

State of Tennessee

Department of Correction

Internal Affairs Investigative Report Number: SUB-10-017

(This Document contains restricted information)
T.C.A. 10-7-504 (a)(8)

COPY

CONFIDENTIAL



STATE OF TENNESSEE
DEPARTMENT OF CORRECTION
INTERNAL AFFAIRS
100 BOMAR BOULEVARD
NASHVILLE, TENNESSEE 37209-1100
TELEPHONE (615) 741-7144
FAX (615) 741-0758

Crossville Office
53 N. Main Street, Suite 106
Crossville, TN 38555
Telephone (931) 707-0024
FAX (931) 707-5242

Jackson Office
3004 Greystone Square
Jackson, TN 38305
Telephone (731) 661-6284
FAX (731) 661-6288

REPORT OF INVESTIGATION

CASE NUMBER: SUB-10-017

SUBJECT(s): MITCHEL W. TIDWELL - TIDWMI01

LOCATION: CHARLES BASS CORRECTIONAL COMPLEX
7177 COCKRILL BEND BLVD
NASHVILLE, TN 37243-0470

INVESTIGATING AGENT: DONNA CLARK

ALLEGATION(s): It is alleged Psychiatric Social Worker Heather Lang was subjected to Work Place Harassment by Psychological Examiner II Mitchell Tidwell.

VIOLATION(s): None

COPY

BACKGROUND INFORMATION:

The Charles Bass Correctional Complex - Annex (CBCX), formerly known as the Middle Tennessee Correctional Complex - Annex, formerly known as the Nashville Community Service Center, is located in Nashville, Davidson County, Tennessee. It was opened at its current location on 7466 Centennial Boulevard, Extended in 1946. The Annex has a minimum-security designation. The operating capacity of the facility, both Main and Annex Compounds combined, is one thousand ninety-nine (1,099) inmates.

The Mental Health Team consists of a Unit Manager and support staff, to include Counselor(s), Inmate Relations Coordinator, and Correctional Clerical Officer. The Counselor is the primary liaison for inmates.

The Unit Manager is responsible for the overall operation of all phases of the unit and supervises the support staff.

HISTORY OF SUBJECTS(s):

Heather Lang is a 36-year old white female [REDACTED] who has been employed with the TDOC for approximately 2 years. During the time period of the alleged harassment, she was the Psychiatric Social Worker assigned to the CBCX and was under the direct supervision of Mitchell Tidwell, Psychological Examiner II.

Mitchell Tidwell is a 56-year old white male [REDACTED] who has been employed with the TDOC for approximately 11 years. He is the Psychological Examiner II and serves as the Mental Health Administrator for the CBCX.

Inmate Jimmy Young, #080006, is a 52-year old black male [REDACTED] who is serving a Life sentence for 1978 convictions in Shelby County for one (1) count of Murder Perpetration of Robbery and one (1) count of Robbery - Armed with a Deadly Weapon. He is a repeat offender and has a 1976 conviction in Shelby County for Petit Larceny. At the time of the incident, he was housed at the CBCX.

COPY

SUMMARY OF INVESTIGATION

This investigation was authorized by Commissioner Gayle Ray on March 06, 2010. Information received alleged, in part, sexual harassment by her supervisor, Mitchell Tidwell, Psychological Examiner II. Specifically, Ms. Lang felt harassed by Mr. Tidwell because he counseled her in private that her clothing was inappropriate to wear inside a TDOC facility.

After interviewing Ms. Lang, Mr. Tidwell and other witnesses, it is evident her personality conflicts with and her apparent personal dislike for Mr. Tidwell and his supervisory ability.

Mr. Tidwell was directed by former Warden Flora Holland to take corrective action regarding Ms. Lang and other subordinate staff's dress attire. No other staff reported this corrective action as inappropriate. Witnesses provided by Ms. Lang to support her allegation of wrongdoing failed to do so. For example, Ms. Lang alleged two (2) former CBCX employees transferred to other facilities and/or departments for being harassed by Mr. Tidwell. To the contrary, these same individuals failed to support her claims.

Ms. Lang provided multiple copies of e-mails between her and her supervisor(s), which she purported to be evidence of Workplace Harassment. To the contrary, this investigation has determined those e-mails contain no inappropriate content by Mr. Tidwell, yet clearly show Ms. Lang's inappropriate, confrontational, condescending, and insubordinate attitude toward her supervisor(s) as well as her blatant refusal to accept and/or complete duties assigned to her.

There is neither evidence nor any witness that supports Ms. Lang's claim that her treatment by Mr. Tidwell rises to the level of Workplace Harassment. Furthermore, this Agent found no wrongdoing on the part of Mr. Tidwell in his interaction with Ms. Lang or other subordinate staff.

During her interview with this Agent on April 06, 2010, numerous grievances outlined in her five (5) page written complaint were addressed, including, but not limited to, appropriate dress attire to be worn at TDOC facilities, Mr. Tidwell's supervisory ability, and alleged restrictions and guidelines she had been given pertaining to her treatment of inmate Jimmy Young, #080006.

Other complaints expressed by Ms. Lang in this venue are in now way related to this allegation and would be more appropriately addressed at the institutional level. However, this investigation found no evidence to support her additional claims encompassing a variety of alleged mismanagement practices by Mr. Tidwell and the CBCX administration in general.

On April 12, 2010, Ms. Lang alleged she received a death threat on her institutional voicemail at the CBCX from an unidentified individual. The investigation into the alleged threat found the following: Ms. Lang received a voicemail on her institutional phone threatening her life on April 12, 2010. The call was made from a Verizon cellular telephone number [REDACTED]. Evidence obtained concludes this phone was in the possession and control of inmate Young at the time of the incident. During interview with Special Agent Joe England, Ms. Lang again complained in detail of her alleged problems with CBCX officials and alleged she felt the threat was made by staff, in retaliation for her complaints against TDOC staff. She continued to advocate at length for

COPY

inmate Young.

During interview with Special Agent England, inmate Young admitted he and Ms. Lang were involved in an "emotional" relationship, wherein he described the relationship as one "closer than a sexual relationship". Inmate Young admitted he assisted Ms. Lang in her attempt to build a case for a lawsuit against the State of Tennessee on the premise CBCX officials would not keep her protected wherein they orchestrated the "death threat" against her. Inmate Young testified they had begun planning the threat prior to his reassignment to the NWCX. (It should be noted that between April 10, 2010 and April 14, 2010, records indicate inmate Young's cellular telephone not only made the threatening call on April 12, 2010, but also made thirty-nine (39) calls to the CBCX).

During the investigation into the alleged threat, evidence and information obtained did not rise to the level required to support criminal wrongdoing by Ms. Lang regarding her involvement in the threats reported against her; however, there is sufficient evidence to support administrative wrongdoing. Specifically, the relationship between Ms. Lang and inmate Young, enhanced by her overwhelming display of interest and advocacy concerning him, is inappropriate and in violation of TDOC policy. It is further evident that the inappropriate relationship between the two (2), at a minimum, contributed to the alleged threat made against her on April 12, 2010.

Subsequently, Ms. Lang was issued Administrative Disciplinary Action and her employment with the TDOC was terminated effective July 23, 2010. She was coded as "No Rehire".

COPY

SUMMARY OF TESTIMONY

JIMMY YOUNG

NORTHWEST CORRECTIONAL COMPLEX

Inmate Jimmy Young, #080006, was interviewed by Special Agent Joe England on May 03, 2010 and May 06, 2010. The following information was derived from his sworn taped statement. He admitted he and Heather Lang were involved in an "emotional" relationship and described this relationship as "closer than a sexual relationship". He stated he was only trying to assist Ms. Lang in her attempt to build a case for a lawsuit against the State of Tennessee. He admitted they discussed and planned the threat against Ms. Lang prior to his transfer to the NWCX.

JENNIFER BOYER

[REDACTED]
[REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]

CELL:

Jennifer Boyer was interviewed by Special Agent Christopher Barnard on March 22, 2010. She was interviewed by this Agent on April 06, 2010, at the Internal Affairs Headquarters in Nashville, Tennessee. The following information was derived from her sworn taped statement. She stated she was also counseled on her dress attire by Mitchell Tidwell and did not find it inappropriate.

FRANCES BUNDSCHU

[REDACTED]
[REDACTED]
[REDACTED] [REDACTED]

Frances Bundschu was contacted via telephone on April 06, 2010. The following information was derived from her statement. She adamantly denied the allegation made by Heather Lang that she transferred to the TDOT as a result of being harassed by Mitchell Tidwell. She stated her reason for transferring was purely financial.

COPY

DESIREE ANDREWS

[REDACTED]
[REDACTED]
[REDACTED]

Desiree Andrews was contacted via telephone on April 06, 2010. The following information was derived from her statement. She adamantly denied the allegation made by Heather Lang that she transferred to the RMSI as a result of being harassed by Mitchell Tidwell. She stated her reason for transferring was purely her desire to work at the RMSI.

HEATHER LANG

[REDACTED]
[REDACTED]
[REDACTED]

Heather Lang was interviewed by Special Agent Christopher Barnard on March 16, 2010. Additionally she requested and received a second meeting with him on March 17, 2010. She was interviewed by this Agent on April 06, 2010, at the Internal Affairs headquarters in Nashville, Tennessee. The following information was derived from her sworn taped statement. She alleged that she was subjected to sexual harassment by her supervisor Mitchell Tidwell and he created a hostile work environment by interfering with her work performance and placing additional duties on her. She made numerous allegations of mismanagement practices and Mr. Tidwell's poor supervisory ability in her five page written complaint.

Additionally, she reported an allegation of receiving "death threat(s)" on her institutional telephone voice mail messaging system. She was telephonically interviewed by Special Agent Joe England on May 11, 2010. During the interview into the alleged death threat, she continued to redirect the interview to her previous allegation wherein she claimed she received restrictions pertaining to her treatment of inmate Jimmy Young, #080006.

GENELLA C. PHILLIPS

[REDACTED]
[REDACTED]
[REDACTED]

CELL:

Genella Phillips was interviewed by Special Agent christopher Barnard on March 22, 2010. She was interviewed by this Agent on April 06, 2010, at the Internal Affairs Headquarters in Nashville, Tennessee. The following information was derived from her sworn taped statement. She stated she was also counseled on her dress attire by Mitchell Tidwell and did not find it inappropriate.

COPY

SARAH MARLER

[REDACTED]

Sarah Marler was interviewed by Special Agent Christopher Barnard on March 19, 2010. The following information was derived from her sworn taped statement. She stated she had no issues or problems working with Mitchell Tidwell and denied being uncomfortable around him.

LINDA CUPPLES

Linda Cupples was interviewed by Special Agent Joe England on May 06, 2010. The following information was derived from her sworn taped statement. She admitted having conversations via cellular telephone with inmate Jimmy Young, #080006. She denied knowing of or having met Heather Lang.

MICHAEL POSEY

[REDACTED]

CELL:

Michael Posey was interviewed by Special Agent Christopher Barnard on March 22, 2010. The following information was derived from his sworn taped statement. He stated he and Heather Lang were friends. According to him, after Ms. Lang's interview with Agent Barnard, she called him to discuss the interview.

MITCHEL W. TIDWELL

[REDACTED]

COPY

Mitchell Tidwell was interviewed by Special Agent christopher Barnard on March 19, 2010. he was interviewed by this Agent on April 17, 2010, at the Internal Affairs headquarters in Nashville, Tennessee. the following information was derived from his sworn taped statement. He adamantly denied the allegations. He denied any inappropriateness when he counseled Ms. Lang in her attire. He stated she had not been able to adhere or adjust to his level of management.

COPY

CONCLUSIONS AND RECOMMENDATIONS

Information and evidence obtained over the course of this investigation, does not support the alleged incident of Workplace Harassment filed by Heather Lang against Mitchell Tidwell. Therefore, the violation of TDOC Policy 302.05, Employee Sexual Misconduct, Sexual Harassment and Workplace Harassment is EXONERATED.

Upon approval by the Commissioner, it is recommended that this matter be closed and a copy be forwarded to the Warden for review.

SIGNIFICANT RELATED MATTERS

This investigation was initially assigned to Special Agent Christopher Barnard. However, due to repeated complaints by Ms. Lang regarding the manner in which the investigation was being handled, the case was reassigned to this Agent, having previously had no knowledge of the current investigative status. This Agent reinitiated the investigation.

Upon interviewing Ms. Lang, near the end of her interview, she became confrontational, hostile, and refused to cooperate with this investigation, complaining that this Agent did not appear to be supportive of her claims. She was instructed to remain professional, that the interview had not yet concluded, and was compelled to cooperate. Nonetheless, she became indignant and left the interview against my instructions and without authorization.

Additionally, due to Ms. Lang's extended complaints and concerns over the interference she received from the CBCX officials regarding her treatment of inmate Jimmy Young, #080006, this Agent reviewed a portion of his recorded telephone conversations. Information gleaned from those calls and from Ms. Lang's testimony and written complaints indicates an inappropriate relationship exists between her and inmate Young as that of one extending beyond the scope of Employee/Offender Interaction.

Additionally, Ms. Lang's coordination and participation in the alleged threat against her shows she negligently and carelessly performed the duties entrusted to her by the State of Tennessee. As demonstrated by her actions, she may be a threat to the safety of the institution, the inmates, other staff, the public, and demonstrates little or no regard for the administration or policies of this Department.

THE ACTIONS OF MS. LANG VIOLATE TDOC POLICIES 107.02, INTERNAL AFFAIRS OPERATIONAL PROCEDURES, 305.03, EMPLOYEE/OFFENDER INTERACTION, 302.08, CODE OF CONDUCT, AND 113.52, RELEASE OF PROTECTED OFFENDER HEALTH INFORMATION, AS WELL AS TDOHR RULE 1120-10-.06(8), CONDUCT UNBECOMING A STATE EMPLOYEE.

COPY