



Ohio Department of Natural Resources

JOHN R. KASICH, GOVERNOR

JAMES ZEHRINGER, DIRECTOR

January 20, 2011

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

**Re: Report of Investigation 2010-416
Brad St. Clair**

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OFFICE OF
INSPECTOR GENERAL

Dear Mr. Meyer:

In accordance with your request in the above-referenced report, issued November 22, 2011, enclosed are the responses of the Ohio Department of Natural Resources (ODNR) to the recommendations made by your office.

Summary

This matter concerns multiple persons employed by ODNR's Division of Wildlife (DOW). The original complaint was filed by retired Ohio Division of Wildlife officer Larry Toki, who claimed the division sent an officer, Curt Smith, to his home to intimidate him into revealing the name of the individual who had given him information about an Ohio Division of Wildlife (ODOW) investigation. Your office was unable to substantiate this allegation but, instead, opened an investigation into the conduct of another ODOW officer, Brad St. Clair.

Officer St. Clair was alleged to have gone to the residence of Jeffrey Schultice, confiscated deer antlers legally obtained by Mr. Schultice under the suspicion that the antlers were not legally acquired, and later destroyed the antlers after consultation with law enforcement supervisors Mark Hemming and Bryan Postlethwait. As a result of this occurrence, Mr. Schultice filed a civil complaint in the Court of Claims of Ohio on August 16, 2010, which was resolved by a settlement agreement filed that same day whereby the department agreed to pay Mr. Schultice \$5000.00. The investigation conducted by your office substantiated the above allegations and found reasonable cause to believe wrongful acts or omissions occurred, as follows:

1. Ohio Division of Wildlife Officer Brad St. Clair, without cause, improperly confiscated legal property.
2. Wildlife Officer St. Clair, without cause, improperly disposed of legally obtained property.
3. Wildlife Officer St. Clair failed to record the seizure and destruction of property on the annual report as required by Ohio Division of Wildlife Policy 37.

As a consequence of these findings, your office made three recommendations and requested the department respond with a plan detailing how it will implement the recommendations within 60 days. Your recommendations are restated below followed by the department's plan to implement each.

Inspector General Recommendation #1

ODNR should internally review the actions of all employees involved to determine whether their conduct warrants further administrative action or training.

ODNR Response #1

Officer Brad St. Clair was subjected to the administrative discipline process and received a written reprimand on May 2, 2011. Since Officer St. Clair already has been disciplined for his conduct in this event, no further administrative action can be taken against him. ODOW law enforcement supervisors Mark Hemming and Bryan Postlethwait, with whom Officer St. Clair consulted concerning the decision to destroy the deer antlers seized from Mr. Schultice, were also subjected to the administrative discipline process and have each received two-day working suspensions. As a result of this imposition of discipline, no further administrative action may be taken against them. Any additional training needs will be addressed by the development of the revised ODNR Evidence Directive explained further in ODNR Response #2.

It should also be noted that the Guernsey County Prosecutor's Office has notified ODNR Law Enforcement Staff Office Chief Gary Obermiller that it will not pursue criminal charges against any ODNR employee in this matter.

Inspector General Recommendation #2

ODNR should revise Ohio Division of Wildlife Policy 37, Evidence and Forfeited Property, to create a segregation of duties prohibiting any officer who seizes evidence or property from also being the officer who destroys or disposes of the evidence or property.

ODNR Response #2

The ODNR Law Enforcement Staff Office, in consultation with the Chief Legal Counsel, is developing a revised Evidence Directive, which will be applicable department-wide. This policy will supersede and replace ODOW Policy 37. A copy of the revised directive is attached hereto for your review and comment. This directive will provide updated guidelines for evidence and property management, including at a minimum that all evidence seized shall be labeled with an evidence tag at the time of seizure and entered into a log at the time it is placed in an ODNR Evidence/Property Room (EPR) and that any officer that seizes evidence shall not be involved in the destruction of that evidence. The directive will also provide for unannounced annual inventory audits of all ODNR EPRs.

Inspector General Recommendation #3

ODNR should require all employees to read, acknowledge, and sign the existing policies of the agency and their department. New or revised policies should also be read, acknowledged, and signed.

ODNR Response #3

The revised Evidence Directive will be subject to a review and comment period, which is part of the department's process for developing every Policy, Directive, Procedure or revision thereto, and all ODNR law enforcement supervisors, will be specifically charged with ensuring full implementation and compliance. In addition, the revised ODNR Evidence Directive will be sent via email to all law enforcement personnel with an electronic acknowledgment of receipt required. Finally, the new directive will be incorporated into mandatory, annual in-service training for all law enforcement personnel, which will have a strict sign-in policy to ensure maximum attendance.

I trust that having reviewed this submission you will agree that ODNR has been responsive to the concerns as outlined. We value your agency's input as we put in place systems, policies, and procedures that will help ensure we honor our mission and commitment to the citizens of Ohio. If you have any additional questions or comments, please contact our department Chief Legal Counsel, Bill Damschroder, at (614) 265-6882.

Sincerely,



James Zehringer
Director

JZ/WD