



**SUPPLEMENTAL  
INVESTIGATIVE REPORT**

**RE: DEPARTMENT OF  
CORRECTIONS – EARLY  
RELEASE OF OFFENDERS**

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**RESPONSE TO DAVE  
DUNNINGTON’S CHALLENGES TO  
FACTUAL FINDINGS**

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## MEMORANDUM

T 206.516.3800  
F 206.516.3888

**TO:** The Honorable Jay Inslee  
Governor, State of Washington

**FROM:** Carl Blackstone  
Robert Westinghouse

**DATE:** March 1, 2016

**RE:** Department of Corrections – Early Release of Offenders  
Response to Dave Dunnington’s Challenges to Factual Findings

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At the request of the Governor’s Office we have undertaken further investigation of the issues raised in the response of Dave Dunnington, the current Deputy Chief Information Officer and former Information Technology Business Manager for Prisons, to the Investigative Report Re: Department of Corrections – Early Release of Offenders.

### I. BACKGROUND

On February 19, 2016, we provided the Governor’s Office with a report detailing our findings, conclusions and recommendations regarding the early release of offenders’ problem. In that report we identified a number of DOC officials who bore responsibility for failing to address the problem in a timely manner. One of the officials we identified was Dave Dunnington, who served as the IT Business Manager for Prisons during the critical period while the King fix remained unaddressed. We found Mr. Dunnington had “failed to recognize the significance of the early release problem or to properly prioritize the programming fix required to correct it. Instead, he repeatedly pushed it back to later and later completion dates. This resulted in a three-year delay in correcting the problem.” (Report at 5).

We further found:

- A. Mr. Dunnington had the authority to unilaterally decide when IT defects and enhancements would be addressed and that, had Mr. Dunnington decided that the early release problem should be fixed as soon as possible, it would have gotten fixed much earlier than it was;
- B. Instead of addressing the problem in a timely manner, Mr. Dunnington repeatedly delayed the fix: review of the Clearquest record reveals that on 13 occasions Mr. Dunnington moved the early release fix to a later M release;
- C. On at least two occasions Mr. Dunnington removed the “must fix” designation from the

change request;

- D. Mr. Dunnington also downgraded the King fix item from a severity level 2 to a severity level 3;
- E. Mr. Dunnington was unable to provide us with a reason as to why he kept delaying this change request and he failed to record reasons for the delay in the note field in Clearquest; and
- F. Mr. Dunnington did not raise this matter to the CIO level and never sought guidance or input from any senior manager as to its importance.

(Report at 43-44).

## II. MR. DUNNINGTON'S RESPONSE TO THE REPORT

On February 24, 2016, Mr. Dunnington provided the Governor's Office with a written response challenging several of our findings. He also provided a number of documents purportedly in support of his response. (Dunnington Response and exhibits attached hereto as Exhibit 1). This supplemental report addresses each of Mr. Dunnington's challenges to our findings.

### A. **There is no persuasive evidence that Mr. Dunnington changed the severity level of the King fix from a severity level 2 to a severity level 3 because of a change in policy applicable to all enhancements.**

Mr. Dunnington claims that he changed the severity level of the King fix from 2 to 3 because there "was a process change that all enhancements were to be uniformly classified at severity 3. This process change happened in an architecture meeting where Jibu Jacob, Deputy CIO, sought information from the attendees. I was tasked with sending out an email at the November 8, 2013 architecture meeting. See Exhibit #5 [to Mr. Dunnington's response] . . . I sent out an e-mail on November 21, 2013 . . ." (Exhibit 1 at para. 2).

As we explained in our report at page 30, Mr. Dunnington did tell us that he had sent an e-mail to the architecture committee on November 21, 2013. This e-mail stated "I've updated the Defect Severity document to include enhancements and date fixes. For review on Friday 11/22 . . ." (Exhibit 54). Attached to that e-mail was a document titled "Defect/Enhancement Severity Level Definitions. It begins: "From Dave Dunnington," and states in pertinent part: "Enhancements: All system enhancements entered into [Clearquest] should be assigned Severity Level 3 for consistency." We have received no evidence, and Mr. Dunnington did not produce any in his response, indicating whether or when this policy was implemented. Nor is there any indication whether the Architecture Committee intended for this change to be applied retroactively to items that were already logged in Clearquest.

What is clear is that on February 4, 2014 – approximately six weeks after the change in policy was presumably made – Mr. Dunnington changed the severity level of the King fix from a severity level 2 to a severity level 3. (Exhibit 39 at TN\_000341). Although Mr. Dunnington claimed to us, and continues to claim in his response to the report, that he lowered the severity

level pursuant to the change in policy, we found it significant that he did not change the severity level on another change request called Persistent Misbehavior (“PM”). That change request, like the King fix, was an enhancement and it was given a severity level of 2 on April 12, 2013 – nine days after the King fix was entered into Clearquest. (Exhibit 41 at IF\_000953-000954). Unlike the King fix, Mr. Dunnington never reduced the severity level on the PM change request from a severity level 2 to a severity level 3.

Moreover, on January 12, 2015, when we met with Mr. Dunnington for the first time, we asked him to provide us with other instances in which he reduced the severity level of an enhancement from a severity level 2 to a severity level 3 after November 22, 2013. Mr. Dunnington told us that that he could not recall any other occasion in which he had done this, but he said he would check further. As of February 19, 2016, when our report was submitted, he had not provided us with documentation of any other instances in which he made a change to the severity levels of a change request.

On February 24, 2016, Mr. Dunnington provided the Governor’s Office with what he claimed were instances in which he changed the severity rating on enhancements from a severity level 2 to a severity level 3. We have reviewed those documents and find them unpersuasive. Mr. Dunnington provided the Governor’s Office with 15 Clearquest change requests in which he changed the severity level. For 10 of those items, the change from a severity level 2 to a severity level 3 was made between June 29, 2010, and July 13, 2012 – well before the policy was presumably changed on November 22, 2013. (Exhibit 2 attached hereto). One of the items provided by Mr. Dunnington was changed from a severity level 2 to a severity level 3 on November 13, 2013, (Exhibit 3 attached hereto), and three items were changed on November 21, 2013. (Exhibit 4 attached hereto). The remaining Clearquest item provided by Mr. Dunnington reflected that on May 29, 2014, he changed an item from a severity level 4 to a severity level 3. (Exhibit 5 attached hereto).

Thus, Mr. Dunnington was unable to provide any evidence, other than the King fix, that he had changed the severity level on an enhancement from a severity level 2 to a severity level 3 following the presumed change in policy on November 22, 2013.

Finally, notwithstanding the policy change relied upon by Mr. Dunnington to justify his lowering of the severity rating, it does not make sense to lower this particular change request’s severity rating even if it was characterized as an ‘enhancement.’ This change request directly affected the release dates of offenders. It merited a higher not lower severity rating. This is supported by the current CIO, Ira Feuer, who told us that it made no sense to treat every enhancement as a severity level 3.

**B. Mr. Dunnington had the authority to set priorities and move items to later M releases.**

Mr. Dunnington claims that he did not have “the unilateral authority to make independent decisions regarding system priorities. I was a piece of the process which included Business Analyst, operations staff, IT Management, and the participants of the OMNI meeting. There are higher ranking IT staff in the OMNI meeting than myself.”

The evidence establishes that Mr. Dunnington understates his role in prioritizing work. The OMNI team meetings were a collaborative process in which various defects and enhancements were reviewed to determine when they could be addressed. Nonetheless, we heard from a number of witnesses including Trang Nguyen, Jay Ahn, Luann Kawata, Kerry Corr, and others that Mr. Dunnington had the authority to set priorities and move items to a later M release. This is evident by the fact that the vast majority of changes in Clearquest relating to the King fix were made by Mr. Dunnington.

Mr. Dunnington's clear authority to control prioritization of items in Clearquest is best illustrated in Exhibit 55 to our report. That exhibit consists of a series of e-mails between Mr. Dunnington and Sue Schuler. In the first e-mail, dated March 28, 2014, at 3:09 p.m., Mr. Dunnington asks Ms. Schuler "can [the King fix] be moved to M39?" Ms. Schuler responds on March 31, 2014, at 5:58 a.m., stating "If we have to." Mr. Dunnington writes back, "Are there any big concerns? Will Wendy [Stigall] be ok with it?" Ms. Schuler responds four hours later - at 9:58 a.m. on March 31, 2014, "If she has to be - I talked to her about it today." Mr. Dunnington responds four minutes later "I've moved it to M39." Clearquest reflects that Mr. Dunnington made this change in Clearquest on March 31, 2014, at 10:01 a.m. (Exhibit 39 at TN\_000340).

Exhibit 55 provides clear evidence that Mr. Dunnington had the authority to unilaterally move a change request to a later M release. March 31, 2014, was a Monday and the OMNI team met at 11 a.m. Exhibit 55 demonstrates that Mr. Dunnington unilaterally moved the King fix to a later M release approximately one hour before the OMNI team even met.

In an attempt to support his claim that others failed to take affirmative steps to advance the King fix, Mr. Dunnington provided the Governor's Office with a spreadsheet which was generated on August 18, 2015, and lists more than 75 outstanding change requests pending in Clearquest. (The spreadsheet is found at Exhibit 4 to Mr. Dunnington's submission to the Governor's Office). The King fix is listed on page 4 of the spreadsheet. It reflects that the date of creation for this change request was May 26, 2015; that it is "pending review;" and that it is scheduled for release in M50. Mr. Dunnington provided this spreadsheet to all DOC assistant secretaries and asked them to review the spreadsheet and indicate the priority which should be given to each change request. According to Mr. Dunnington, Brian Tinney, the then acting assistant secretary for the Administrative Services Division never responded to Mr. Dunnington's request.

We place little weight on this spreadsheet for several reasons. First, it was created more than two and one-half years after the King fix change request was created by Wendy Stigall on December 27, 2012. Second, the spreadsheet inaccurately states that the change request had been created on May 26, 2015, when in fact it had been created on December 27, 2012. Third, if this spreadsheet establishes anything, it is that such a spreadsheet with accurate information should have regularly been distributed by Mr. Dunnington to all assistant secretaries and the CIO years earlier.

Mr. Dunnington also objects to a statement in the report that he "ran" the OMNI meetings. We acknowledge that until more recently Deepak Sadanandan, who was an IT- 6 Supervisor - Application Development Team, and in this capacity was responsible for the testing

of IT coding changes, ran the OMNI meetings. We have seen no evidence, however, that this distinction has any bearing on Mr. Dunnington's exercise of authority in changing the M release assignments for various change requests, including the King fix. No one with whom we spoke disputed Mr. Dunnington's authority to make such changes.

**C. The King change request did not have to be initially assigned to M release 34.**

On April 3, 2013, Sue Schuler entered the King fix into Clearquest. She scheduled the King fix for completion by M34 (Exhibit 39 at TN\_000346), which had a release date of September 13, 2013. (Exhibit 6). Ms. Schuler claimed that she chose M34 because the M33 and M32 releases were already filled. Mr. Dunnington said that this was a "correct statement."

We took issue with this claim because on April 12, 2013, Ms. Schuler entered the Persistent Misbehavior change request into Clearquest and she assigned it to M33. (Exhibit 41 at IF\_000954). After claiming that M33 was filled up as of the time the King fix was placed into Clearquest, neither Ms. Schuler nor Mr. Dunnington has provided us with any explanation as to why the Persistent Misbehavior item was placed into the M33 release on April 12, 2013, nine days after the King fix was logged in Clearquest.

**D. Mr. Dunnington's removal of the "must fix" designation cannot be attributed to standard policy or practice.**

Mr. Dunnington takes issue with our finding that he removed the "must fix" designation from the King fix. He claims that his standard practice was to remove everything from an M release and then send out an e-mail to his business analysts requesting that they set priorities for the upcoming M release. He claims that if the analyst did not send an item back with a "must fix" designation, he would not re-enter that designation into Clearquest.

We also find this explanation unpersuasive. An item was designated as "must fix" because the OMNI team and Mr. Dunnington believed that it needed to be addressed promptly. It is, therefore, illogical to remove this designation without a very valid reason. In the case of the King fix, on September 30, 2013, it was designated a "must fix." (Exhibit 39 at TN\_000343). The next day, October 1, 2013, Mr. Dunnington removed this designation. (Exhibit 39 at TN\_000342). It simply defies common sense to believe that there was a "standard practice" which would allow a business analyst to change his or her mind regarding a "must fix" designation within one day. Likewise, Clearquest reflects that on January 29, 2014, Deepak Sadanandan again assigned the King fix a "must fix" designation (Exhibit 39 at TN\_000341), only to have Mr. Dunnington remove this designation five days later on February 3, 2014 (Exhibit 39 at TN\_000341). Then, on September 3, 2014, Clearquest reflects that Deepak Sadanandan once again assigned the King fix a "must fix" designation (Exhibit 39 at TN\_000339-000340), only to have Mr. Dunnington remove the designation eight days later on September 11, 2014 (Exhibit 39 at TN\_000339).

We find no evidentiary support for the proposition that these abrupt changes from a "must fix" status to a reduced status in the next M release on three different occasions without explanation were the product of any standard practice or process. We were told that a change request was assigned a "must fix" designation so that it would be placed in the top tier of work to be completed during the current change request. This designation should have caused Mr.

Dunnington to place particular emphasis on getting the change request completed and implemented, not on repeatedly pushing it back to the middle or end of the pack.

Further doubt is cast on Mr. Dunnington's standard practice or process explanation by virtue of the fact that we asked Mr. Dunnington to provide us with other instances in which he had deleted the "must fix" designation for items in Clearquest. He has provided no such examples to either us or the Governor's Office.

**E. Mr. Dunnington's claim that work on the King fix began before November 3, 2015, is not supported by the evidence.**

In our report we found that on November 2, 2015, Wendy Stigall told Ira Feuer, the new CIO that she had been waiting for some time for IT to address the King fix. Upon learning this information, Mr. Feuer met with Mr. Dunnington to find out the status of this change request. Mr. Dunnington told him that IT had already begun working on this change request. We found that this was not true and that work did not begin until November 3, 2015, at the earliest. Mr. Dunnington takes issue with this finding and claims that work had begun prior to that date.

We disagree. We found no evidence that any work was being done on the King fix until November 3, 2015. On October 7, 2015, the King fix was scheduled for release on January 7, 2016. Although Mark Ardiel returned from paternity leave on September 1, 2015, there is no evidence that he did any work on this change request until November 3, 2015. This is evident by the fact that on November 3, 2015, at 9:06 a.m. David Gale sent an e-mail to Mr. Ardiel asking him if he had "started coding the changes [for the King fix]?" (Exhibit 60). Mr. Ardiel responded at 1:11p.m. that "I haven't gotten back into coding the changes for this yet, but will be doing that soon." (Exhibit 60). This email response is consistent with Mr. Ardiel's statement to us that he had not turned his attention to the King fix after his return from paternity leave although it was on his list of things that he needed to address. Mr. Dunnington has provided no evidence demonstrating that Mr. Ardiel or anyone else at DOC had begun working on the King fix prior to November 3, 2015. We have found no such evidence.