said that he was nervous and that he had also said that he was not supposed to leave. When asked, Prindle stated that she was sure that there was some type of departmental policy or operational procedure pertaining to the release of an inmate, but that she has not read them. She further stated that there is no checklist or guidelines pertaining to the release or discharge of an inmate. Prindle also said that Penrod told her just prior to his release, "If I leave, are they going to get me on escape?" Prindle stated that she told Penrod that the information she had said that he was okay to be released. She opined that Penrod was very nervous. Prindle said that both Goheen and Fleming were in the area when the statement was made.

Prindle concluded her interview by saying that in her eight years in corrections she's never heard of an inmate ever telling a staff member that they should not be released. She also said that she found that it was odd that there was no discharge paperwork accompanying Penrod.

On April 18, 2012 at approximately 1:22 pm, the Committee met with and interviewed Housing Manager Janell Thayer. The following information was obtained:

Thayer reported she had first become aware of an issue about an inmate release on the morning of April 10, 2012. She said Martin had directed her to run the morning meeting because he was addressing the release issue. Thayer said Martin joined the meeting later and she went about her business for the rest of the day until about 4:30 pm.

She reported it was at that time (4:30 pm) she saw an email from Gallo that include an attachment. She went on to say the Attachment was a staff report that Gallo had wrote about the release of Inmate Penrod earlier that day. Thayer was asked if she remembered what the email had said; she said no. Thayer said that she thought it was odd to get a staff report about the discharge of an inmate so she called Gallo and asked her if it was a "good" release. Thayer said Gallo told her everything was okay with the release.

Thayer explained to the Committee that one of her concerns with discharging inmates is to make sure they have their proper identification upon separation (i.e.: social security card, state identification card) because, according to her, inmates have discharged in the past and been

license.

stranded because they do not have the proper identification. So in an attempt to double check, she said that she pulled up WCIS on her computer and checked on the Offender Summary (OS) screen to make sure Penrod had the right identification. She went on to say that something was bugging her about Penrod's conflict's (with other inmates) so she pulled up his PSI on WCIS and began reading the first PSI (two were listed). It was while reading the PSI she noticed that Penrod had his parole revoked and after further discovery she saw that he had an addition 5 to 7 year conviction; he had committed another crime and this was why his parole was revoked. Upon realizing what she had just discovered she said "Uh oh!" and then called Gallo. Thayer reported Gallo asked her if she was looking on the "R" drive and she (Thayer) told her no, she was looking on WCIS. Thayer said it was at this time she went down to Gallo's office in an attempt to help her figure out what was going on with Penrod. She said Gallo told her she had attempt to contact the courts but it was too late in the day; she (Gallo) had called WMCi looking for a J&S but they did not have one; she told Thayer she had double checked the base file and could not locate a J&S. Thayer said that at some point during this Jacobs had become involved but she could not remember when. Thayer said during this time Martin was notified of what was going on. She went on to say that once Martin was notified, it still had not been confirmed whether or not Penrod was supposed to be released (a J&S had not been located); she said she had other obligation at that time so she left the facility.

After further discussion Thayer was asked if she had prepared a packet of documents and a chronology⁹ of the Penrod release. She said she had. She was asked if she had seen the staff report that had been wrote by Carter on April 10, 2012. She said had not seen the report until she complied the packet nor had anybody brought up the staff report during the staff meeting on April 10, 2012. She was asked if she was involved (as the Housing Manager) in the discharge process. She state not directly however, she said that it was "housing" responsibility to ensure the discharging inmate had proper identification. Later in the interview Thayer indicated that she had done a review of Penrod's base file in order to prepare the packet for Martin. She was asked if there had been anything in Penrod's base file that would have given her reason to question his release on the morning of April 10, 2012. After much discussion, Thayer indicated there was nothing in his base file that showed a new conviction; she stated she had found Penrod's new PSI on WCIS not in his base file.

Thayer was asked, after further conversation, how much time had elapsed between the discovery of a mistake and advising Martin. She said Martins notification was almost immediate; she opined this notification had taken place around 5:00 pm.

Thayer was asked if she was aware of any department policy or facility operating procedure regarding discharges from the WDOC. She said no. She reported that the only written guidance for the records office had been some written guidelines, generated by Gallo, to give staff in the records office some guidance in case Gallo was absent. Thayer said that she was not aware of any written guidance from WSP management (the Warden) pertaining to discharges. Thayer identified one problem with intake and discharges from the WDOC are the communication between the courts and the WDOC and or lack of communication. She also

⁹ Reference Attachment 1.

opined that as there are multiple data bases for the department and she recommended this could be streamlined which would help the department simplify the management of inmates.

On April 18, 2012 at about 2:41 pm, the Committee met with and interviewed Major John Jacobs. The following information was obtained:

Jacobs recalled that he received a phone call from Sergeant Flemming at about 7:30 am regarding Penrod's release. He (Jacobs) reported that Flemming had told him about a report from Corporal Carter or Sergeant Schwesinger. According to Jacobs, Flemming said one of them had reported when was packed up Penrod for his release, he had told them "he didn't think he was due to get out." Later in the interview Jacobs was asked if he had actually seen the staff report written by Carter. He said he had but it was later in the morning. Jacobs said this information had been passed on to the day shift; he also said that he was told Penrod had told a day shift staff member but he could not remember who. Jacobs said he directed Flemming not to release Penrod until he could get back with him. Jacobs advised the Committee he had not arrived at the facility when this conversation had taken place; he was in his vehicle on his cell phone. Jacobs said he was able to get a hold of Gallo after two phone calls. He said Gallo was already aware of the issue with Penrod and reviewing his records. Jacobs said he asked Gallo if Penrod was "he was ready to go or not." He further explained the information he had gotten from Flemming was that Penrod had a consecutive sentence to serve. He (Jacobs) reported that Gallo explained the sentence he was being released from "was the consecutive sentence" and he was "good to go, they had nothing in his base file to hold him and nothing on the "R" drive." Jacobs said he told Gallo he would call Flemming and let him know Penrod was ok to be released. He said that Gallo informed him she was also on the phone with Flemming; Jacobs directed her to inform Flemming of what she had told him and it was ok to release Penrod.

Jacobs said that everything was "happy" for the rest of the day until about 4:30 pm at which time Gallo informed him that Penrod should not have been released. Jacobs said that Gallo explained to him that another PSI had been located on WCIS that showed Penrod had another conviction (docket 18655-B); Jacobs said that Gallo informed him she had not seen that PSI in the morning prior to Penrod's release. Jacobs recanted a portion of his recollection and stated that it had been Thayer that had advised him to contact Gallo about Penrod's PSI.

Jacobs went on to say that he reported to the records office and talked to Gallo in person about Penrod's PSI and then he contacted Deputy Warden Martin. Jacob's opined the time was about 5:00 pm for that call.

He (Jacobs) explained that Martin then began to make the notifications to Central Office by calling Scott Abbott and Dan Shannon. He said Martin advised him that he had also initiated the process to obtain a warrant for Penrod's arrest and contact with law enforcement. Jacobs said after speaking to Martin he notified Warden Wilson about the improper release of Penrod.

The Committee asked Jacobs if he had seen an email earlier in the day from Schwesinger

pertaining to Penrod. He said he had but it had been after Penrod had been released. Jacobs went on to say that after reading the email he had contacted Gallo to double check that Penrod's release had been "good". He said she informed him that it was a good release. Jacobs said he directed Gallo to send him something (staff report)¹⁰ to explain what had transpired in the morning.

Jacobs was asked if anyone had interviewed Carter prior to Penrod's release. He said no one had interviewed him and he (Carter) was off site by the time he had become aware of any issue with Penrod. Jacobs indicated that "at the time" it did not seem like a big enough of an issue to have Carter called back in to work; Jacobs said the only place that would have correct information about an inmate's release would be the records office so that is who he contacted. He was asked who the releasing authority was for the facility. He said it was Gallo and cited that there was not policy or operational procedure that specified who that authority should be. Jacobs also said that he was not aware of any guideline that Gallo was required to use for the release of inmates.

At the end of the interview Jacobs was asked if he had anything he would like to add to the conversation. He said he had found out, after the fact, that Penrod's J&S was located on Monitor but no one at the facility had access. He said he thought it might be a good idea if records staff had access to monitor to help prevent this from happening again

April 18, 2012, at approximately 3:38 pm the Committee contacted and interviewed WSP Records & Data Management Supervisor Kya Gallo. The following pertinent information was obtained:

Gallo explained to the Committee that she had gotten a call from Flemming on the morning of Penrod's release (April 10, 2012). She said Flemming had told her there had been a report about Penrod having a consecutive sentence. After receiving that information from Flemming she checked her "R" drive and WCIS regarding Penrod. She went on to say that she informed Flemming the sentence Penrod was being discharged from "was the consecutive sentence...and I [Gallo] had no further information to hold him"; as such, she directed Flemming "to release him [Penrod]".

Gallo went on to say that she had gotten a forwarded email, via Jacobs, from Schwesinger that said there was a PSI which said Penrod had a consecutive sentence to still serve. Gallo said that she answered back to Jacobs and explained essentially what she had told Flemming¹¹.

Gallo stated that later in the day she had been talking to Thayer at which time Thayer asked her why she had written a staff report regarding Penrod's release earlier in the day. Gallo said she told Thayer the Major (Jacobs) had asked her to because of the issue (confusion about Penrod's release) earlier in the day. Gallo went on to say that she and Thayer had been talking about Penrod's identification when she (Thayer) asked her, "Did you see this PSI that says consecutive?" To which Gallo said she replied yes, "it was the one that had been the

¹⁰ Reference Attachment 1 for the details of Gallo's staff report to Jacobs.

¹¹ For complete details of the email between Gallo and Jacobs, reference Attachment 1.

consecutive sentence.” She then said it was at this time she pulled up the PSI on WCIS and saw that the docket number was different from the PSI she had looked at earlier in the day. She said that she met with Jacobs and Thayer in an attempt to verify Penrod’s newly discovered (to her) docket number. Gallo said she attempted to contact the courts but it was about 5:00 pm and no one answered the phones. She then contacted Correctional Program Supervisor Patricia Odell (Interstate Compact Coordinator) in an attempt to locate Penrod’s J&S; initially Odell said she could not locate the J&S. However, according to Gallo, Odell called her back about five minutes later and said she did have documents on Monitor. Gallo had Odell send her a copy of the J&S that was located on Monitor. It was at this time, according to Gallo, that Martin was notified that Penrod had been improperly released. She said that law enforcement and WDOC Central Office notification had also happened at this time.

Gallo was asked when she had gotten the call from Flemming if she had actually done another review of Penrod’s information pertaining to his release. She said yes and reported the review took her about ten minutes; she stated she reviewed the PSI and J&S that were in his file. She said his most recent PSI and J&S were contained in his base file nor were they on the “R” drive. She was asked if she had talked to the inmate (Penrod) in an attempt to clarify the issue about his release. She said no. She was asked if she had ever spoken to inmates as part of the discharge process. She said no. She said she had worked for the WDOC for 10 years and during that time no inmate had ever reported that he was not supposed to be released because of another sentence. However, Gallo clarified that she was initially not aware that the inmate had actually reported this issue to staff; she thought had originated with a staff member. She said that later in the day Martin had told her the information had actually come from the inmate.

Gallo said the only place she checks for PSI’s that she checks are on the “R” drive and in the inmates base file; she reported it was not the common practice for her to check PSI’s on WCIS. Gallo was asked if her review of Penrod’s base file revealed anything unusual. She said she only reviews his legal material; his J&S and PSI. She was asked if she reviewed Penrod’s OOA. She said no. She stated that “looking back” had she reviewed that document, the OOA, she may have had a different opinion about okaying Penrod’s release; she opined the OOA had language in it that referred to “pending charges”. She was asked again what documents are checked prior to the discharge of an inmate. She stated that the J&S, PSI, ODDS, OS (in WCIS), and the “R” drive the documents reviewed prior to the release of an inmate or offender. She explained to the Committee that in “hind sight” she should have reviewed more than what is normally reviewed; however, she said that she “believed” the staff (reporting the issue with Penrod) had been talking about the information she typically reviews.

Gallo was asked if a WDOC policy and or facility operational procedure existed regarding the discharge of offenders. She said no but added one was in the process of being implemented. She went on to say that she knows how to do her job because of what she had been taught by her predecessor and established practice. She asked if she or the Warden was the releasing authority for offenders. She said, “Both of us I guess.” She was asked if the Warden is part of the process of releasing offenders. She stated that the Warden is “sent” a list of men

discharging from WDOC supervision. She said there was no document that was issued to an inmate that releases them from custody.

Gallo was asked if an NCIC was reviewed for Penrod's release. She said yes but only a "warrant NCIC...not a full NCIC." Gallo was asked if inmates were interviewed or debriefed when they were discharged from supervision. She said no.

(Note: the interview was paused to allow Gallo to retrieve documents, reference Attachment 3)

Gallo was asked again if the inmate received any type of paper work from the facility regarding a release. She said no. She stated the only paper work they get is a letter telling them how to attempt to have their rights reinstated. She said the release does not require a signature of the Warden.

Gallo was asked when had been the first time she had spoken to Martin about Penrod's release. She said sometime in the afternoon. She explained it was at this time Martin asked her if she was sure about Penrod's release. She said yes and she had explained to him (Martin) that she had rechecked the things she "typically" checks in the release of an offender. She said that there had been confusion over the word "consecutive", she said the information she had did show a consecutive sentence but it was the one she thought had expired. Gallo opined that had she seen the new PSI she would have halted the discharge process. Gallo further explained had she checked on more of Penrod's data, other than what is typically checked, she may have caught something that would have raised a red flag with her. She was also asked if there had been any kind of urgency to get Penrod discharged, she said no.

Gallo was asked if the WSP records office was responsible for all males under the supervision of the WDOC. She said yes. She stated that as her office is responsible for all releases, it would be beneficial if a single system (the combination of WCIS and Monitor), for the collection of data and records, would stream line the management of data.

On April 18, 2012, at about 4:25 pm, the Committee obtained eight documents (Attachment 3) from Kya Gallo. The Attachment consisted of the following documents:

1. A WDOC Memorandum titled "All Male Institutions". The document was dated February 29, 2012 and consisted of two pages.
2. A WDOC Offender Demographic Data System (ODDS) report pertaining to Inmate Penrod, dated February 29, 2012 and consisting of one page.
3. A WSP "Discharge Check List" completed by "M. Hansen" (Mary Hansen, WSP Records Specialist), dated April, 2012; consisting of one page.
4. A letter to Inmate Penrod from Warden Eddie Wilson dated April 1, 2012; consisting of one page.

5. A letter of verifying the return of documents signed by Todd Martin and Russell Flemming dated April 9, 2012, consisting of one page.
6. A form titled "ID Discharge" dated April 10, 2012, consisting of one page.

A review of the documents revealed the following pertinent information:

On February 29, 2012 a memorandum was put out by Kya Gallo documenting the projected discharge/releases in the month of April 2012 of all males under the supervision of the WDOC; this included inmates, probationers, and parolees. The memorandum listed 31 males to be discharged from WDOC supervision by one of the following: Expiration of sentence, Discharge to Detainer, Discharge to Consecutive (sentence), or from parole; included in the list was Inmate Arthur Penrod (release date of April 10, 2012). On page two of the memorandum were the signatures of Kya Gallo and Warden Eddie Wilson; these signatures appear to have been electronic signatures¹².

An ODDS report pertaining to Penrod shows that he was to be released from prison because of his expiration of sentence on April 10, 2012.

A "Discharge Check List" dated April 2012 and signed by Hansen does not identify any inmate. The following information was listed and checked off:

Discharge Check List

- ✓ Check PSI for sex offenses (not for consecutives)
- ✓ Do Page one of the discharge letter (Save Don't Print)
- ✓ Run discharge ODDS (Save Don't Print)
- ✓ Check for IDs for WSP inmates and send them to South
- ✓ Check for ID's at ACC/CRC-TC and send them to the correct facility certified mail
- ✓ Run NCIC for all discharges (not from paroles)

From Paroles

- ✓ Run Released from Parole ODDS – Print and save
- ✓ Write in red in the discharge book
- ✓ Staple Printed copy of discharge ODDS and goodtime sheet together

On April 1, 2012 a letter had been sent to Penrod informing him he was due to complete his sentence on April 10, 2012. The letter also notified him on what measures he needed to take to have his civil rights restored. The letter is signed by Warden Wilson but it appears the signature is an electronic version.

A form signed by Sergeant Russell Flemming and Deputy Warden Todd Martin dated April 9,

¹² Gallo reported to the committee during her interview that Warden Wilson did not actually approve each discharges, but his signature was included as WSP was responsible for all male discharges for the WDOC.

2012 revealed Flemming had received Penrod's Social Security card and Wyoming State identification card. The form shows that Flemming had obtained the ID's from the Records Office; these were to be issued to Penrod on April 10, 2012.

A form generated on April 10, 2012 titled "ID Discharge" document that Penrod had received his social security card and Wyoming State identification card. Sergeant Heather Prindle and Inmate Penrod signed the form.

For complete details of the attachment, refer to the attachment.

On April 18, 2012, at approximately 8:00 pm a review of Inmate Arthur Penrod's base file was completed by the Committee. Penrod's base file contained the following information that pertained to his new consecutive sentence:

- ✓ An Order of Arrest (OOA) from the Parole Board providing details that Penrod had been arrested and charged with Felony Aggravated Assault on May 5, 2011.
- ✓ A Petition for Final Hearing for Determination of Parole Revocation (signed on May 26, 2011) document showing Penrod had been arrested and charged with Aggravated Assault on May 5, 2011.
- ✓ Finding of Facts documentation from the Parole Board showing Penrod had been arrested and charged with Felony Aggravated Assault on May 11, 2011.
- ✓ A National Crime Information Center (NCIC) criminal history sent from the Natrona County Sheriff's office listing Aggravated Assault on May 11, 2011 as the most recent crime on Penrod's list of involvements.
- ✓ A Summary Admissions Report written by caseworker Andrea Howell on September 9, 2011 which reported Penrod had a consecutive sentence for Aggravated Assault.

It should be noted that the above listed information was previously provided to the Committee in Attachment 1. It should be noted that neither the documents in Attachment 1 nor the base file contained a "Judgment and Sentencing" document from Natrona county courts regarding Penrod's most recent conviction. However, the information contained in Penrod's base file revealed indicators which, had it been thoroughly been searched out (the base file), it may have influenced WSP management to postpone Penrod's release from WDOC custody until the matter could be resolved.

On April 19, 2012, at about 10:19 am the Committee met with and interviewed WSP Warden Eddie Wilson. The following pertinent information was obtained:

Wilson explained he had been out of state on vacation on the day of Penrod's release. He said the Major (John Jacobs) had notified him on April 10, 2012 that Penrod had been improperly released; he (Wilson) was informed Penrod had another charge and he should not have been

released from prison.

Wilson opined that the facility, once they had become aware of the mistake, had acted appropriately. He further explained he had been informed that WDOC Central Office and Law Enforcement had been notified about Penrod improper release.

The Committee asked Wilson if he had knowledge of the events proceeding Penrod's release. He said no.

Wilson was asked to explain the process in which inmates are released from the custody of the WDOC and what his involvement (as the Warden) was in the process. Wilson stated that the Warden is not typically involved in the release of inmates; the WSP Records Office had been the authorizing entity in that process. He indicated that as a result of this incident that practice will be changed and the Warden or Deputy Warden will be the authorizing party for releases. Wilson was asked if he was aware of any WDOC Policy that pertained to the discharge and release of persons under the supervision of the WDOC. He said no. He was asked if WSP had an operating procedure regarding the release of persons under the supervision of the WDOC. He said no. The Warden was asked if no policy or operating procedure exists then how does Kya Gallo (records manager) know how to release inmates. Wilson said that reverted back to the "past practice" of releasing inmates.

The Committee informed Wilson they obtained a copy of the release information for the WDOC for April 2012 and his signature was on the document. Wilson explained that his signature was an electronic signature and he had authorized it use. Wilson further explained that he had no direct input to the document but relied on the Records Office to provide correct information regarding releases.

Wilson was asked if there was a release document that he signed to release each inmate. He said no. He stated that this practice was going to change as a result of this incident.

The Committee asked Wilson if he had ever been told by an inmate he should not be released. Wilson explained that in 34 years of his career he had only come across one other inmate who had issues with being released from prison. Wilson agreed with the Committee that an inmate informing staff they should not be released is an unusual occurrence.

Wilson reiterated that WSP will be implementing an operating procedure pertaining to the discharge and release of inmates from WDOC custody. He opined that the WDOC was also going to publish a Policy in the very near future regarding the discharge of inmates. No further information was obtained.

On April 19, 2012 at about 2:39 pm, the Committee contacted and interviewed Case Manger Andrea Howell. The following pertinent information was obtained:

Howell was informed the Committee contacted her to talk about Inmate Penrod; she had been the person to complete his intake (in September of 2011) after he had been re-incarcerated for

a parole violation. Howell stated she did remember doing his intake. She explained he was returned on a parole revocation. Howell recalled initially talking to Penrod about [REDACTED] and how he might benefit from [REDACTED]. She was asked if she could remember how much more time Penrod had to serve. She opined he was due to start his consecutive sentence in April of 2012. Howell was asked if she had seen any documents that would indicate Penrod had a new conviction to serve. She said no.

After further questioning, Howell explained that as Penrod had been a parole revocation inmate the only paper work that was needed to start the intake process had been all of his parole revocation documentation (i.e.: OOA, Petition Hearing for Revocation from the Board of Parole). She also explained it was not uncommon for the inmates returning on a parole revocation to not have their J&S and or a current PSI if there had been a new conviction¹³; she indicated if Penrod had been a new inmate the intake process could not move forward without the J&S. Howell added that sometimes upon intake a full NCIC is run to get the correct information on an inmate's conviction; however, she said this is not the normal procedure.

Howell was informed that Penrod's J&S went from the district court in Natrona County to WDOC central office instead of to WMCI. She was asked if she had known of this ever happening before. She said no. Howell said that when the J&S and PSI's are obtained during intake, there is a copy of the document put in the inmate's base file and on the "R" drive. Howell stated that part of the intake process is an "initial interview" of the inmate within the first 48 hours of the inmate being received by WMCI.

She was asked if there had been anything in the case notes she wrote (pertaining to Penrod's intake) that would have encouraged anyone to question Penrod's release. She said she did not know. She was asked if she recalled having ever read Penrod's PSI or J&S at a later date; she said no.

(Note: The interview was paused to allow Howell time to retrieve some of Penrod's intake documents.)

Howell returned with documentation pertaining to Penrod's intake (reference Attachment 4). She provided the Committee with an "Offender Initial Interview" on which Penrod reported to her he said he had picked up a new charge while on parole. However, she did not obtain any documentation during intake (other than Parole revocation documentation) regarding a new conviction. Howell explained to the Committee that if the court documents had not been sent to the facility for an inmate on a parole revocation it becomes a "Records" issue once they go to their facility. However, Howell said this only applied to "parole revocation"; if the inmate was a new prisoner to the WDOC, she would have to track down the J&S prior to their (the inmates) release from intake at WMCI.

On April 19, 2012 at about 3:11 pm the Committee received a three page document (Attachment

¹³ Penrod's PSI for docket 18655-B did not get completed until October 25, 2011 and his J&S for docket 18655-B had not been received by the WDOC until November 7, 2011.

4) from Andrea Howell. The document was an "Offender Initial Interview / Risk Assessment" which had been prepared by Howell on August 18, 2011; the inmate that was interviewed was Arthur Penrod. Howell reported she had asked Penrod "Have are you returned on a Probation or Parole Revocation? If yes, why?" She reported Penrod said, "Yes – due to picking up an additional charge / 5-7 years." No other pertinent information was revealed in the attachment. For complete details of the attachment, refer to the attachment.

On April 19, 2012 at about 6:10 pm [REDACTED] Senior Computer Technology Systems & Infrastructure Analyst (Google Admin/Technical Systems), had completed a search of the WDOC state email system as requested by Lieutenant Booth. Booth requested that a search be done between the dates of April 6, 2012 to April 17, 2012, key word "Penrod". The search had been requested as an attempt to locate any communications which may have explained or contributed to the improper release of Penrod. The search did not reveal any new or pertinent information. The request for the email search had been approved by William Pilger, Senior Assistant Attorney General, on April 17, 2012.¹⁴

On April 24, 2012 at about 2:00 pm Lieutenant Scott Booth spoke with Senior Public Relations Specialist Timothy Lockwood regarding the release of information surrounding the Penrod incident. Lockwood reported he had become aware of the incident (Penrod's release) when he was contacted by a member of the media. He indicated that no information had been provided to him by the WSP Field Public Relations Officer regarding this incident. He explained that as the incident had already been reported by the media, that the department's stance would be to continue to provide the media with updates and information regarding Penrod in lieu of a formal press release.

COMMITTEE REMARKS:

On April 16, 2012 Inmate Arthur Penrod had been apprehended in Riverton, Wyoming by the Riverton Wyoming Police.

The Committee does not anticipate any further investigative work.

RECOMMENDATIONS:

Recommendation 1: Information obtained during the SIR review concerning the improper release of Inmate Penrod revealed that [REDACTED] had information from his security staff that conflicted with the record's office assertion that Penrod should be released from WDOC custody. Armed with this information, [REDACTED] did not direct anyone nor did he personally interview Corporal Doug Carter, Sergeant Crystal Schwesinger, and or Inmate Arthur Penrod, regarding Penrod's own assertion that he was to remain in WDOC custody. Because of the conflicting information between security staff and

¹⁴ Copies of Pilger's and Gernant's email will be maintained in the case file.

the records office, [REDACTED] should have had one and or all three persons interviewed.

As such, Warden Eddie Wilson should determine if corrective action is warranted for [REDACTED] to correct this problem and prevent its reoccurrence

Recommendation 2:

Information obtained during the SIR review concerning the improper release of Inmate Penrod revealed that WSP [REDACTED] [REDACTED] had information from his security staff that conflicted with the record's office assertion that Penrod was to remain in WDOC custody. Armed with this information, [REDACTED] did not direct anyone nor did he personally interview Corporal Doug Carter, Sergeant Crystal Schwesinger, and or Inmate Arthur Penrod, regarding Penrod's own assertion that he was to remain in WDOC custody. Because of the conflicting information between security staff and the records office, [REDACTED] should have had one and or all three persons interviewed.

As such, Warden Eddie Wilson should determine if corrective action is warranted for [REDACTED] to correct this problem and prevent its reoccurrence

Recommendation 3:

Information obtained during the SIR review concerning the improper release of Inmate Penrod revealed that [REDACTED] [REDACTED] did not utilize all of the information at [REDACTED] to determine if [REDACTED] initial findings were correct regarding Penrod's release. During [REDACTED] interview [REDACTED] essentially stated that if [REDACTED] had looked over Penrod's base file completely, that there was information [REDACTED] would have found that may have prevented Penrod's release. [REDACTED] reported that when [REDACTED] was asked to re-review Penrod's release information [REDACTED] did not recheck anything other than what [REDACTED] "typically" checks for a discharge. [REDACTED] also did not meet with Penrod at any time in order to clarify the issues surrounding his release from WDOC custody. [REDACTED] should have spoken with Penrod, which would have clarified the issues surrounding his release.

As such, Warden Eddie Wilson should determine if corrective action is warranted for [REDACTED] to correct this problem and prevent its reoccurrence

Recommendation 4:

Information obtained during the SIR review concerning the

improper release of Inmate Penrod revealed that [REDACTED] did not accomplish the minimum requirements of departmental policy regarding incident reporting. Information obtained during the review, revealed that had [REDACTED] questioned Carter regarding his staff report, Penrod's release may have been prevented altogether. Furthermore, had [REDACTED] required Carter to provide documentation (i.e.: a copy of Penrod's PSI) this may have also prevented Penrod from leaving WDOC custody. As [REDACTED] was responsible for ensuring all critical information was clarified and timely disseminated to decision makers. He failed to either of those two things.

As such, Warden Eddie Wilson should determine if corrective action is warranted for [REDACTED] to correct this problem and prevent its reoccurrence

Recommendation 5: Information obtained during the review revealed that no WDOC policy exists pertaining to the discharge of offenders from WDOC custody. A policy should be in place that provides at least minimum guidelines for handling discharges and how to address questions regarding whether or not a release is valid.

As such, the Director Bob Lampert should assign a senior manager to develop a Department Policy and Procedure pertaining to the discharging of offenders from WDOC custody. Additionally, the Committee suggests the policy contain guidance that would mandate an exit interview and full NCIC check of all discharging offenders.

Recommendation 6: Information obtained during the review revealed that no WSP operational procedure exists pertaining to the discharge of offenders from WDOC custody.

As such, Warden Eddie Wilson should develop a facility specific Operational Procedure pertaining to the discharging of offenders from WDOC custody.

Recommendation 7: Information obtained during the review revealed that the WDOC currently operates two separate offender data bases. The review revealed that the data bases do not have the ability to share information and access to each is not universal across the department. It was determined by the Committee that a single data base would be optimal regarding information sharing between the two WDOC divisions (Field Services and Prisons Division). At

minimum staff needing information that is maintained in either data base should have access.

As such, the department should determine if corrective action in the form of modification and or development of a single offender data base would be appropriate.

Recommendation 8: Information obtained during the review revealed that Corporal Doug Carter had taken the correct steps in preventing the improper release of Inmate Penrod. The Committee opined that had Carter not reported Penrod's information regarding a new conviction and sentence, Penrod may have been released and perhaps never seen again. It should be noted that if Carter had not reported the information he had obtained from WCIS, Penrod's file may have been closed and archived by the WDOC with no follow up.

As such, Warden Eddie Wilson should commend and formally recognize Carter for his due diligence and dedication to duty.

Recommendation 9: The Committee identified that had Corporal Doug Carter not notified management about Inmate Penrod's discharge, the potential exist, that that Penrod may have been unknowingly discharged from WDOC custody. As such, in the opinion of the Committee, the potential exist that other offenders may have been discharged from WDOC custody without completing their full sentences and or starting consecutive sentences.

As such Director Robert Lampert should determine if an independent audit should be conducted regarding WDOC Offender Records to determine whether or not significant errors have been made, other offenders have been erroneously released from WDOC custody, and determine if their sentences (offenders) have been properly managed.