

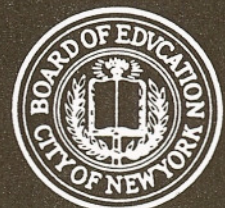
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INVESTIGATING THE INVESTIGATORS:

A REPORT ON
THE OFFICE OF THE INSPECTOR GENERAL
OF THE NEW YORK CITY BOARD OF EDUCATION



JOINT COMMISSION ON
INTEGRITY IN THE PUBLIC SCHOOLS



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City. MAYOR'S JOINT COMMISSION ON INTEGRITY IN THE PUBLIC SCHOOLS c.2

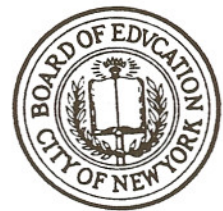
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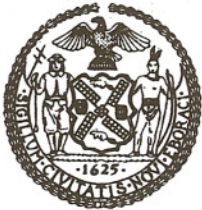
A REPORT ON THE
OFFICE OF THE INSPECTOR GENERAL
OF THE NEW YORK CITY BOARD OF EDUCATION

MARCH 1990



COMMISSIONERS
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*Chief Counsel
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March 15, 1990

Honorable David N. Dinkins
Mayor of the City of New York
City Hall
New York, New York 10007

Honorable Robert F. Wagner, Jr.
President of the Board of Education
110 Livingston Street
Brooklyn, New York 11201

Honorable Joseph A. Fernandez
Chancellor
110 Livingston Street
Brooklyn, New York 11201

Dear Mayor Dinkins, President Wagner, and Chancellor Fernandez:

As part of its mandate, the Joint Commission on Integrity in the Public Schools examined the operations of the Board of Education's Office of the Inspector General.

I am sad to report that the Commission found the Inspector General's operation woefully inadequate. The office wastes scarce resources that should be devoted to investigating serious crime on ineptly-run investigations of internal management matters. The office lacks experienced personnel and meaningful supervision. The office does not keep track of its own work accurately or generate reliable statistics that would enable the public to assess its effectiveness.

Not surprisingly, therefore, the office has forfeited the confidence of the system's employees: 41 percent of the teachers and supervisors who responded to our survey reported that they believed the Inspector General was either minimally effective or completely ineffective. This pervasive distrust of the system's watchdog is a devastating indictment of the office's performance and a critical impediment to effective policing.

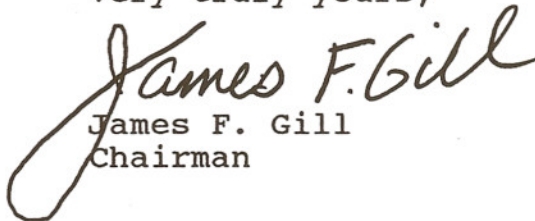
JOINT COMMISSION ON INTEGRITY IN THE PUBLIC SCHOOLS

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Because of these findings, the Commission recommends that the Mayor immediately appoint a Special Commissioner to Investigate the Public School System. The new Commissioner should attack crime and corruption with the goal of building solid, prosecutable criminal cases against real criminals. The Commissioner's staff should be an effective strike force of criminal attorneys, police officers, and investigators. The Commissioner's office should -- at least temporarily until it earns the confidence of parents, employees and the public at large -- be independent of the Board of Education.

We are, of course, prepared to meet with you at any time to discuss the findings and recommendations in this report.

Very truly yours,

A handwritten signature in black ink that reads "James F. Gill". The signature is written in a cursive style with a large, sweeping loop at the beginning of the name.

James F. Gill
Chairman



JOINT COMMISSION
ON INTEGRITY IN THE PUBLIC SCHOOLS



ACKNOWLEDGEMENTS

This report is, in a real sense, a joint product. Once the Commission and its staff had settled on the objectives of this study and the methodologies to be employed, the Commission's staff was responsible for the inquiries that led to this report and for writing the initial drafts.

As in so many of our endeavors this year, Chief Counsel and Executive Director Austin V. Campriello, a former Chief of the New York County District Attorney's Office Rackets Bureau, spear-headed those efforts. Mr. Campriello conducted several of the private hearings that unearthed the facts on which this report is based. He also drafted several sections and lent style and inspiration to all of the rest.

Deputy Chief Counsel Amyjane Rettew's perspective as an investigative prosecutor, combined with the extraordinary professional writing skills she honed as a Deputy Chief of District Attorney Robert M. Morgenthau's Appeals Bureau, were extremely helpful in the drafting and editing process.

Director of Investigations Joseph A. Comperati brought invaluable insights, amassed during thirty-five years of high-level investigative experience in the New York City Police Department and the Office of the Special Prosecutor for Criminal Justice, to the hearings and the drafts. He also participated in editing the report, as did Deputy Executive Director Jennifer E. Cunningham, whose keen review of the drafts invariably yielded new ideas.

This report would simply never have seen the light of day without Office Administrator Tracey Gibbons, who did everything from digesting the record to designing the cover and from proofing the page-cites to arranging for the printing. Diana Palma's unstinting efforts were vital to getting the finished product to the presses.

This report is perhaps the most important contribution our Commission will make and I am enormously proud of and deeply grateful to all of those who participated in its preparation. It is a superb document.

James F. Gill
Chairman

March 1990

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JOINT COMMISSION
ON INTEGRITY IN THE PUBLIC SCHOOLS



INTRODUCTION

In January of 1980, the Board of Education established a separate Office of the Inspector General to investigate allegations of crime, corruption and impropriety. In 1981, the Board appointed Michael P. Sofarelli Inspector General.

The Board of Education gave the Inspector General a wide range of powers. First, the Board made the Inspector General as independent as it could by having him report directly to the Board, rather than to the Chancellor, who is in charge of the daily operations of the very system the Inspector General investigates.

The Board also gave the Inspector General unlimited authority to seize any Board of Education document or record, to compel Board of Education employees to cooperate in an investigation, and to testify before the Inspector General's staff. The Board also insists in all its contracts that any contractor or vendor will cooperate with the Inspector General and open its records to his perusal.

In addition, over the years, the Board of Education has increased the Inspector General's staff to more than one hundred people and the office's annual budget to 3.8 million dollars. The Board of Education has also bought the Inspector General's Office radio equipped vehicles, surveillance vans, sophisticated electronic surveillance equipment, recorders of all kinds and video surveillance equipment as well.

But, despite his powers, staff, budget, and equipment, the Inspector General has not won the confidence of the people in the school system, parents or of the public at large.

Criticism of the Inspector General's Office is, in fact, a constant refrain. Representatives of local school boards, unions, parents' associations, advocacy groups, as well as teachers, principals, and superintendents, have all voiced the sentiment that the Inspector General's ineffectiveness has allowed crime and corruption to flourish.

Indeed, in a formal survey, 41 percent of the supervisors and teachers responding reported that they believed the Inspector General's Office was either minimally effective or completely ineffective.

In and of itself, this pervasive lack of confidence in the system's watchdog is a significant impediment to effective policing. People who believe an Inspector General will not deal with their complaints effectively are simply not going to come forward. In fact, 44 percent of those surveyed said they were not sure they would be comfortable about bringing a complaint to the Inspector General. Even more important, an ineffective investigating unit is an invitation to crime and corruption. People who are tempted to do wrong will succumb far more often if they believe that gate is unguarded.

However, the problem with the Inspector General's Office is more fundamental, for the public's negative impression of the office is rooted in reality.

The problem with the office is resources are squandered on trivial matters instead of focused competently on significant illicit activity.

The problem is more energy is devoted to papering the file than to detecting wrongdoing.

The problem is the office lacks competent, experienced criminal lawyers and investigators.

The problem is the office is not perceived as independent, because it is not independent.

The solution is to set up a new office and redefine its mission as attacking crime, corruption, and gross mismanagement, rather than focusing on minor, insignificant violations of the Board of Education's hundreds of regulations.

The solution is to establish as that new office's goal the building of solid, prosecutable cases against criminals and the exposure of significant corruption and mismanagement, instead of merely triggering internal

discipline which, as often as not, amounts to nothing more than letters in files.

The solution is to restructure that new office into an effective strike force that combines the talents of criminal attorneys with criminal investigators.

The solution is to make that new office independent of those it is charged with investigating, at least until it develops a tradition of investigative excellence that inspires the confidence of everyone interested in providing the children of New York with the education they deserve and also inspires real fear in the hearts of those who would rob our children of their education.

THE BARNWELL INVESTIGATION

A Case Study

On November 9, 1988, Matthew Barnwell, the principal of P.S. 53 in the Bronx, bought crack from a dealer on a Harlem street. Police officers who had been staking out the dealer arrested Barnwell, and subsequently learned who he was.

On January 11, 1990, a disciplinary panel found Barnwell guilty of conduct unbecoming a principal. Barnwell was dismissed. On January 26, 1990, after a trial in the Manhattan Criminal Court, a jury convicted Barnwell of possessing the crack.

Almost a year before Barnwell's arrest, the Inspector General had received a complaint that Barnwell was a drug abuser. The Inspector General's investigation of this complaint was so shoddy that it could be a textbook example of how not to conduct a criminal investigation.

The intake and case assignment process broke down completely. The investigation itself was aimless, lethargic, and sporadic. The investigator set his own priorities on how much time to devote to this investigation, and there was no meaningful supervision of his work. The investigator failed to discover evidence in the Board of Education's own records that corroborated the complaint, and then ignored evidence from other sources that also corroborated the allegation. The only time the investigation accelerated was after the police arrested Barnwell -- when the urgent need to investigate no longer existed.

It would be easy simply to criticize the conduct of the individuals in the Inspector General's office who conducted the investigation, and some of their actions and inactivity merit criticism. But, the more shocking and troublesome problem is that the Barnwell investigation apparently exemplifies the Inspector General's drug investigations. In fact, Mr. Sofarelli said he had reviewed the Barnwell investigation and, "based upon what we knew and when we knew it, and given the resources of the office, I thought the Barnwell investigation was handled appropriately, and I disagree with the characterization that it was used in such a way as part of a textbook on how not to handle a case" (Sofarelli: 770).*

In fact, however, office practice precluded placing Barnwell under physical surveillance, the obvious approach which offered the best chance of success. Instead, the investigator followed the model the Inspector General's manual presents for drug investigations: he merely asked various persons if the allegation of drug abuse was true. This investigative plan, to the extent it can be called a plan, could not have been better designed to fail.

Of course, asking people if the target is using narcotics is not a meaningful investigation designed to obtain evidence of drug abuse. Indeed, Mr. Sofarelli himself knows that he needs hard evidence of drug possession to make a criminal case. He testified: "We were told by the Office of Legal Services that to make a chargeable offense of someone using drugs in the City system, we would have to catch them with drugs on them" (Sofarelli: 747).

The Barnwell investigation deserves review not only because it demonstrates failures of individuals, but because it exposes a systemic failure in the conduct of investigations, a failure the office's leader does not recognize.

The Complaint

On November 24, 1987, Howard S. Tames, the Deputy Executive Director of the Board of Education's Division of Personnel, wrote a memorandum to Mr. Sofarelli. Tames had received a telephone call from a person who claimed to be a teacher at P.S. 53 in the Bronx. Tames described the caller as intelligent, concerned and forthright, but also worried

* All parenthetical numerical references are to the transcripts of private hearings before the Commission, unless otherwise noted.

about retribution from the principal and other district personnel.

The caller reported that, during the previous ten years, Barnwell had discriminated against non-Blacks in employment practices and said that a report he submitted to the federal government did not honestly report the racial background of the school's staff. In addition, the caller said Barnwell repeatedly borrowed money from teachers and did not reimburse them.

The caller also told Tames, "the Principal is a drug user, is known by all school officials to be a user and has repeatedly been involved in a number of rehabilitative programs concerning substance abuse."

Chronology

Mr. Sofarelli and several of his deputies have testified that allegations of drug abuse are considered high priority matters by the office. However, a chronology of the year-long Barnwell investigation demonstrates a dilatory initial response to this complaint, followed by a completely desultory and inept investigation.

November 25, 1987	Mr. Sofarelli received this memorandum from Tames.
December 4, 1987	The complaint is discussed at the Inspector General's weekly case assignment meeting.
March 10, 1988	Confidential source in Barnwell's district confirms that Barnwell is a suspected drug and alcohol abuser.
April 19, 1988	Investigator Larry Kendricks interviews Parents Association President Howard.
June 10, 1988	Kendricks interviews former UFT Chapter Chair Aarons.
June 20, 1988	Kendricks interviews three Parents Association Board members.
September 28, 1988	Kendricks obtains list of Parents Association members.
October 4, 1988	Kendricks interviews former Parents Association President Buckley and

Assistant Principal Rines who say they believe Barnwell has a substance abuse problem and who provide specifics.

October 14, 1988 Kendricks obtains the names of two teachers who may be willing to provide information.

October 26, 1988 Kendricks interviews one of the teachers.

November 9, 1988 The police arrest Barnwell.

More than three months elapsed before the office took its first investigative step. The investigation then proceeded at the leisurely pace of one step--often merely a telephone call or an interview--every month or so. That is simply not an urgent investigation into a high priority matter.

The Intake Process

The Inspector General's intake and case assignment process broke down completely. The Inspector General received Tames' memorandum November 25th, but took no action until his weekly case assignment meeting on December 4th. Mr. Sofarelli directed that the unfair employment aspects of the complaint be referred to the Office of Equal Opportunity, a separate entity in the Board of Education, and that was done expeditiously. Mr. Sofarelli decided to retain control over the loan and narcotics aspects of the complaint. But, the case did not reach the investigator assigned until February or early March.

Kendricks testified that he did not receive the assignment until March 3rd--three months later. His supervisor, Joseph Serrant, and Robert Piazza, the investigator who specialized in narcotics cases, each believed he discussed the matter with Kendricks in early February, two months after the office received the complaint. No one disputes that Kendricks did not get the case until February at the earliest. And, no one could explain why it took so long for the complaint to reach Kendricks. Nor does anyone dispute that Kendricks did no work on the matter until sometime in March.

Serrant testified that he might have spent the time between the December 4th meeting and whenever he assigned the matter to Kendricks trying to obtain the Board of Education's file on Barnwell. He explained that obtaining these files was

a very "protracted and tedious" process that involved making several telephone calls (Serrant: 25-26).

In addition to the dilatory nature of the assignment process, the complaint was not entered properly in the office's computer system, so the investigator could not use that system to learn that a similar complaint had been made against Barnwell in the past. Robert Ekeland, the Inspector General's Chief of Operations, completed a form that supposedly would enable the computer system to learn if the office had received similar complaints in the past. In completing the form, however, Ekeland listed the subject of the complaint as "P.S. 53X" instead of the obvious subject, Matthew Barnwell (Ekeland: 90).

Consequently, the computer check revealed three previous, irrelevant complaints about the school, but failed to reveal a previous complaint in 1985 that alleged that Barnwell discriminated against white personnel and that Barnwell sat in his office all day playing video games.

In a bizarre sense, however, this improperly handled computer check did not matter. Although it was policy to review previous complaints about a subject, Kendricks failed to read the files the computer check had found, "because I wanted to approach this particular case with an open objective viewpoint" (Kendricks: 35). Even if Ekeland had done his job properly, Kendricks would not have benefitted. Of course, ignoring information about a target violates standard investigative procedure, and plain common sense.

The Investigation

At some point, either in February or March, Serrant finally assigned the drug and loan aspects of the complaint to Kendricks. Serrant did not, however, give Kendricks any guidance as to how to proceed, since, as Kendricks explained, "Mr. Serrant considers myself to be a competent, experienced investigator and I would know how to proceed" (Kendricks: 33).

Kendricks began by reading the Tames memorandum. He also examined the central personnel files to learn where Barnwell lived and to obtain his work history. Kendricks then sought advice from Piazza, who said another investigator, Christopher Dalton, was conducting a separate investigation in District 9, and planned to speak with a confidential source in the district.

Although Kendricks did not know the identity of this source, he asked if Dalton would ask the source some questions about Barnwell. Dalton agreed, and Kendricks prepared a

written list of six questions for Dalton to ask. A couple of days later, Dalton returned the list to Kendricks with the source's answers written next to or below each question. The list, with the answers in bold, reads:

1. Do you know PS 53X Prin. Matthew Barnwell? If yes, how long? **Since 1969, 70, 71.**
2. To your knowledge does Prin. Barnwell use drugs or alcohol? If yes, is his usage excessive? **Rumored alcohol problem - drugs suspected - tried to have him tested (Stein* said no)**
3. To your knowledge has Prin. Barnwell ever entered any rehabilitative programs for any form of substance abuse? If yes, when? **Credit Counseling since June 1987 - doesn't know if he is still in program**
4. Do you know if Prin. Barnwell is in the habit of borrowing money from teachers or parents? If yes, who? **PA. president Buckley can probably get names of those he borrowed from. Chapter Chairperson - UFT Bari Aarons -may be able to help.**
5. To your knowledge does Prin. Barnwell take excessive leave? If yes, approximately how often? **Rated U, 1987 for excessive lateness & unauthorized absences.**
6. Do you know of anyone else who may be able to provide information relating to the aforementioned questions? If yes, who? **Buckley - PA Bari Aarons - UFT Chapter Chairperson at school**

All Dalton knew about Kendricks' investigation was what he learned from reading these six questions. The only questions Dalton asked the source were these six questions: he did no follow-up questioning. The only discussion he had with

* The document reads "Stern" and Kendricks believed the person's name was "Stern." In reality, it referred to James Stein, the long-time director of the Office of Appeals and Review.

Kendricks about the investigation was to ask if Kendricks understood what Dalton had written.

Of course, this aspect of the investigation is riddled with flaws. It was common for two different units to be investigating the same target at the same time (Serrant: 34). Yet, Kendricks learned only by happenstance that Dalton had a highly-placed informant in the district. There should be a reliable mechanism that alerts one investigator to the existence of potential sources of information.

Obviously, it would have been preferable if Kendricks himself had questioned the source about Barnwell. If this was not done in order to reassure the source about confidentiality, there should, at least, have been some meaningful communication between Kendricks and Dalton before and after the interview. As it was, Kendricks did not even understand some of the responses.

For example, while Kendricks assumed that "credit counseling" referred to some program designed to help people who are in financial difficulty, he did not know--and did not find out--if the Board of Education had such a program, or to what this answer referred (Kendricks: 51).

Kendricks also seemed confused about how to evaluate the information he received. He testified, for instance, that excessive absences might indicate that a person had a drug or alcohol problem (Kendricks: 52-53). On the other hand, he claimed that the "U" or "unsatisfactory" rating Barnwell received for unauthorized absences "didn't tell me much of anything, other than I had to check into it to see, if possible, why he received a U rating. This is -- what he indicates as being unsatisfactory attendance, I had to ascertain that that was a true fact by checking with Stern [sic]" (Kendricks: 53). In other words, he did not seem to understand that this information, in itself, corroborated the allegation that Barnwell had a drug problem.

It is also unclear whether Dalton's failure to ask the source follow-up questions stemmed from a lack of information on which to base the questions or a lack of interest. In either event, it is unjustifiable. For example, who suspected that Barnwell used drugs? The source? Others? On what was the suspicion based? When was the attempt to have Barnwell tested? What caused the attempt? Why did James Stein, the Director of Appeals and Review, say no? The list of unanswered questions could go on and on.

Even conducted in this peculiar manner, however, the interview did corroborate the complaint. The source--a person with an important position in the district office--suspected

that Barnwell abused drugs and reported that Barnwell had been rated unsatisfactory because of excessive lateness and absences, additional indicia of substance abuse.

Nevertheless, the response was lethargic. Kendricks set the investigative pace. No one set priorities for him. Both he and Serrant testified that Kendricks, who had a case load of about six to eight matters, decided how much of his time to devote to the Barnwell case. Kendricks testified:

Q What I'm trying to find out, though, is from March 24th to April 18th you devoted your attentions to Pacheco and Drummond, not to Barnwell, and all I want to know is: Was that Kendricks' decision or was it somebody else's decision or was it a decision made by Kendricks and others?

A No. Between that time frame the decision was totally mine (Kendricks: 66).

Similarly, at a later point, he explained:

Q And again let me ask you: Was the decision to devote your energies during that period [April 19th and June 10th] to other cases your decision, the decision of the supervisor, or some mixture of a decision involving you and a supervisor?

A Basically it was my decision (Kendricks: 72).

* * *

Q Was the decision to devote your attention to other matters during that interval of time [June 10th to September 27th] basically your decision or was it a decision made by some supervisor?

A It was my decision (Kendricks: 81).

Serrant agreed:

Q Mr. Kendricks told us that in his mind he was the one who pretty much decided how to devote his time during 1988, by which I mean he decided how much time to spend on Barnwell as opposed to on residency, and that you left him pretty much alone with respect to those decisions. Is that your view of it also?

A Yes, I think so. I think -- depending upon the investigator, how I assess the person over a period of time, I know how conscientious you are, I know how much I can leave you, I know how much I can guide you (Serrant: 107).

After receiving the information from the source, Kendricks' investigative plan, to the extent one existed, was to ask people if they thought Barnwell was using drugs. No one gave Kendricks any guidance about how to pursue the investigation. Rather, as was standard practice, Serrant let Kendricks make his own decisions about how to proceed, as a "learning process" for Kendricks, a kind of "on-the-job training" (Kendricks: 149).

One obvious problem with the "plan" Kendricks settled on, and Serrant, by inaction, approved, is that even if a number of individuals are convinced that a person is a drug abuser, that is not enough for a successful criminal prosecution which requires catching the abuser with drugs. Furthermore, as Serrant conceded:

We have hundreds of cases where they tell us persons, Board of Education employees are drug users. We go in, we ask questions concerning them. No one says a thing (Serrant: 44).

Nevertheless, in accordance with this standard plan, Kendricks telephoned Bari Aarons, the former UFT Chapter Chairperson, on March 24th. He asked if she had received any complaints about Barnwell. She said she was not in a position to discuss the matter over the telephone, but would contact Kendricks within a week.

At some point in March or April, Serrant suggested to Kendricks that they consider putting Barnwell under

surveillance to see where he went after school. Kendricks explained to Serrant that "based on the nature of Mr. Barnwell's block, it would be rather difficult to maintain a surveillance without being made, seen" (Kendricks: 159-160). In addition, "there is nowhere to actually park. During that time it was too cold just to stand out and hang around. The block is virtually deserted as far as residents and/or traffic during the day. I felt that would allow the surveyors to stand out" (Kendricks: 160).

No consideration was given to attempting to overcome these problems by using the Inspector General's surveillance van (Kendricks: 161-162). And, none of these excuses explains the failure to follow Barnwell from school, or why surveillance could not have begun a few weeks later when the weather warmed up.

Instead, Kendricks persuaded Serrant to rely on Ms. Aarons and Ms. Buckley to provide more information rather "than to do a hit or miss surveillance or something to that effect" (Kendricks: 161; see also, Serrant: 39).

Thus, early in the investigation, the investigators ruled out taking the only investigative step that had any reasonable chance of making a viable criminal case against Barnwell. Then, over the course of the months that followed, Kendricks reviewed the case with Serrant, more than half a dozen times (Kendricks: 136-146). The decision not to conduct surveillance was never revisited, even after Kendricks finally came to believe that Barnwell did, in fact, have a drug problem.

However, faulting Kendricks and Serrant alone would not be fair. Apparently, this futile plan is standard operating procedure when the Inspector General's Office receives an allegation that someone is abusing drugs. Testimony about drug investigations given by Deputy Inspector General Malachy Higgins, Mr. Sofarelli's second in command, is instructive:

Q What is the goal; what are you seeking to accomplish?

A If possible, we will bring him up in charges.

Q With what end in mind?

A Well, anytime -- if we bring him up on charges, it would be for termination, if we could develop a case (Higgins: 55).

Firing a principal who uses narcotics is a laudable goal, but hardly the only one the Inspector General should pursue. Presumably, the office should also be interested in laying the groundwork for a criminal prosecution against those committing narcotics crimes, particularly since it is virtually impossible to terminate a principal unless the perpetrator is caught in the act (Sofarelli: 746).

Yet, when Higgins was asked about that goal, he seemed perplexed:

Q What about building a criminal case against somebody, is that part of your role, or is that not part of your role?

A On a user; build a criminal case against a user?

Q Yes. I'm asking if that is one of your goals.

A I don't know how we can build a criminal case against a user (Higgins: 55-56).

Possession of narcotics is a crime. If the first Deputy Inspector General does not know how to build a criminal case against a principal who is using illegal narcotics, it is hardly surprising that the office has had very limited success in making those cases.

Moreover, the office seems to have an almost inflexible aversion to doing the kind of investigative field work that could lead to success.

Q Simple; you see him buying, and then you get the police involved.

A We see him buying, but the thing is, we would have to send people out to a location. Where does he buy; we would have to have that information.

Q You would have to start with him at the end of the school day and follow him and see where he goes, and maybe he would go and buy drugs. You're right, maybe he would not. But if, indeed, a person was a user, eventually the person has to get the stuff to use; true?

A True (Higgins: 56).

Instead, the approach is simply to ask people if the target is a drug abuser.

Q And it seems to me that the way in which you conduct your investigations is simply to ask people, is Mr. Barnwell a user?

A Right.

Q And if people say no, you ask a few more people. I take it, if the first few people you ask say no, that ends the investigation; is that correct?

A Right (Higgins: 56).

Even if the initial complaint of drug abuse is corroborated, the approach remains constant: ask more people, apparently without any clear picture of what additional information is to be developed.

Q In this instance, it got to the point where two, presumably respected people, said yes, he is a drug user, and they gave you all the indicia of drug use as well; true?

A Yes.

Q And even at that point, nobody bothered to follow Barnwell; correct?

A No.

Q Why not?

A We asked the assistant principal at that time to monitor his actions. Maybe he could develop something in the school for us.

Q He is not supposed to be investigating; you are.

A He was cooperative and he said that he would.

- Q What is he supposed to develop? What is he going to see? He is going to see if the man comes in on time?
- A He was going to monitor his actions. Who knew, at the time when we asked him to do that, that he wouldn't come up with something to lead us further on? Any successful operation you have, you need somebody give you some information.
- Q Right. Here you had information to completely corroborate your initial complaint, he nodded off, an indicia of drug use, true?
- A Yes.
- Q That the man came in looking disheveled, an indicia of drug use?
- A Yes.
- Q The man came in drunk, an indicia of having a drinking problem?
- A Yes.
- Q And that the man's behavior was completely consistent with a person who had a drug or drinking problem, or both problems; true?
- A True.
- Q Your response [continues] to be, log him in and out, and tell us if this pattern continues; true?
- A True.
- Q Not only was that your investigator's response, but, frankly, Mr. Serrant, I think, agreed, that that was the appropriate response?
- A Yes.

Q And I get the impression that you believe that is the appropriate response?

A Yes (Higgins: 57-58).

The only time using physical surveillance would even be considered is if one of these sources told the investigator exactly where the target was buying narcotics, a farfetched possibility indeed.

Q At what point, if ever, do you decide to do a physical surveillance?

A If we had developed some information where he is buying.

Q But he has to be buying if he is using?

A It is not our procedure to follow or surveil users. Maybe we will sit down with Mr. Sofarelli and change procedures. At this stage, it was not the policy to surveil users (Higgins: 59).

While Kendricks waited for Aarons to return his call, nothing happened on the case for the next three weeks. Kendricks, whose practice was to "work on all my cases simultaneously" (Kendricks: 61), devoted his attention instead to a Community School Board member accused of not residing in the district.* He was also investigating an allegation that a different Community School Board member lived in a box on the street.

On April 18th, Kendricks spoke with Aarons on the telephone again. She was having misgivings about discussing Barnwell, but added that everything Kendricks needed to know about Barnwell was in the UFT's records. Unfortunately, as of the date of the hearing, eleven months later, Kendricks still did not know whether he had access to those UFT records; he had never tried to find out.

Aarons said that she would contact Kendricks the week of April 25th. In the meantime, Kendricks spoke on the

* Mr. Sofarelli had generally instructed that this residency matter be given a priority since the board member was voting on important matters (Sofarelli: 742).

telephone that day with the President of Parents Association, Mildred Howard, who agreed to meet with Kendricks the next day. When they met, Howard said she had no information relating to the allegations. Howard referred Kendricks to the former president, Paulette Buckley.

Although his written record of the investigation does not so indicate, Kendricks maintained that during the next two months he did two things. He "attempted to get a copy of the PA President's member listing from P.S. 53 in the Bronx" (Kendricks: 71), and he tried to call Aarons "on possibly two occasions" (Kendricks: 70-71). When she did not return his calls, he sent her a letter and she came for an interview on June 10th. The decision to handle these interviews in this listless manner was left to Kendricks (Kendricks: 72).

Kendricks and a second investigator finally met with Aarons on June 10th. The Inspector General's standard procedure is to have two investigators present at witness interviews. That is standard procedure with other law enforcement agencies as well. Apparently it also is the Inspector General's standard practice to have both investigators take notes of the interview (Kendricks: 118-120; Serrant: 96-97). This is certainly not standard procedure with professional law enforcement agencies, since, at a later trial, all notes are delivered to the defense, and any competent defense attorney will later be able to use even the most trivial discrepancies to discredit the note-takers.

After the Aarons interview, Kendricks made his way to the school and got the Parents Association list. Also, on June 20, 1988, he spoke on the telephone with three members of the Parents Association Board. That was all he did on the case for three months from June 20th to September 27th. Yet again, he, not a superior, decided how he allocated his time, and nobody questioned the pace of this investigation (Kendricks: 81).

At some point, Kendricks discovered that the Parents Association list did not have Ms. Buckley's telephone number. He called the school on September 27th, explained his problem, and got the number.

On October 4th, five and a half months after he learned she might have information, Kendricks and a colleague interviewed Buckley at her home. To Kendricks' surprise, Buckley had arranged for Barnwell's assistant principal, Jesse Rines, to be present.

Buckley began by saying that she had called the Inspector General's Office to make sure Kendricks worked there

and had been told they never heard of him. It turned out that Ms. Buckley had actually called the Auditor General's Office, which is located across the hall from the Inspector General. When Kendricks arrived, she called again and verified that Kendricks did work for the Inspector General.

Buckley and Rines told the investigators that Barnwell was in the habit of borrowing money from staff. They also said that they believed he had an alcohol problem and suspected he used drugs. Buckley said that, in September, 1988, Barnwell had gone on a two week drunken binge. Buckley said that during this period Barnwell had tried to kiss her and she had smelled alcohol on his breath. He also tried to kiss the Parents Association Treasurer, whom she named.

Buckley also advised that since 1986 Barnwell's physical appearance had deteriorated. She thought he looked "high off cocaine" (Kendricks: 90). When Kendricks asked how she knew what a cocaine addict would look like, Buckley said she "lived in the neighborhood for X amount of years and she had an opportunity to see drug addicts and their mannerisms on many occasions, so she knew what a cocaine user looked like" (Kendricks: 90), an explanation Kendricks thought made sense. Besides, Buckley described what she meant: a user looks shabby and nods a lot, and, she said, Barnwell looked shabby and nodded a lot.

Buckley said all the teachers were aware of Barnwell's drug problem. She said they would make comments such as, "he is high again today," "did you see what he was wearing?," "he fell asleep again at the meeting" (Kendricks: 95-96).

Buckley never saw Barnwell with drugs or drug paraphernalia. However, she and her husband were walking along Fordham Road one morning at about eleven o'clock and saw Barnwell go to what neighbors considered a drug park, where he talked with an unsavory character.

Assistant Principal Rines said he had known Barnwell for fourteen years and that Barnwell's condition had begun deteriorating about seven or eight years earlier. He agreed with Buckley that Barnwell had a problem with alcohol, drugs, or both. Rines recounted an incident that occurred only a week or so earlier, on September 29, 1988, at a meeting attended by the Bronx Borough President in the school auditorium. Barnwell started to nod off and was taken out of the auditorium before the photographers could get a picture of him. Rines said the Superintendent and Deputy Superintendent were aware of Barnwell's condition at this meeting.

Rines had smelled alcohol on Barnwell's breath from time to time. He also reported that for the previous two years Barnwell's physical appearance had deteriorated: he had lost weight and had been coming to school unshaven and with an unwashed face. Rines said Barnwell's condition was common knowledge throughout the district and the school and was known to the Superintendent and the Community School Board. Rines also reported that Barnwell did not come to school on time.

Kendricks asked Rines to maintain a log of Barnwell's daily activities, including his arrival and departure times "and anything else that he felt may have been of importance" (Kendricks: 105). Kendricks asked Buckley and Rines for the names of teachers who knew Barnwell had a substance abuse problem, but they said they would have to speak with others before giving their names to Kendricks. So, Kendricks asked Buckley to speak with teachers and Parents Association members to determine who would be willing "to speak out against Principal Barnwell" (Kendricks: 106).

Kendricks and his colleague discussed the interview and "we felt that we had ample reasons to believe the allegation with regard to Barnwell's drug usage may be true based on Rines' assertions, as well as Buckley's; the fact that there were other people in the school also with the possibility of having knowledge with regard to that, we felt that also strengthened the possibility that it might be true" (Kendricks: 112-113).

But, despite this conclusion, Kendricks decided to do nothing, except "wait on Ms. Buckley to see what names would be provided" (Kendricks: 113). On October 14th, Buckley gave Kendricks the names of two teachers she thought might be willing to talk with Kendricks.

Twelve days later, on October 26th, Kendricks interviewed one teacher on the telephone. She said she had no information and did not want to get involved.

The police arrested Barnwell buying crack on November 9th. At that point, the pace picked up.

Kendricks spoke for the first time with the Office of Appeals and Review about Barnwell's 1987 "U" rating for lateness, absences, and insubordination.

Kendricks also learned for the first time that Barnwell's community school district file contained information that corroborated the assertion that Barnwell was a drug abuser. For example, a letter from the Superintendent to Barnwell dated October 7, 1988, read:

We previously met on August 31, 1988 to discuss your nodding off and/or falling asleep during the August 29, 1988 Principals' Conference. At the Principals' Conference on October 6, 1988, you appeared drowsy and were, again, observed nodding off: I suggest in the future you take appropriate measures to ensure that you are alert and attentive at conferences.

Kendricks said he believed either he or Piazza had requested this file during the pre-arrest phase of the investigation, but he was not sure (Kendricks: 170-172), and could offer no coherent reason for not obtaining this information earlier.

Deputy Inspector General Conrad W. Reitz obtained medical information about Barnwell from Julian Covell, the Administrator of the Board's Medical Unit. Reitz also spoke to Juanita Jones, a counsellor in the Employees Counselling Service, and learned that she had met with Barnwell from May, 1987 until February, 1988, as a result of a referral from the Board's Medical Bureau. In a memorandum to Mr. Sofarelli, Reitz wrote: "Ms. Jones, based on her experience in counselling, believed Mr. Barnwell had a drug abuse problem. She confronted him but he denied any drug abuse. Ms. Jones stated that she warned Mr. Barnwell that if he didn't admit to his problem she would 'see him on the 11 o'clock news.'"

This information Reitz obtained from Juanita Jones and Julian Covell would have been useful, at the initial stages of an investigation, to evaluate the reliability of the tip that Barnwell had a drug problem. Kendricks admitted that he "didn't have any of this information," although it was in Barnwell's medical file at the time the investigation began (Kendricks: 218). Asked if he had access to these files, Kendricks testified, "I am not sure. There are certain things that are provided and there are others that aren't. I am not sure exactly which" (Kendricks: 218).

Needless to say, an investigator should know which of his agency's records are available to him. However, it is not fair to fault Kendricks for his ignorance on this matter: most of the rest of the Inspector General's staff were equally unclear about their ability to obtain information from the Medical Unit and from the Counselling Service. For example, Serrant thought Kendricks could have obtained the information. Asked why Kendricks had not, Supervisor Serrant admitted, "I have no idea" (Serrant: 85-86).

Piazza, on the other hand, believed that his office did not have access to Medical Unit information or Employee Counselling Service information (Piazza: 25-27). Reitz said he was entitled to receive the information Ms. Jones provided, but that Covell should not have revealed certain other diagnostic information. Reitz also testified that Inspector General investigators "always go to Medical ... as a general investigative approach" (Reitz: 32). He said Kendricks should have done so in this case (Reitz: 38), and did not know why Kendricks had failed to do so (Reitz: 32).

In contrast, Deputy Inspector General Malachy Higgins, who supervises Serrant and Kendricks, said that the office did not have access to all the information in the Reitz memorandum prior to Barnwell's arrest (Higgins: 70), and were only entitled to obtain the information after the arrest (Higgins: 69).*

Furthermore, this confusion about the Inspector General's access to this information was even more widespread. The Board of Education custodians of the information were equally unaware of their legal responsibilities. In fact, it was only as a result of these private hearings and a Commission subpoena, that the Board of Education's lawyers reviewed the matter and decided that federal law prohibited the Board from releasing any records regarding an employee's participation in a drug or alcohol program, and that state law prohibited disclosure of employees' medical records in the custody of the Board's Medical Unit.

In another spurt of post-arrest activity, Kendricks and Piazza interviewed the superintendent of Barnwell's building and five of his neighbors on November 15th. These individuals reported that Barnwell often entered and left the building with young adults who appeared to be drug users. The neighbors said that, although they considered Barnwell a good neighbor, his association with these apparent drug users led them to believe he used drugs.

On November 22nd, Kendricks interviewed fifteen people who worked at P.S. 53. On the following day, Kendricks

* Mr. Sofarelli later testified that he thought his staff knew what information they could obtain from the Medical Unit and the Counselling Service; he believed that some of his staff had misunderstood the questions at the private hearings and mistakenly thought that they were being asked about different kinds of medical information (Sofarelli: 767-769). He did not explain how anyone could have been confused in this way when asked specifically about the availability of the actual information in Reitz's memorandum.

interviewed six more people who worked at the school. While most of these individuals claimed to have no knowledge of Barnwell's drug use, one teacher reported that Barnwell often nodded out. In addition, one supervisor said he saw Barnwell nodding off several times, including at a principal's conference attended by a Community School Board member and the District Superintendent. Another staff member said that in 1987 Barnwell started appearing drowsy at school.

Kendricks conducted additional interviews in December, 1988, February, 1989, and was still interviewing witnesses about Barnwell's behavior in March, 1989. Of the thirty-one interviews he had conducted by the time of his private hearing, the majority occurred after Barnwell's arrest.

The Inspector General's Evaluation

At his private hearing, Deputy Inspector General Higgins admitted that the Barnwell investigation was sporadic and proceeded at a leisurely pace (Higgins: 40). Mr. Higgins' final assessment of the investigation was: "In hindsight, looking at it, the obvious answer would be, no, it wasn't good" (Higgins: 29).

At his private hearing, Mr. Reitz agreed that the Barnwell investigation proceeded very, very slowly and sporadically up until Barnwell's arrest, and then when there was no longer much need for an investigation, it heated up (Reitz: 32-33).

At his private hearing, Serrant testified that Kendricks did very little work on the Barnwell matter (Serrant: 50), but believed, nevertheless, that Kendricks:

...did a good enough job. I think he could have done a better job, a great job, if he had done a little more background research or what have you. Or maybe myself, if I was a little more attentive maybe to seeing these things. But on the whole I think he did a good job (Serrant: 95).

Mr. Sofarelli discussed the Barnwell investigation at a private hearing, after receiving advance notice that it would be a topic of inquiry so that he could prepare himself. He offered a sad apologia for his office's pathetic performance.

When asked why a complaint that was received on November 25, 1987, did not reach an investigator until February or March 3, 1988, Mr. Sofarelli replied, "I don't know the answer to that question" (Sofarelli: 733), and "[n]obody has been able to give me an explanation" (Sofarelli: 735).

Asked about the testimony that Kendricks decided on his own how much time to spend on the Barnwell investigation, Mr. Sofarelli quibbled about whether Kendricks set his own priorities, but admitted that Kendricks had decided how to spend his time:

But what Mr. Kendricks said to me, was that when asked that question, he would decide what investigation to proceed on, depending on how the information was going. He did not mean to you--and this is what I am relaying to you-- he did not mean that that was a priority-setting. He would determine what investigations to work on, on a daily basis. The priorities were set by Mr. Serrant and myself, in some instances. He said he was misled, and he was determining the work on a day-to-day basis....Mr. Serrant basically said the same thing to me when I indicated the response that you had told me that they made in their testimony (Sofarelli: 736).

Asked why no physical surveillance of Barnwell was done, Mr. Sofarelli replied:

I have been told that it would be impossible, given the physical layout of the school.... And also you have to consider surveillance; one, we are civilians. We don't have arrest power. Two, Mr. Kendricks, although knowledgeable about drugs, based on his background, growing up in this area, is not a professional who could testify under oath and have the proper background as to an observation (Sofarelli: 746).

When asked, however, why he had not assigned someone to the investigation who did have these qualifications, he instead discussed the difficulties of bringing a successful

disciplinary action and the Board of Education's lack of a drug testing policy (Sofarelli: 746-748).*

Asked if Barnwell should have been placed under surveillance once Buckley and Rines both corroborated the allegation that Barnwell was a drug abuser, Mr. Sofarelli testified that surveillance would not have been appropriate:

There was still no specificity as to where we were going to surveil. We would have been back in the same posture as to where we were when we received the first allegation (Sofarelli: 752-753).

In fact, Mr. Sofarelli's discussion of the extremely limited circumstances in which he would order surveillance was striking.

If Ms. Buckley had said, not only do I know that he was using drugs because he was smoking crack and picked it up on a street location, we would have surveilled the street location. And then we still would have the problem Austin [Campriello, Chief Counsel], of what are we seeing? We can't make an arrest. Will Legal Services move?

We were then at the point where, if maybe we did appear to see a crack buy, which is very difficult, to go to OLS [Office of Legal Services] -- we have an absentee problem, which Mr. Barnwell directly attributed to an auto accident. We have disheveled appearance. We have sporadic behavior, by people who have seen him, and we have an alcohol problem.

We have enough to get the man down for a medical exam. Let the doctors look at him. We don't have drug testing, but maybe they can steer him into drug counselling -- that was our posture at the time, as far as I can discern from reading all the reports (Sofarelli: 753).

* Mr. Sofarelli also admitted that he had never taken any concrete steps to obtain arrest power -- and weapons -- for his investigators, so that they would be more secure during this type of surveillance. See pp. 65 - 67, infra.

Thus, Mr. Sofarelli's insistence that this investigation was "handled appropriately" (Sofarelli: 770) apparently flows from the astonishing assumption that making a criminal case was beyond his office's capabilities and making a disciplinary case was just too difficult.

Conclusion

In some ways, no investigation at all would have been preferable to the investigation the Inspector General's office conducted. This investigation was doomed to fail, wasted scarce investigative resources, and could not help but cause those it touched to lose faith in the Inspector General's office. And, sadly, since the Inspector General himself defends this investigation as "appropriate," and the investigator followed standard policy and procedures, there is no reason to suppose that the hundreds of other drug allegations the office receives are treated any differently.

INTAKE, CASE ASSIGNMENT, AND REFERRALS

The first problem in the Barnwell case was that the intake and case-assignment process broke down causing months of delay. This failure was not an isolated incident. The 1989 State Education Department audit team reviewed 184 case files, and concluded that the case-assignment process was "too lengthy" (State Education Department's New York City Administrative Audit Team Report, June, 1989, "SED Report" at 16).

The State Education Department also concluded that the system -- which involves twice-weekly meetings of the entire supervisory staff and "several layers of review" -- "appeared to be unnecessarily cumbersome" (SED Report at 12).*

After receiving the report, Mr. Sofarelli simply added another layer of bureaucracy and a further investment of

* In its written response, the Inspector General maintained that there was "no basis" for this finding, but did not provide any data to refute it (Response to New York State Education Department Audit of the Office of the Inspector General, June 13, 1989, "IG Response," at 3, 17-18). Presumably, the audit team simply compared the date the allegation was received with the date of the first investigative action taken.

time and personnel, by creating a new "Intake" unit and inviting more people to attend the case assignment meetings.

These meetings alone routinely absorb up to one fifth of the work-week of more than one tenth of the Inspector General's staff. Even more important, it is the entire supervisory staff, including Mr. Sofarelli himself, who are spending so large a portion of their time in this fashion. These meetings provide a notable example of misallocation of resources, since all of this time and effort is devoted to "tracking" cases, rather than thinking about or acting on them.

The Case Assignment Meeting

In early 1989, the Inspector General's Office held weekly case-assignment meetings on Friday mornings. The meetings lasted from 9:30 at least until lunch, and they often continued on through lunch until 3:00 or 4:00 in the afternoon (Sofarelli: 288). At some point, Mr. Sofarelli expanded this system by instituting a second case-assignment meeting on Tuesday mornings.

These meetings were attended by twelve people: the Inspector General, the three Deputy Inspectors General, the three supervising investigators, the Chief of Operations and his deputy, the office's sole financial investigator, and two secretaries.

Any attempt to describe a typical meeting takes on an almost Dickensian tone. The supervisory staff gathered around a conference table, on which there were about forty complaints received during the preceding week.* The complaints were in two piles: one for letters (each of which had already received a "Mail Log Number"), and a second for phone and "walk-in" complaints (each of which had already received a "Phone Log Number").**

* This figure is based on the number of complaints reviewed during two meetings observed by Commission staff, and on the Inspector General's statistics, which reveal an average of 41.5 cases received each week for the 1988-1989 school year.

** The mail log and the phone log are kept separately, so that the numbers in no way correspond. No one quite knows when the numbers began and there is no attempt to start a new log with the beginning of a new year, so it is impossible to know whether the number of allegations is rising without
(continued...)

Deputy Inspector General Higgins got things rolling by taking the first several letters off the top of the pile and passing them around. Then, one at a time, one supervisor "reported" on the complaint, detailing the name of the complainant or the fact that it was anonymous, the district, and a summary of the allegations. Questions were tossed out from the group and answered by the person "reporting."

Then, at some point, Mr. Sofarelli began to dictate the "action" that should be taken. A few times, someone else threw out a suggestion. The Deputy Chief of Operations wrote down the "actions" dictated by Mr. Sofarelli. Mr. Sofarelli meanwhile wrote down notations on his own files and on his own copy of the phone and mail logs. Other staff members wrote things down on their files and folders, too.

The group then decided how many copies of the letter should be made and sent a secretary to another room to make the copies. The group generally waited while the copies were made. When the secretary returned, the copies were distributed and placed into folders, and the group moved on to the next complaint. The supervisors had not reviewed the allegations before the meeting. Instead, each reporter read the complaint quickly while listening to the discussion of previous complaints.

A great deal of the effort was spent determining what kind of number should be assigned to each of the already-numbered complaints. For example, every time the group realized that the complaint was a duplicate of one that had already been received, Mr. Sofarelli told his Deputy Chief of Operations that a note should be made to cross-reference the two and to assign the same "IG number" to both. Similarly, every time Mr. Sofarelli decided to refer a case to another office, he specified that it should be given an "IGR number" (for referred cases), rather than an "IG number" (for in-house investigations).

The letters and complaints were handled in the order they were received. They were not sorted in any fashion: by district, by school, or by topic. The letters were also distributed randomly around the table: there was no attempt to

** (...continued)

paging through the logs themselves and calculating. The mail log includes every single piece of correspondence that comes into the office, not just complaints. Mr. Sofarelli's secretary spends every day from 4:00 p.m. on typing up the mail log, listing the date, the mail log number, the person who sent the letter, and the nature of the letter. She leaves a blank column for Mr. Sofarelli to annotate.

give a complaint to a person who might have any special knowledge about it.

There was no advance screening to determine if any of the complaints were related to each other, or to any pending cases. Several times during the meeting the "action" ordered was to "run" the teacher's name, or the school, or the complainant's name through the computer to see if there were any prior complaints or pending investigations, since no check had been made before the meeting began.

The case-assignment committee often found itself reviewing copies of complaints that had been received days or weeks before. In these instances, the reporter would review these complaints and begin a "report." Eventually, that report would jog someone's memory about the previous complaint. However, it would be sheer happenstance that the person remembered the case and even more coincidental if the person with knowledge about the case was the person reporting on it.

After some discussion, the "action" dictated by Mr. Sofarelli would be to double-check the impression that it was a duplicate complaint, assign it to the same person, and give it a cross-referenced number. Usually, Mr. Sofarelli would throw out a number of preliminary and completely routine steps (check personnel records, notify the appropriate law enforcement people, run a computer check). Usually, Mr. Sofarelli would also observe -- even as he dictated all these steps for his troops to hear and his deputy of operations to write down -- that all these steps had probably already been dictated at the previous committee meeting and therefore probably already taken.

Each week, several complaints -- considered "emergencies" -- had already been assigned by the time of the meeting. Nevertheless, these complaints were reviewed at the case-assignment meeting. A typical example would be a complaint that had been referred to the office's Sexual and Physical Abuse Unit. When the complaint was reached, someone would review it and "report" on it, until, at some point, someone recognized it.

This realization did not prevent Mr. Sofarelli from dictating the "actions" to be taken, including: (1) make sure that this case is given a case number (if it does not already have one), (2) make sure that the case is entered on the computer as assigned to the unit, (3) make sure the unit has made all the necessary law enforcement notifications, and (4) tell them to check to see if we have anything else on this teacher or school.

Presumably, the supervisor of the unit should know to take these four routine steps, and, certainly, all the deputies and supervisors at the meeting must also know them as well. The only advantage to having all twelve people sit through this process of spelling out the obvious is that it did give them time to review the complaints about which they must report.

However, the failure to screen the complaints ahead of time, and to group related complaints, did more than waste time. It also created a danger that the committee will determine the course of an investigation without all the available information. During one meeting, for example, there was a "report" about a complaint, apparently from a parent who claimed her child had been beaten by a teacher so severely that an ambulance had to be called. The complaint also said the school was covering up by saying the child had had an asthma attack. The group settled on all kinds of "actions" to be taken on this complaint.

Then, and only then, someone said the group should hear his "report" next, because it was a call from a parent who said that her daughter had witnessed a teacher beating a child at school. After some discussion, it was established that the school and the date of the beating were the same.

The consideration of these two complaints at the same time could easily have changed the evaluation of the situation (if not in this particular instance, certainly in many). The existence of an independent witness who would back up the parent's claim that a beating had occurred could be a critical factor in making decisions about how to pursue the matter. Or, in some other case, one complaint might be far more specific about the seriousness of the attack, leading to a decision to keep the case and investigate it, rather than refer it to the personnel unit in charge of "minor" assaults.

The lack of preliminary screening, therefore, created many opportunities for mistakes in the evaluation of cases and the appropriate investigative response.

The issue of referrals is also interesting for another reason. According to Mr. Sofarelli, the office receives complaints about "everything from a reading score to why Johnny isn't in the gifted program" (Sofarelli: 667). Fully 45 percent of the office's annual caseload now consists of these "IGR" matters, which his office simply refers to some other office (Sofarelli: 614). In still other cases, the office simply sends a letter to the complainant explaining that the case does not fall within the Inspector General's jurisdiction.

Usually, these letters seemed to be a form. Sometimes, Mr. Sofarelli actually dictated the wording of the letter during the meeting, or at least outlined it, highlighting the kind of language that should be used. Everyone else simply sat and waited (or reviewed their complaints), while Mr. Sofarelli dictated these letters.

In making referral decisions, Mr. Sofarelli seemed to be relying primarily on the group's collective memory to ensure that no related case existed and that no related information might change the decision. Using the group this way necessarily required everyone to sit through the "report" and even the formulation of the letter responses, an enormously time-consuming process. Mr. Sofarelli (or a trusted member of the staff) could quite as easily have taken care of all of these minor matters without wasting everyone else's time.

This procedure also created a risk that critical facts will be lost during the evaluation process, and could easily cause someone to leap to an understandable, but erroneous, assumption that derailed the investigation before it began.

The letters the office receives are often long, handwritten, or otherwise difficult to decipher. The chance of missing or misinterpreting some important fact is obvious, especially if the person skimming through the complaint prior to "reporting" on it is also trying to listen to another discussion at the same time.

The write-ups from the phone and "walk-in" complaints are necessarily sketchy. Without the help of the person who took the complaint, it is all too easy to misinterpret the circumstances. For example, one phone complaint alleged that a school's staff were being pressured to help in an election campaign on Saturday between 11 a.m. and noon. The "action" ordered was to send a surveillance team to the school that Saturday.

The underlying write-up about the call, however, did not mention the school as the place of the scheduled campaign activity. In fact, it would be surprising if the campaigning (or signature gathering or fund raising) was to take place at a deserted school on a Saturday. Without consulting the person who took the call, however, it was impossible to tell.

Chances are that ambiguities like this will be missed at a meeting of this kind, as in fact this one was. Even if it was noticed, resolving the ambiguity would simply

have been one of the "actions" ordered, forestalling any further evaluation in the meantime.*

In another case, the decision was to refer a complaint to the Auditor General, with a request that they audit and report back if they found anything for the Inspector General's Office to investigate. Of course, the Auditor General's strictly overt procedures make later confidential investigation impossible. Furthermore, this decision was apparently based on a general impression that allegations of this type (the case concerned teacher "coverages") always amount to nothing. No check was made to see what else was going on in that school or whether any other complaints had been made about the principals or teachers involved. If there were other investigations of the school, the question of "coverages" might have filled in a piece of the puzzle or provided some leverage at a critical moment, a concern that no one seemed to weigh.

Presumably, the group assumed that they would know about everything else that is going on, or has been going on, in the school. On the other hand, their collective memory is often out-of-date; for example, they referred to District 27 as "Marvin Aaron's District," when he was the former district superintendent and had been gone for at least 18 months).

Aside from its group memory, the office has at least five separate systems for tracking its cases: (1) the phone log, (2) the mail log, (3) the computer, (4) Mr. Sofarelli's notes on his copy of the logs, and (5) one set of copies of the letters or complaints arranged by district. In addition, copies of complaints made during the meeting appear to be destined for "tickler" files maintained by the deputies and supervisors.

It is difficult to see why so much time and effort is spent on all these separate case-tracking systems. A computer case-tracking system, backed up each day, and supported by one organized set of hard copies of the complaints and letters should be more than adequate.** This multiplicity of systems is guaranteed to cause confusion, when one system is updated, but another is not, and then everyone has to scramble around to reconcile the discrepancy.

* And, of course, if he is not consulted, the person who took the call (and was responsible for its lack of clarity) will miss the opportunity to learn from the mistake.

** Apparently, a few years ago, the computer "crashed." Now, no one trusts the computer, although, of course, the real problem, even then, was that no one had backed it up.

And, of course, there is an irony here, too. The office has a massive proliferation of "systems" to make sure things do not fall through the cracks, but decisions about how to handle the cases were made without consulting any of them. Instead, the actual decision was made based on nothing more than group "memory."

The New Case-Assignment System

In early 1989, observers from the State Education Department and from the Gill Commission attended meetings of the case-assignment committee. By April, the State Education Department issued a draft of its report on the Inspector General's Office, and criticized this "unnecessarily cumbersome" procedure (SED Report at 12).

In response, the Inspector General's Office said it would "review" the process and "streamline" it "where needed" (IG Response at 9). Mr. Sofarelli did conclude that the process needed to be changed. In fact, he later conceded that this system "basically reassigned the same case" to different investigators, once or twice a year (Sofarelli: 290). The process has since been changed.

The meetings now take four hours a week (Sofarelli: 295), only one-tenth of a work week instead of one-fifth. All the same people attend the meetings under the new system, but now new people attend as well: Gloria Stratford, the supervisor of the "Intake Unit," comes in "with her people" (Sofarelli: 291).

Under the new system, everybody has a copy of all the complaints (Sofarelli: 292),* so they can "read along with" Ms. Stratford, who now does all of the "reporting" (Sofarelli: 291). She gives a summary of each complaint and also has a computer print-out "ready to hand us" that lists all of the cases the office has ever handled involving the names mentioned in the complaint or the school or division mentioned (Sofarelli: 291).

In some ways this system appears to be an improvement on the old. Ms. Stratford and her staff have pulled every "case file, whether active or closed," and checked "to make sure we have not reviewed or conducted an investigation with respect to those allegations prior"

* It may be that the secretaries no longer have to attend the meetings; Mr. Sofarelli did not say. On the other hand, now someone is spending the time photocopying ten copies of each complaint.

(Sofarelli: 291). Some minor cases that will simply be referred are no longer brought up and read through at the meetings. And, apparently, there have been fewer instances lately in which the same case is assigned to two investigators through oversight (Sofarelli: 292).

On the other hand, these meetings still account for an enormous amount of the supervisory time of the office, to little if any purpose. Mr. Sofarelli was given the opportunity to explain his rationale for requiring his entire supervisory staff to attend meetings of this type:

It's a situation I have devised, not only because I like the input of my deputies on certain cases, but I would like to know -- I would like the deputies to know what other units are handling. I found, in some instances, that I may not know; I try to know, basically, in a general way, what each unit is handling, and I do know what they handle, but sometimes you get these overlapping things where we get an allegation and if the computer doesn't pick it up, or it may have been part of someone else's case and for some reason the name has not been put in the computer, as maybe a sidelight, a deputy may recognize it.

Wait a minute: You say it can go to Higgins. Someone will say, I know that guy, or I know that principal, and maybe, although I don't know the particular allegation, I can give you background on that principal. My unit had a case on that principal and I can give you background on it.

So, I like to have my deputies know what each unit is doing and hear the allegations (Sofarelli: 293-294).

If the point is to allow the deputies to become informed, why are all those other people at the meeting? Surely, their time would be better invested in supervising someone or investigating something?

If the idea is to alert the deputies to the nature of the allegations, why not simply have them read the copies (which, of course, have already been made)? Surely, that process would be less time-consuming than forcing them to listen while Ms. Stratford reads to them.

And, of course, many of the allegations "reviewed" at the meeting will be deemed too minor to warrant investigations. One-third of the rest will be assigned to the deputy's unit anyway and, presumably, it is the responsibility of each deputy to be fully familiar with all the cases assigned to those he supervises.

This "rationale" for the meetings is even more thread-bare in light of Mr. Sofarelli's admission at another point that he "and some of his deputies" already "read everything" that comes in to the office, quite apart from Ms. Stratford's "report" at these meetings (Sofarelli: 675).

Given these facts, it seems clear that the only real point of these meetings is to rely on the group "memory" to make sure nothing slips. Now as before, vast amounts of time are consumed to assuage an apparently ever-present fear that the whole elaborate system of intake, computer runs, case file reviews, and complaint summaries will not really work.

In other words, despite all these checks and double-checks and triple-checks, Mr. Sofarelli cannot shake the sense that something will fall through the cracks, and therefore has dedicated the time and effort of all of these supervisors and investigators to "tracking" and reviewing old cases, rather than investigating or supervising new ones.

The Chaotic Results of the Case-Assignment System

This complicated case-assignment system might make some sense if its result was to ensure that each complaint got to the people best able to determine its importance and follow through on it thoroughly, expeditiously, and professionally. In fact, the results of the process seem even more chaotic than the process itself.

Despite all these elaborate reviews and discussions, cases involving a single community school district still end up assigned to at least 15 or 20 different investigators. In some districts, the number of investigators doing different "active" investigations rises as high as 30. Not only is almost half the investigative staff working on cases involving the same district, but almost half of those investigations are listed on the computer under titles as uncommunicative as "District 9," or "CSD 12," or "CSB#14."*

* These figures do not include "referred" cases. And, the number of investigators with relevant knowledge about a district must rise even higher when closed cases are considered.

A related problem is the apparent lack of care given to naming the investigations in a way that will aid an investigator. For example, an investigator seeking information about cases related to his, which involves a district employee and a board member in District 15, would have to check under "D" at least once (for "District 15,") under "C" at least four ways (for CSB 15, CSB#15, CSD 15, and CSD#15), as well as under both the board member's name and the employee's name.

If the case involved a junior high school principal, the investigator would have to check under the principal's name, the district (in all its many permutations), under "J" for (JH100, JS100, JHS100), "I" for (IS100), "C" for (CES100), "100," and "P" (for PS100, just to be sure).

Checking with all of these people about their cases to determine whether a new complaint is the same, similar, or related to something someone is already working on must be a gigantic task. Expecting each investigator to track down each of these 20 or 30 cases and 20 or 30 people each time a new complaint arrives on his desk is simply absurd.

A case like the Barnwell matter demonstrates the results all too clearly. One investigator was assigned the case, although another investigator was the office expert on narcotics, and a third was the one who had a source in the district. The investigator on the case also did not check to see who else had ever worked on Barnwell. If he had checked he would not have learned anything, because the computer run was done incorrectly.

The use of such an anarchic system is particularly puzzling, since an organized system is so easy to envision, and, indeed, is used in most law enforcement agencies. First, like the Police Department or most prosecutor's offices, the Inspector General should establish a very few, very specialized units -- like sex crimes or narcotics -- to handle a special type of witness or a very discrete type of investigation. All complaints of this type should go immediately to these small units.

All the other investigators should be divided into the equivalent of precincts, each handling a group of local Community School Districts or a chunk of the High School Division or a set of bureaucratic units at Central. Almost instantly, this new structure would eliminate the fear of "slippage" that seems to haunt the office and save all the resources that are now devoted to elaborate checks and triple-checks to avoid it.

Each group would know whether a new complaint was simply a duplicate of an old, because anything that mentioned one of their districts would have come immediately to them. They would know whether anyone was working on anything related to the new complaint, because if anyone was working on it, it would be a colleague in this small and well-defined group. They would know whether this otherwise minor case was part of a pattern, or shed an important new light on an on-going investigation, because they would be working on that investigation. They would know whether an otherwise minor case might provide important leverage against someone who could be a critical witness about a more important matter, because they would be handling both.

These investigators, who as a group could have the expertise to handle most types of normal investigative techniques, would also be in a position to get to know the cast of characters in their area, a kind of knowledge that must be almost impossible for any one investigator to acquire at the moment. For instance, each group could begin to get a handle on the local politics, which is an indispensable tool to understanding the workings of most Community School Districts. Over the course of time they would also develop some sense of history as well, not only on the personnel involved, but on the procedures used and the typical problems in their area.

Equally important, the group could begin to develop relationships with the people in the districts or divisions they cover. If they saw the same people in case after case, most superintendents would soon begin to feel comfortable allowing an investigator to have access to district files and documents, in a way that would not compromise the confidentiality and secrecy of any on-going investigation. Business managers or principals or PA Presidents might begin to feel comfortable calling -- not an Office -- but the small group of people they had worked with before and grown to trust.

The realignment of the Office along these lines would also allow the Inspector General to conduct an intelligent and effective outreach program, something that has been sadly lacking in the past (SED Report at 11). An outreach program that actually brings together the people who will be working together is plainly the most effective.

Rather than send an Inspector General or Deputy to a single, infrequent meeting in each district, the very group that will be back to conduct real investigations could sit down with the superintendent and business manager and meet other key personnel. That group also could attend a couple of principals' meetings, a school board meeting or two, and a

meeting of the parents' association presidents, to meet and be met by the people in their jurisdiction.

Rather than get form letters from someone the principal or superintendent will never meet, the letter or phone call would come from the group that will handle, or has handled, important problems in the district. This group would soon learn whose evaluation they could trust and whose responses should be double-checked. This more individualized approach would also reduce the very high level of tension and distrust that has grown up between the office and the people within the system. It would also make for a more informed investigative plan in most cases. And, of course, it would instantly do away with the elaborate bureaucratic operational systems on which so much of the office's resources are now frittered away.

The Cost of the Current Intake and Referral System

The scatter-shot approach to intake and referral used in the Inspector General's Office accomplishes none of these goals, but eats up a huge slice of the office's resources. In fact, in addition to his Chief of Operations and his Deputy Chief of Operations, the Inspector General has allocated five full-time employees and two part-time employees to these intake and referral tasks. Amazingly, he also thinks this group is overworked and wants to assign more people to these tasks as soon as he can (Sofarelli: 674).

What do all these people do? Ms. Stratford devotes almost all her time to this process, as do two other investigators assigned to the unit.* Four other people, meanwhile, spend all their time working on the referral letters.

One man's job, for example, is to send the initial referral letter, which is usually a form. This man also sets up the files, and makes sure the computer knows the "IGR number" of the case (Sofarelli: 297, 299).

Although all of the "IGR" cases are entered on the computer, and form part of the Inspector General's "open" caseload figures, the computer is not used to keep track of

* One of these investigators is also responsible for handling hotline calls and "walk-in" complaints, but this can hardly be called a full-time job: the office receives fewer than four "phone log" complaints a day. In fact, in past years the Office usually received less than two of these complaints a day.

the referral letters. Nor is the computer used to trigger daily, weekly, or monthly lists of letters that have gone unanswered, despite the fact that this simple task is well-within the capabilities of the software the Inspector General uses.

Instead, the investigator in charge of "setting up" the referral files gives the files to a second man, whose job is to keep a "catalogue" about when the letter was sent, and to keep track of "who hasn't and who has" responded (Sofarelli: 299).

This man is also "in charge of sending another follow-up, and, after the second follow-up," bringing the matter to the attention of the Chief of Operations (Sofarelli: 299). At that point, a "notice" will be sent or a call made to the delinquent parties, to tell them again to report back (Sofarelli: 299-300). Two part-time investigators are also assigned to assist with these letters and follow-up notices (Sofarelli: 785-786).

The number of investigators and administrators assigned to these essentially ministerial tasks looms particularly large, given the fact that the Inspector General's Office also has a computer staff, a secretarial staff, and a word-processing staff.

The "Tracking" of Referrals

Almost 45 percent of the allegations the office receives are sent on to some other office or division or district for them to handle. It is apparently the custom to demand a response, even when it is clear that the complaint involves matters too minor to warrant an investigation.

A complaint about a minor time abuse by an employee, for example, is not something the office would investigate, because Mr. Sofarelli believes matters like this are better settled between supervisor and employee. Nonetheless, his office sends a letter to the employee's supervisor, not only referring the information, but demanding a response as well. In fact, the demand is that the supervisor reply to the Inspector General about the matter within 30 days. And, if the supervisor does not send a written response within 30 days, second notices and follow-up demands will be sent until the supervisor finally complies (Sofarelli: 677-679).

Mr. Sofarelli agreed that all these letters and follow-ups took a lot of time and effort from his staff and generated a lot of hostility in the field. His only explanation for the practice was the possibility the

supervisor might, theoretically, reply that this employee's absence was part of a pattern, in which case the Inspector General might want to reevaluate the decision not to investigate (Sofarelli: 679).*

If the point, though, is to learn whether there is a pattern of misbehavior, why not simply refer the matter to the supervisors to deal with, but asking them to notify the Inspector General if the incident appears to be part of a larger pattern?

This more honest approach would save time and effort now wasted by the Inspector General (and by the supervisors) on the vast majority of referral cases. It might also educate the supervisors about what they should look for and what should trigger an investigation. It certainly would do away with a lot of unnecessary friction between the Inspector General and the people to whom he must look for information and assistance when a significant investigation arises.

CASELOAD OF THE INSPECTOR GENERAL'S OFFICE

The State Education Department Team and the Inspector General's Office got into a debate about the average active caseload of the Inspector General's investigators. The State Education Department found that the average caseload in school year 1987-1988 was approximately 10 cases per investigator (SED Report at 10).

In its written response, the Inspector General's Office did their own calculation -- excluding "supervisors" -- and found that the average active caseload was "actually 17" cases per investigator (IG Response at 15). Excluding "supervisors," though, is a curious business in the Inspector General's Office, since a very large proportion of the investigative staff has supervisory titles of one sort or another.

In each of the three general case units, there is a supervisor and two assistant supervisors to supervise the work of three, four, or, perhaps, five investigators. Many of the "specialized" units are even more heavily weighted toward "supervisory" personnel:

* Similarly, the Inspector General has no interest in allegations of what he called "minor child abuse," unless the incident he learns of forms part of a pattern of abuse by this teacher or in this school (Sofarelli: 679).

Intake	1 supervisor	2 investigators
Sex Crimes	1 supervisor	2 or 3 investigators
Corruption Prevention	1 supervisor	2 investigators
Narcotics	1 supervisor	2 investigators
Custodial	1 supervisor	2 investigators
Construction	1 supervisor	2 or 3 investigators
Contract Compliance	1 supervisor	2 investigators
Background/Disclosure	1 supervisor	1 investigator
Conflict of Interest	1 supervisor	2 investigators
Special Projects	1 supervisor	1 investigator

In fact, Mr. Sofarelli explained that he simply uses these supervisory titles as a means of obtaining salary increases for deserving investigators, although these "supervisors" continue to carry their own caseload and devote only a small proportion of their time to supervising anyone.

Given this office set-up it is difficult to justify excluding "supervisors" from the calculation of the average active caseload, since that maneuver will plainly inflate the statistics in a completely artificial manner.

Getting an accurate sense of the actual "active" caseload of the office, or of any particular investigator, is next to impossible. For instance, Mr. Sofarelli provided the Commission with a printout listing 1,972 cases, that were supposed to represent "open" cases as of January 5, 1990.

At first glance, that figure would seem to imply an "active" caseload of close to 30 cases per investigator, although, in fact, the actual active caseload is far less. The computer system is, however, designed and maintained in a way that makes it impossible to discern exactly how many active cases there are or to whom they are assigned.

First of all, a full 831 of the cases on the printout are "IGR" cases, those that have simply been referred to some other office. When this group of "cases" is subtracted from the total, the average caseload is cut almost in half. The inclusion of these cases on the "active" list, therefore, inflates the investigative caseload in a dramatic, and misleading, manner.

Many of the remaining "open" cases are also not really active investigations. For instance, the computer lists more than 200 cases for the Sex Crimes Unit, although everyone agrees that that unit is doing no investigative work on at least 80 percent of these cases. Instead, these cases, like many of the 203 case listed to the Narcotics unit, are actually in the hands of the police or the prosecutors.

The computer also lists cases in which some other agency has arrested an employee and the Inspector General is "monitoring" the progress of the case. The State Education Department audit discovered that 5 percent of the caseload fell into this category (SED Report at 9). The computer carries all cases as "open" throughout the entire Board of Education's disciplinary procedure (Sofarelli: 770-771).

According to Mr. Sofarelli, these cases are listed on the computer so that they will not "fall through the cracks" (Sofarelli: 773). The effect of listing them as "open" investigations is to inflate the "active" caseload and make it next to impossible to determine any individual investigator's actual workload at any given moment.

Another peculiar category of cases are those assigned to the Conflicts of Interest Unit, which comprised another 5 percent of the caseload at the time of the State Education Department audit (SED Report at 10). This unit works for the Chancellor's Conflicts of Interest Committee, preparing its agenda and helping write up its rulings. Many of the committee's "cases" are really questions posed by an employee himself about the proper ethical posture to take regarding a potential conflict of interest. These matters, of course, do not require any investigation; they simply require a ruling. If investigation of a conflict situation is necessary one of the investigators assigned to the unit will handle the case.

As of January 5, 1990, these two investigators were listed as having 57 "open" cases. On the other hand, at least one-third of those cases were not really "open," since they have already resulted in rulings by the Committee according to its records. Another one-third do not appear to be investigations, since the computer lists their source is also the target. Thus, at least two-thirds of these cases do not appear to be "open" investigations at all.

An even more fundamental problem exists, however, because of the tendency to list the same case more than once. As of January 5, 1990, long after the office had ceased to conduct any investigation at all of Matthew Barnwell, Matthew Barnwell was still listed as one of Investigator Larry Kendricks's "open" investigations. Matthew Barnwell was also listed, on the same January 5th printout, as one of Investigator Robert Piazza's "open" investigations.

Mr. Sofarelli explained that the Barnwell matter was listed to two different investigators -- although neither one was doing any investigation of the matter -- to ensure that Barnwell's progress through the courts and the disciplinary process would be "tracked" adequately (Sofarelli: 771-772).

Barnwell's name at this point is, of course, almost a household word, so that anyone reviewing the printout would know that neither of these "cases" was really part of the office's "active" caseload. Aside from the name-recognition factor, however, Mr. Sofarelli conceded that there would be no way anyone could tell that these were not active cases, but were simply being "tracked" (Sofarelli: 774).

Nor is this kind of duplication a rare event. Examination reveals more than 20 instances in which the same person is listed as the subject of an investigation more than once. The same District or Community School Board is generally listed as the subject of an investigation at least a few times, and often appears five, ten, or even fifteen times. In fact, a single District may appear on a single investigator's list as the "subject" of five different investigations.

Even if all these problems could be fixed, it would still be almost impossible to determine the actual caseload of the office or any individual investigator by examination of the office's records for one overriding reason: the office routinely lists the same investigation under more than one name.

For instance, an allegation is received that School Board President Richard Roe has accepted a bribe from teacher John Doe in return for a promotion to principal. When that single investigation is assigned to an investigator, it may appear as a single investigation (under one name or the other, or the number of the district, or the number of the school where Doe will become principal). Or it may appear under all or any combination of these "subjects," without any way of determining that it is a single investigation.

As Mr. Sofarelli explained, even he is not sure what a listing on an investigator's case-list actually represents:

A We can do it one of two ways. We can enter -- I believe our subject can take two names, and if it can't, we put it in a secondary field as a secondary subject, or we can make sure it doesn't fall through the cracks by dividing it ... we can make two separate cases out of it.

Q Which one of those do you do?

A It could be any one of the three (Sofarelli: 833).

Aside from these duplicate listings, another interesting possibility is that the cases listed as assigned to one person may actually be assigned to someone else entirely. The January 5th printout, for example, lists 62 "open" investigations that appear to be assigned to "inactive" investigators -- people who are on long-term medical leave or who have left the office.

When asked about why these cases would still be listed as "open" investigations, Mr. Sofarelli was initially nonplussed. By the next session of his private hearing, however, he had managed to determine the actual status of some (but not all) of the cases. He reported, for instance, that some cases had actually been closed, but the computer had not been updated. In some cases, the investigations had actually been reassigned to the former investigators' supervisor, or perhaps, one of their assistant supervisors (he was not sure which), and the computer simply had not been updated.

In still other cases, the computer was simply wrong. All investigators are listed on the computer by a two-letter code. For example, an investigator named Bill Johnson might be "BJ1" and an investigator named Barbara Jackson might be "BJ2." To look their cases up, you would have to know their first names as well as their last names, and know that Bill was listed under "B," not "W." And, of course, in any alphabetical listing, Bill Johnson would appear before Barbara Jackson, and both would appear before David Anderson.

The confusion this peculiar code system generates is apparently rampant. When Mr. Sofarelli checked he found that several of the cases listed to former investigators were actually "coded" to the wrong investigator. For instance, it listed one case as assigned to Investigator "CK1," a man named Charles Kafeti, who has left the office. In fact, the case had, in fact, been assigned from the beginning to "CK2" (Christine Kichinski).

Even more peculiar is the fact that this discrepancy had to be pointed out by the Commission staff. No one in the Inspector General's office had noticed, in the 18 months that the case has been pending, that Christine's case had never shown up on her case list. No one ever noticed that Charles--like several other people -- still had an apparently "open" case when he left the office. And, no one even now can estimate in how many other cases the "code" has been incorrectly entered and never caught.

In other words, the Inspector General's computer system cannot provide accurate information about the actual caseload of the office in general or about which investigator is handling which case.