

STATE OF OHIO
OFFICE OF THE INSPECTOR GENERAL

RANDALL J. MEYER, INSPECTOR GENERAL

REPORT OF
INVESTIGATION



AGENCY: OHIO DEPARTMENT OF REHABILITATION & CORRECTION
FILE ID NO.: 2015-CA00042
DATE OF REPORT: SEPTEMBER 21, 2016

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Randall J. Meyer
Ohio Inspector General



STATE OF OHIO
OFFICE OF THE INSPECTOR GENERAL

RANDALL J. MEYER, INSPECTOR GENERAL

REPORT OF INVESTIGATION

FILE ID NUMBER: 2015-CA00042

SUBJECT NAME: Jeffrey Ervin

POSITION: Parole Services Supervisor

AGENCY: Ohio Department of Rehabilitation and Correction

BASIS FOR INVESTIGATION: Complaint

ALLEGATIONS: Misuse or Abuse of State Property or Equipment

INITIATED: August 17, 2015

DATE OF REPORT: September 21, 2016

INITIAL ALLEGATION AND COMPLAINT SUMMARY

The Office of the Ohio Inspector General received a notification of an employee suspected of illegal or improper activity on August 17, 2015, from the Ohio Department of Rehabilitation and Correction (ODRC). The ODRC reported that on June 23, 2015, Parole Services Supervisor Jeff Ervin, who was employed in the Youngstown office of the Ohio Adult Parole Authority, which is within ODRC, sent an email to ODRC Chief Information Officer Vinko Kucinic requesting permission to use a jump drive to transfer personal information from his computer. That same day, Ervin notified Adult Parole Authority Regional Administrator Michael Beebe, stating he had contacted ODRC Information Technology (IT) because he did not want to delete his personal documents from his state-issued computer. Ervin specifically cited a PowerPoint presentation he had used for a class he taught at Youngstown State University (YSU). Beebe then reported to the ODRC central office the possibility that Ervin was misusing state-issued computer equipment for his outside employment business and activities unrelated to ODRC.

BACKGROUND

The Ohio Adult Parole Authority (APA) is a part of the Division of Parole and Community Services within the Ohio Department of Rehabilitation and Correction, and is responsible for the release and supervision of adult felony inmates returning to local communities from prison, as well as assisting Courts of Common Pleas with supervision of felony offenders. The APA is comprised of the Parole Board and Field Services. The APA was created in 1965 and is responsible for duties specified in Chapter 5149 of the Ohio Revised Code.

The APA's mission is to "... aid in the reentry of offenders by partnering with community stakeholders and law enforcement agencies to preserve public safety by holding offenders accountable through diverse supervision strategies and technology." The philosophy of supervision statement for the Field Services section of the APA is to "... effectively supervise and provide opportunity for offenders to reenter into law abiding citizenship and to reward, encourage, and promote positive behavior, while holding offenders accountable for negative behavior." The APA determines release of inmates from prison to parole or transitional control, sets supervision conditions for inmates released on post-release control, coordinates placement of offenders in the community, and supervises them upon their release from prison. In addition, the

APA assists counties in the development of basic felony supervision services upon request for the Courts of Common Pleas. The APA administers the Ohio interstate compact agreement for probation and parole, coordinating the movement of supervised offenders among states. The APA has staff located in six regions of Ohio, and numerous district and satellite offices throughout the state.¹

The following policies were considered in furtherance of this investigation:

ODRC Internet, Electronic Mail and Online Services Use Policy, 05-OIT-10 states, in part;

All DRC information technology system assets, including the internet, electronic mail, online services, and VPN access shall be used for business purposes only. Employees and other individuals with DRC system asset accounts, such as the internet, electronic mail, online services and the VPN, shall not:

- Use any system asset for operating a business or for personal gain; supporting a non-DRC activity or organization; sending chain letters; soliciting money or services; purchasing non-business goods or services or for religious or political purposes goods or services or for religious or political purposes.
- Use electronic mail for non-business communications.

ODRC Portable Computing Policy, 05-OIT-15 states, in part;

... unless approved by the DRC Chief of Bureau of Information and Technology Services (BITS), authorized users shall not connect non-state portable computing devices, portable computing media and portable computing removal components to state IT computing devices or systems.

ODRC Outside Employment Policy # 31-SEM-10 establishes rules for ODRC employees governing outside employment. One of the conditions for authorization for outside employment states, in part;

It is the responsibility of the employee to notify his or her Appointing Authority of any changes of outside employment. Approval of outside employment shall remain valid

¹ Resource: ODRC website.

only for the outside employment position, work duties and work schedule described in the request. Changes to any elements addressed in the request shall require completion of a new Outside Employment Request form (DRC3548).

INVESTIGATIVE SUMMARY

On June 10, 2015, ODRC Bureau of Information Technology Chief Information Officer Vinko Kucinic issued an email to all ODRC-IT users regarding the improper use of the ODRC system assets. "System assets" are defined by ODRC policy as "... computer hardware, software, networks, data and/or services or resources that are necessary to support the information technology requirements of the Ohio Department of Rehabilitation and Correction." This email reminded employees that the ODRC system assets are to be used for ODRC business purposes only. Employees were reminded that they are "... prohibited from storing or saving any personal data (photos, videos, music, files, etc. ...) on any state owned system asset (PC, server folder, thumb drive, CD, DVD, laptop, or other external storage device owned by ODRC)." Employees were instructed to remove and delete any personal data or files from the ODRC system by the close of business on June 30, 2015. Employees were advised that any personal data or files stored on the ODRC system after July 1, 2015, may result in disciplinary action.

On June 23, 2015, Kucinic received an email from Jeffrey Ervin, in which Ervin wrote that he was requesting permission to use a

... thumb drive to transfer stuff on my computer that doesn't need to be on it given the guidelines below. Staff are asking as well. Can we just do that so we don't have to delete everything or do you need the devices to come from your shop? I was thinking as long as it's new, and straight out of the packaging.

Ervin then notified ODRC Regional Administrator Michael Beebe that he had emailed Kucinic requesting permission to use a thumb drive² to transfer "stuff" from his computer that did not need to be on the device given the departmental guidelines. Beebe added that Ervin stated he had documents on his work computer that he did not want to delete, and specifically noted a

² A data storage device that uses flash memory and is connected to a USB port on a computer. Also referred to as a "jump drive," "flash drive," or "USB flash drive."

PowerPoint presentation that he used at Youngstown State University. Beebe was aware that Ervin worked part-time at YSU as a professor.

On June 26, 2015, Kucinic replied to Ervin's request. Kucinic wrote,

DRC Policy OIT 05-10 states that all DRC employees shall follow all DRC security requirements and all DRC Information and Technology system assets shall be used for DRC business purposes only. Therefore, to remain compliant with policy I am unable to provide you a state purchased external drive (USB removal storage or thumb drive) or grant you permission to remove non DRC business materials with your own USB device.

Ervin's email response back to Kucinic stated, "Ok thanks anyway. I started removing and emailing what I could. Man, the crap I saved over the years."

Beebe Interview

On August 25, 2015, the Office of the Ohio Inspector General conducted an interview with ODRC Regional Administrator for Division of Parole and Community Services Michael Beebe. Beebe explained that on June 23, 2015, he was in the Youngstown district office making his rounds. Beebe stated,

At that time Jeff and I were engaged in just regular business conversation. He had indicated that he sent an e-mail to Vinko, requesting the use --- or if he would be permitted to purchase uh a USB to take things off of his computer that he shouldn't have had on it. And went on to say that he has a lot of information on his computer and he referenced a PowerPoint that he uses at Youngstown State University where he's a professor. I didn't react immediately. Um I sat back and I thought you just told me that you're using your state computer for uh duties that aren't related to your job.

Beebe stated that he "... subsequently had a conversation with Vinko who indicated that he did receive that e-mail" from Ervin. Beebe said Ervin's resolution to being denied authorization to use a thumb drive to transfer the personal data from his work computer was to email the data directly to his personal email account.

Beebe added,

Yes, I was aware that he was uh a professor, and going through his file and I --- I sent it on to Heather --- there wasn't a uh... request for outside employment done under me.

Um I was aware that he was working there. I never knew specifically when, except when this jumped off and I went through his file I saw the prior ones that were approved by uh Harry Hagman, our former Deputy Director. Um so I had him fill out a new sheet.

Beebe said he denied Ervin's request for secondary employment on August 17, 2015, because he was then aware of the many PowerPoint presentations on Ervin's computer, and knowing "... that he was abusing the privilege and I didn't see it necessary to continue to allow it to go on, so I, I uh denied his request to work at Youngstown State University."

Beebe said Ervin was placed on administrative leave the same day and Beebe gave a directive that no one was to contact Ervin during business hours or have any contact with him while he was on administrative leave. Also on August 17, 2015, Beebe had a telephone conversation from Parole Officer James Corrin who also teaches at Youngstown State University. Corrin was requesting permission to make contact with Ervin to obtain file material from Ervin to use to teach a course at YSU. Beebe said he again told Corrin not to contact Ervin and to get the file material from YSU.³

Computer Analysis of Ervin's Hard Drives

The Office of the Ohio Inspector General conducted a forensic analysis of the hard drives from the computers issued to Jeffrey Ervin by ODRC. These hard drives were found to contain at least 151 PowerPoint presentations. Additionally, documents and website shortcuts not related to Ervin's work at APA were found.

Using State Email for YSU Staff and Student Contacts

The Office of the Ohio Inspector General then conducted a review of the email box of Jeffrey Ervin from July 19, 2010, to August 17, 2015. This review revealed that Ervin used his State of Ohio email account to correspond with YSU staff and students, and 108 email messages were

³ Corrin replaced Ervin in teaching the "Managing Correctional Operations" course at YSU.

found to be sent to or received from the ysu.edu domain. Ervin’s correspondence with YSU staff and students dealt with issues such as which books would be used for the class Ervin was teaching, ordering books, change of grade form, class attendance, class assignments, academic status of students, and submitting the syllabus for the fall 2014 class. The syllabus that Ervin submitted to YSU for the fall 2014 “Managing Correctional Operations” course he taught listed his State of Ohio email address as Jeffrey.Ervin@odrc.state.oh.us. There were two emails between Ervin and YSU staff regarding reserving a room to conduct APA training at YSU.

On June 25, 2015, Ervin began emailing files and attachments from his State of Ohio computer to his personal Gmail email account. These files and attachments included:

Word and Excel Documents	Internet Shortcuts	PowerPoint Documents
Social Control.doc	100 best financials.url	Deception Techniques.ppt
Social Learning.doc	100 best goods and materials.url	Interrogation Techniques.ppt
Social Reality of Crime.doc	100 best healthcare.url	focusedinterview.ppt
Subculture of Delinquency.doc	100 best services.url	Interviewing Skills.ppt
Subculture Theory.doc	100 best technology.url	Weed and Seed powerpoint.ppt
The Chicago School.doc	major markets.url	Use of Force PC.ppt
The Classical School.doc	my deferred comp.url	Supervising Union Employees.pptx
The Positive School.doc	my sold stocks 2.url	Supervisors Mission Vision PPT.pptx
The Search for the Criminal.doc	my sold stocks.url	
Thesis.doc	my stocks.url	
jenashowcase1.doc	my watch list.url	
jenashowcase2.doc	sector spiders.url	
Managing Correctional Operations 2009.doc	StockCharts.com.url	
Managing Correctional Operations.doc	tickerspy.com.url	
Reform Based Initiative [RBI].doc	watch 1.url	
resume 2003.doc	watch 2.url	
resume 2006.doc	watch 3.url	
resume 2008.doc	watch 4.url	
resume 2010.doc	watch 5.url	
sail boat.doc	watch 6.url	
Subculture of Delinquency.doc	watch 7.url	
The Summer of Disconnect.doc	watch 8.url	

Word and Excel Documents	Internet Shortcuts
trees.doc	watch 9.url
Boat.doc	watch list.url
A Thanksgiving Prayer.docx	
amish buggy in winter.doc	
aruba.xls	
Arrest Scenarios 08-041.doc	
anyway.docx	
Ashley Kilmer reference letter.doc	

Ervin Interview

On March 10, 2016, the Office of the Ohio Inspector General conducted an interview with ODRC Youngstown District Parole Services Supervisor Jeffrey Ervin. Ervin agreed that he received the June 10, 2015, email from the ODRC Information Services Center advising employees to remove and delete personal data files from their ODRC system. Ervin also agreed that he had then sent an email to Vinko Kucinic asking if he could use a USB thumb drive, either his own or one provided by Kucinic, to remove his personal data from his state computer. Ervin stated that he believed he referred to the data as school work rather than personal data. Ervin agreed that the response he received from Kucinic was that ODRC policy prohibited him [Kucinic] from authorizing the removal of non-ODRC business material using a USB device. Ervin also agreed that he responded back to Kucinic, “Ok thanks anyway. I started removing and emailing what I could. Man, the crap I saved over the years.”

PowerPoint Presentations

Ervin claimed the PowerPoint presentations on his state computer were topics or courses he acquired from academia over the years. Ervin cited the files involving interviewing and deception techniques’ PowerPoint presentations as some of the information he had gathered over the years. Ervin denied using the PowerPoint presentations in his classes at YSU, but said he had “... taken information out of that and I’ve conveyed that to my students because we were probably on the topic at the time.” Ervin agreed with investigators that the class he taught at YSU was titled “Managing Correctional Operations,” and that some of the PowerPoint presentations found on his ODRC computer were titled “Managing Correctional Operations” as well. Ervin claimed he retained those PowerPoint presentations for the development of his officers, and that he had forwarded them to the Corrections Training Academy (CTA) for their

use. Ervin added he sent PowerPoint presentations to Parole Officer James Corrin, who also taught at YSU. Ervin admitted he was unable to provide any proof that he used any of the material for training of APA employees, and noted that any reference to the material Ervin said he provided was not included in the training records of the employees. When asked why he wanted to remove the PowerPoint presentations from his computer when he contended they were work related, Ervin responded to investigators saying he did not want to lose the presentations. Ervin admitted that the Youngstown State University fall 2014 syllabus found on his computer was for his YSU employment and had nothing to do with his APA employment. ([Exhibit 1](#)) Investigators also identified additional Youngstown State University course syllabi dating back to 2009.

Using State Email for Personal Use

Ervin admitted using the state email account for personal business, including his YSU employment. Ervin listed his state email address on the YSU syllabus as his contact information. Ervin explained,

I --- do I, do I accept a paycheck from Youngstown State University for delivering a product to the students? Yes, I do. Um... but incumbent upon that is also a responsibility to the students, and my mind was that it was the easiest way for the students to get ahold of me.

Ervin also admitted to using his State of Ohio email to send files and PowerPoint presentations from his state computer to his personal email account.

Secondary Employment Authorization

Regarding his employment at YSU, Ervin said he had, "... been teaching there for about 10 years. I'm a part-time faculty member, adjunct faculty member in the Criminal Justice Department," where he taught a course every fall titled, "Managing Correctional Operations." Ervin admitted he last taught the course in the fall of 2014 and was scheduled to teach the course again in the fall of 2015. Ervin stated that on August 17, 2015, his secondary, or outside employment request was denied and that was the same day he was put on administrative leave. Investigators asked Ervin if he had a secondary employment authorization for the course he

taught at YSU in 2014. Ervin responded, “I had approval since I began working there. Um I was never... I was never instructed that I needed to go do that every time I taught.” Investigators asked Ervin why he submitted a secondary employment form in 2015 to teach at YSU for the fall course. Initially, Ervin could not offer an explanation, but noted that he was not “instructed” to fill out a secondary employment authorization form. However, later in the interview, Ervin admitted to investigators that he was told to fill out a new outside employment request.

The ODRC *Outside Employment* policy requires employees to submit an Outside Employment Request form (DRC3548) to his or her appointing authority and regional administrator, bureau chief and/or managing officer if applicable. Approval of outside employment shall remain valid only for the outside employment position, work duties, and work schedule described in the request. Changes to any elements addressed in the request shall require completion of a new Outside Employment Request form (DRC3548). Another condition of outside employment is that, “An employee may not use any state equipment, supplies, computer software or computer systems, including DRC e-mail, to perform any outside employment duties.” This policy first became effective October 14, 2014.

The Office of the Ohio Inspector General received copies of previous outside employment authorization requests for Ervin, which revealed Ervin had received authorization to teach a course at Youngstown State University in 2001 and Kent State University in 2005. ODRC records showed that Ervin received authorization for outside employment at Kent State University in 2005, but this authorization noted that, “If anything should change from what you have provided, you must submit a new request with all of the pertinent information.” Not only was Ervin teaching at a completely different university from which he had received previous authorization, but the dates, days, and times changed every year.

Corrin interview

On March 31, 2016, the Office of the Ohio Inspector General conducted an interview with Parole Officer James Corrin assigned to the Youngstown parole office. Since 2009, Corrin was authorized for outside employment to teach at YSU. Corrin explained that each semester the classes, dates, days, and times of the classes change, which requires that he complete a new

outside employment authorization. Corrin was asked to explain what lead up to his teaching at YSU during the fall semester of 2015. Corrin said,

That was the first time I taught that course. That was the course that Jeff Ervin typically teaches. Um attorney Wagner who is the chair of the department had called me one or two days prior to the semester starting and asked me if I could teach that class because Jeff had called her and told her that he couldn't teach the class this semester. So I filled in for Jeff.

Corrin said he told Wagner,

I'm gonna need the material. And she said that she had already given him [Ervin] the material, like the books and, and so on and so forth. And she had told me to contact him to get whatever material I needed for the class.

Corrin said that, at this point, he did not know Ervin was on administrative leave.

I contacted him and um asked him for the, you know, the books and the material and he had told me that the books were in his class --- or I'm sorry. The books were in the bookshelf in his office. However, his syllabus, course material, um notes, everything else uh was on his computer that, you know, he didn't have access to get to.

Corrin said the material that he wanted to get from Ervin was the PowerPoint presentations that Ervin said was on his state computer. Corrin denied getting any material from Ervin, saying, "I did not get that from him. No. He said all that was on his computer in his office that he was not able to get to." Corrin explained that the material used to teach the course at YSU was completely different from any ODRC training.

The Office of the Ohio Inspector General contacted Training Supervisor Daniel Flowers at the Corrections Training Academy to confirm that Ervin had provided lesson plans to the CTA for use in training. Flowers produced field tactics lesson plans provided to the CTA from Ervin on March 26, 2015. These lesson plans involved scenarios covering practical field operations for parole officer interactions with parolees. However, the PowerPoint presentations found on Ervin's computer included "The Effective Corrections Manager," "History of Corrections,"

“Interviewing Skills,” “Deception Techniques,” “Interrogation Techniques,” and many others that were geared for an academic criminal justice program.

CONCLUSION

On June 10, 2015, ODRC Chief Information Officer Vinko Kucinic sent notice to ODRC employees advising them to remove and delete any personal data and files from any ODRC system asset by the close of business on June 30, 2015. On June 23, 2015, Parole Services Supervisor Jeff Ervin replied back to Kucinic in an email asking if he could use a new thumb drive or a thumb drive supplied by Kucinic “... to transfer stuff on my computer that doesn’t need to be on it given the guidelines below.” Also on June 23, 2015, Ervin notified Adult Parole Authority Regional Administrator Michael Beebe of his email request to Kucinic and that he had “... documents on his work computer that he did not want to delete and wanted to remove from his state computer using a thumb drive.” Beebe stated that Ervin, “... specifically advised of a power point presentation that he uses at Youngstown State University.”

On June 26, 2015, Kucinic replied back to Ervin in an email stating that ODRC policy prohibits providing a state-purchased external drive or thumb drive, or from granting him permission to use his own thumb drive to remove non-ODRC business materials. Ervin responded back to Kucinic that he had started removing his personal files from his work computer by sending them to his personal email account.

Ervin admitted to investigators using some of the information from his PowerPoint presentations found on his state-owned computer in classes that he taught at YSU, but denied using the actual PowerPoint presentations from his state-owned computer during those classes.

Accordingly, the Office of the Ohio Inspector General finds reasonable cause to believe a wrongful act or omission occurred in this instance.

Ervin admitted using his State of Ohio ODRC email account for YSU business with YSU staff and students and using his state email as a contact for personal and outside employment business.

Accordingly, the Office of the Ohio Inspector General finds reasonable cause to believe a wrongful act or omission occurred in this instance.

Ervin admitted using his State of Ohio ODRC email account to send personal data to his personal Gmail email account.

Accordingly, the Office of the Ohio Inspector General finds reasonable cause to believe a wrongful act or omission occurred in this instance.

Ervin admitted to investigators that he did not have proper outside employment authorization to teach at YSU during 2014 and fall semester of 2015. Ervin admitted to using state equipment, computer systems, including ODRC email, to perform outside employment duties.

Accordingly, the Office of the Ohio Inspector General finds reasonable cause to believe a wrongful act or omission occurred in this instance.

RECOMMENDATION(S)

The Office of the Ohio Inspector General makes the following recommendations and asks the director of the Ohio Department of Rehabilitation and Correction to respond within 60 days with a plan detailing how the recommendations will be implemented. The Ohio Department of Rehabilitation and Correction should:

1. Review the actions of Jeff Ervin to determine if administrative action or training is needed;
2. Review with all employees the *ODRC Internet, Electronic Mail and Online Services Use Policy, 05-OIT-10* and the *Outside Employment Policy 31-SEM-10*.

REFERRALS

This report of investigation will be provided to the Mahoning County Prosecuting Attorney and the Ohio Ethics Commission for consideration.



STATE OF OHIO
OFFICE OF THE INSPECTOR GENERAL

RANDALL J. MEYER, INSPECTOR GENERAL

NAME OF REPORT: Ohio Department of Rehabilitation & Correction

FILE ID #: 2015-CA00042

KEEPER OF RECORDS CERTIFICATION

This is a true and correct copy of the report which is required to be prepared by the Office of the Ohio Inspector General pursuant to Section 121.42 of the Ohio Revised Code.

Jill Jones
KEEPER OF RECORDS

CERTIFIED
September 21, 2016

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