



Ohio Department of Natural Resources

JOHN R. KASICH, GOVERNOR

JAMES ZEHRINGER, DIRECTOR

February 13, 2014

Randall J. Meyer, Inspector General
30 East Broad Street, Suite 2940
Columbus, Ohio 43215-3414

Ref: Response to recommendations

Dear Inspector General Meyer:

This letter is in response to the recommendations made by your office to the Ohio Department of Natural Resources (ODNR) in case # 2012 CA-00061.

Recommendation #1: Internally review the actions of all employees involved to determine whether their conduct warrants further administrative action or training.

Action: *The ODNR conducted administrative investigations to determine whether there was just cause to proceed with disciplinary charges. We determined there was just cause for discipline and are pursuing administrative action against three (3) officers. Penalties under consideration range from minor corrective discipline to removal.*

Recommendation #2: Review the Ohio Department of Administrative Services' time and attendance policy, ODNR communication policy and State of Ohio ethics laws with all personnel.

Action: *On August 1, 2012, a directive was sent to all law enforcement senior staff members requiring compliance with existing communication policy. Specifically, in accordance with the policy we required officers in the field to update their status hourly either through voice or use of their mobile computer terminal (MCT). To avoid excessive radio traffic during high volume periods we modified our system to allow updates to occur when an officer uses their MCT. We continue to review our practices to ensure the best possible use of our communication system aimed at officer safety first and accountability as a consequence.*

Action: *We implemented a daily log system to ensure officers have detailed reports tied to their hourly activities. Since late 2012 we have established and required officers to log their home office time by radio, MCT and/or telephone with the communication center. This record provides a historical log of home office time.*

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INSPECTOR GENERAL
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All ODNR employees are required to complete mandatory ethics training annually. We are planning a law enforcement specific ethics training for all of our divisions. The agenda will be developed by our legal office with input from the Ohio Ethics Commission.

Recommendation #3: Require supervisors audit work hours claimed by wildlife officers to assure accuracy and compliance with laws and policy.

Action: *We have put processes in place to ensure our supervisors carefully review and approve time and activity reports – including where feasible pre-approval of scheduled activities. We have now moved to a twenty-eight (28) day pre-approved schedule in accordance with the labor agreement – allowing needed flexibility with proper approval and documentation.*

Managers have received specific training to reinforce the importance of verifying the time and activity reports and reiterating that their approval signifies agreement and responsibility for the accuracy of documents.

If you require further information, please contact Richard Corbin, ODNR Deputy Director at 614.265.6980.

Sincerely,

A handwritten signature in blue ink, reading "JMH Zehringer". The signature is fluid and cursive, with the initials "JMH" written before the last name "Zehringer".

James Zehringer
Director

JZ/rc



Ohio Department of Natural Resources

JOHN R. KASICH, GOVERNOR

JAMES ZEHRINGER, DIRECTOR

February 3, 2014

OFFICE OF
INSPECTOR GENERAL
2014 FEB - 7 AM 10: 20

Randall J. Meyer
Inspector General
30 East Broad Street, Suite 2940
Columbus, OH 43215-3414

Re: Hunting on duty allegations

Dear Inspector General Meyer:

This letter is in response to the investigation released by your office on December 13, 2013 regarding the Ohio Department of Natural Resources (ODNR) in case #2012 CA-00009. The findings alleged violations of misuse of state time for personal activity by eighteen (18) state wildlife officers. Specifically, it was alleged that officers either hunted or checked in deer while on duty.

Upon receipt of your investigation, the ODNR began compliance with your recommendation to conduct administrative investigations to determine just cause for administrative/disciplinary penalties. As one officer voluntarily retired prior to the issuance of your report, the ODNR placed the remaining seventeen (17) officers on restricted duty upon initiation of our administrative investigations. Key to those investigations was the review of records used by the investigators from your office, as well as other documents, including cell phone records, automatic vehicle locator (AVL) plotted data, and direct and mandatory interviews of the officers under *Garrity* protection.

At the core of this investigation, the ODNR needed to confirm whether the investigation findings applicable to these individuals were the result of conducting personal actions (hunting) while on state time, or whether the findings were the result of prior recordkeeping management shortcomings. As you correctly determined, prior to 2012, many wildlife officers did not follow the ODNR policy of marking on/off duty, or providing hourly status updates. While these management practices were corrected beginning in 2012, the prior policy lapses were a consideration to the ODNR as it moved forward in implementing your most recent recommendations.

The ODNR has determined that sixteen (16) of the officers in question are immediately eligible to return to full law enforcement duties. Of the sixteen (16), three (3) officers have been recommended for disciplinary review. One of the three (3) will remain on restricted administrative duties.

The basis for the exculpatory findings as to the sixteen (16) officers results from the ODNR's historic practice of permitting: (1) the regular and routine flexing of schedules; and, (2) the inconsistent enforcement of policies as to logging in and out of home office work. As a result of these deficient management practices, which have since been remedied, the ODNR has confirmed that the "hunting on duty" allegations at issue are not verifiable as to these sixteen individuals. It is apparent the practices were not conducive to precise record keeping; however, their individual integrity is not in question. These officers provided accounts consistent with either the fact that a flexible split shift enabled them to work their claimed daily hours while also harvesting a deer and/or were confirmed as having been implicated in this investigation based on deer harvesting records that were inaccurate.

Many circumstances led to the disparity in the ODNR's supplemental investigation findings. These include the historic management deficiencies as to scheduling, recordkeeping, training and auditing time reporting of the officers in question. The ODNR has aggressively worked to overcome these past management practices. Procedures implemented in 2012 ensure that any future allegations of this nature will result in the fullest civil and criminal accountability of its officers. For example, the ODNR now mandates strict compliance with work duty logs and communications policies. These policies ensure that wildlife officers are accountable for their whereabouts at all times. In addition to better preserving the safety of the officers, this policy prohibits any recurrence of the circumstances that were the subject of your investigation.

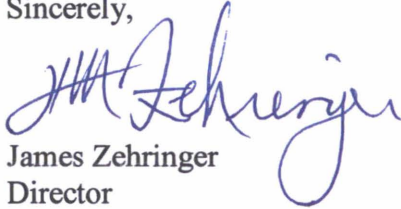
Finally, this response acknowledges the impact of the limitations that the ODNR's practices placed on your investigation. These policy shortcomings were certainly heightened by the decisions of the officers in question to forgo the opportunity to interview with your office in order to explain their circumstances. Nevertheless, the ODNR is appreciative of the difficulties imposed on your investigators as associated with the policies in place at the time of the alleged employment conduct.

In summary, the combination of your recommendations and the ODNR's employee tracking improvements as implemented in 2012 ensure that future allegations of wrongful acts or omissions of this character will not occur.

Randall J. Meyer
January 27, 2014
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Thank you for your assistance in this regard. Please contact me if you would like to further discuss this matter.

Sincerely,



James Zehringer
Director



Richard Corbin
Deputy Director

JZ/RC/dm