

STATE OF OHIO  
OFFICE OF THE INSPECTOR GENERAL

RANDALL J. MEYER, INSPECTOR GENERAL

REPORT OF  
INVESTIGATION



AGENCY: OHIO DEPARTMENT OF REHABILITATION AND CORRECTION  
FILE ID NO.: 2013-CA00029  
DATE OF REPORT: DECEMBER 18, 2013

## The Office of the Ohio Inspector General ... The State Watchdog

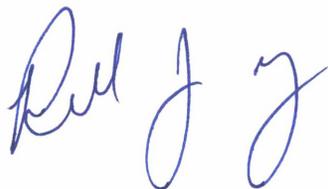
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Randall J. Meyer  
Ohio Inspector General



STATE OF OHIO

# OFFICE OF THE INSPECTOR GENERAL

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RANDALL J. MEYER, INSPECTOR GENERAL

## REPORT OF INVESTIGATION

**FILE ID NUMBER:** 2013-CA00029

**SUBJECT NAME:** Crystal Langer  
Tim Jones

**POSITION:** Adult Parole Officer  
Senior Adult Parole Officer

**AGENCY:** Ohio Department of Rehabilitation and Correction,  
Division of Parole and Community Service,  
Ohio Adult Parole Authority

**BASIS FOR INVESTIGATION:** Complaint

**ALLEGATIONS:** Misuse/Abuse of position;  
Failure to comply with state or department rules,  
procedures or policies;  
Unprofessional/improper conduct

**INITIATED:** May 1, 2013

**DATE OF REPORT:** December 18, 2013

## **INITIAL ALLEGATION AND COMPLAINT SUMMARY**

The Office of the Ohio Inspector General received information from the Ohio Department of Rehabilitation and Correction alleging that on April 2, 2013, Ohio Adult Parole Authority (OAPA) Parole Officer Crystal Langer and Senior Parole Officer Tim Jones engaged in a pursuit and use of force on an individual who was not under their supervision.

## **BACKGROUND**

The Ohio Department of Rehabilitation and Correction, Division of Parole and Community Service, Adult Parole Authority (OAPA) 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 duties for felony offenders. The Ohio Adult Parole Authority is comprised of the Parole Board and Field Services. The OAPA was created in 1965 and is responsible for the duties addressed in Chapter 5149 of the Ohio Revised Code (ORC).

The OAPA's mission is to "aid in the reentry of offenders by partnering with community stakeholders and law enforcement agencies to preserve publicly holding offenders accountable through diverse supervision strategies and technology." The philosophy of supervision treatment for the Field Services section of the OAPA 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 OAPA determines release of inmates from prison to parole or transitional control, sets supervision conditions for inmates on post release control, coordinates placement of offenders in the community, and supervises services upon request for the Courts of Common Pleas. The OAPA administers Ohio's interstate compact agreement for probation and parole, coordinating the movement of supervised offenders between states.

The OAPA has staff located in six regions with numerous district and satellite offices throughout the state. The OAPA supervises more than 27,000 offenders.<sup>1</sup>

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<sup>1</sup>Source: <http://drc.ohio.gov/web/apa.htm>

*Applicable Policies and Procedures*

104-TAW-02 *APA Use of Force* policy applies to all employees of the OAPA. The policy states:

It is the policy of the Ohio Department of Rehabilitation and Correction that physical force is used by employees of the Adult Parole Authority in instances of self-defense from physical harm; defense of third persons, e.g., other employees, offender or bystanders from physical harm; controlling or subduing an offender who refuses to obey a rule or regulation; effecting arrests; prevention of a crime; and/or prevention of an escape.

104-TAW-03 *OC Spray<sup>2</sup> in Use of Force* applies to employees of the Division of Parole and Community Services, including OAPA employees, who are authorized to carry OC spray in the performance of their duties. The policy states:

It is the policy of the Ohio Department of Rehabilitation and Correction to authorize the use of OC spray by its employees in the course of their duties, pursuant to this policy and Department Policy 104-TAW-02, *APA Use of Force*, in order to reduce the risk of injury to its staff/employees, offenders, and the general public.

100-APA-05 *APA Search and Arrest Procedures* applies to employees of the Division of Parole and Community Services, especially those whose duties include the supervision of offenders.

This policy states:

It is the policy of the Ohio Department of Rehabilitation and Correction to exercise its supervisory and enforcement authority to protect the community while properly respecting the rights of offenders under APA supervision and others with whom they have contact.

Ohio Revised Code §2921.44 *Dereliction of Duty* states, in part:

- No law enforcement officer shall negligently do any of the following:
  - (1) Fail to serve a lawful warrant without delay;

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<sup>2</sup> OC spray is Oleoresin Capsicum pepper spray.

(2) Fail to prevent or halt the commission of an offense or to apprehend an offender, when it is in the law enforcement officer's power to do so alone or with available assistance.

- No law enforcement, ministerial, or judicial officer shall negligently fail to perform a lawful duty in a criminal case or proceeding.
- No public official of the state shall recklessly create a deficiency, incur a liability, or expend a greater sum than is appropriated by the general assembly for the use in any one year of the department, agency, or institution of the state with which the public official is connected.
- No public servant shall recklessly fail to perform a duty expressly imposed by law with respect to the public servant's office, or recklessly do any act expressly forbidden by law with respect to the public servant's office.

### **INVESTIGATIVE SUMMARY**

The information provided with the allegation included two separate incident reports, one report completed by Parole Officer Langer and one report completed by Senior Parole Officer Jones.

#### **(Exhibit 1)**

In the incident reports, both Langer and Jones stated that Langer had received notification from the Montgomery County Prosecutor's Office that Scott Leach, who was formerly under supervision of the Ohio Adult Parole Authority as an interstate compact<sup>3</sup> case and supervised by Langer, had a felony warrant. On April 2, 2013, Langer and Jones were en route to the Dayton OAPA Office when Langer observed Leach, pumping gas at the BP gas station on Gettysburg Avenue, near the Dayton district office.

Langer and Jones both reported that Langer advised Jones that Leach had felony warrants. When Langer and Jones attempted to speak with Leach, Leach began to run. Jones ordered Leach to stop and when Leach failed to comply, Jones began to chase him on foot. Langer stated in her

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<sup>3</sup> An "interstate compact" is an agreement between parole authorities of different states governing the supervision of offenders.

report that Leach ordered his girlfriend, who was still in the vehicle to “go.” Langer stated that the girlfriend drove away with the gas pump still connected to the vehicle.

According to incident reports filed by Langer and Jones, Langer attempted to contact the Dayton Police Department and was able to reach Detective Mike Arrichio to request assistance. In the process of apprehending Leach, Jones sprayed him with pepper spray and handcuffed him. A knife was found on Leach during a physical search conducted by Jones. Dayton Police Department officers arrived and Leach was taken into custody for the felony warrants.

The Office of the Ohio Inspector General requested and received the position descriptions for the senior parole officer position and the parole officer position. Both of the position descriptions refer to “supervising offenders,” which includes parolees, post release control, community control, and interstate compact offenders.

The Office of the Ohio Inspector General obtained a copy of the arrest report for Scott Leach on April 2, 2013, from the Dayton Police Department. ([Exhibit 2](#)) The arrest report was completed by Dayton Police Officer Ronald Miller on April 2, 2013, at 3:05 p.m. The report stated that officers Miller and G.A. Mills assisted the OAPA with a wanted subject who fled. Miller reported that while Leach was being arrested by the two OAPA officers, Leach was sprayed with pepper spray by Jones. The report stated that Leach was found to be wanted on two warrants for his arrest, one for failure to appear, and one for non-support.

In interviews conducted by the Office of the Ohio Inspector General, OAPA Deputy Director Sara Andrews stated on two separate occasions that parole officers only have authority to arrest or detain an individual when that individual is under OAPA supervision. Andrews stated that the jurisdiction of the parole officers is limited to those individuals under OAPA supervision, and third parties<sup>4</sup> that pose a security threat during visits with the individual under OAPA supervision. Specifically, parole officers can arrest individuals under OAPA supervision, but can only detain third parties who pose a security threat. Parole officers are required to contact local law enforcement officers to arrest a third party.

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<sup>4</sup> A “third party” is a person who is not under OAPA supervision.

The Office of the Ohio Inspector General's Office conducted an interview with OAPA Senior Parole Officer Tim Jones on May 30, 2013. When asked to explain the authority of parole officers, Jones replied,

We supervise uh offenders from the Ohio jurisdiction. And then I supervise functions ... supervisor for low level P.O.'s so there's parole officers; you senior officers ... I'm kind of be more like a Sergeant in ... if it was a police organization. And uh on the flipside we're also law enforcement officers which I think will probably come into play here. I've served on the U.S. Marshal's Task Force. I did 2 years duty with that. I was a special marshal for them. I served on a special enforcement team for DPD where you have ... we actually helped them do their work to help us do their work. So I've got a commitment to fugitives.

Jones referred to a court case, *State v. Barnes*, which according to Jones, defines parole officers as law enforcement officers. Jones stated that because *State v. Barnes* was a case Jones was directly involved with, he was "real clear about what we can do and what we can't do." Jones stated that "any law enforcement officer has to stop the commission of a crime. Any law enforcement officer has to take some type of action. In the *Barnes* case they even talk about if you fail to do nothing you can be charged with dereliction of duty." Jones continued, "And I say the *Barnes* case, I think it really explained what we can do with ... we have new administrators right now and I think sometimes they forget some of the law enforcement side of our job. But I can be charged ... if I see a crime and I don't take some type of action, I could be charged with dereliction of duty."

During the interview, Jones described the events that occurred on April 2, 2013, involving Scott Leach, the same as he had stated in his incident report. Jones said that after he caught Leach, he told Leach "put your hand in your back sir. Under arrest." Jones stated, "I didn't tell him he was detained. I told him he's under arrest. I thought he was a parolee. If I had known he was a third party I would have detained him for the police." Jones continued, "I thought he was on parole. And if I had any, any uh ... I was annoyed with her [Parole Officer Langer] that in the BP station she should have told me he wasn't on parole."

Parole Officer Jones stated that once Parole Officer Langer arrived at the scene where Jones had Leach handcuffed, Langer advised Jones that Leach was not on parole. Jones said, “And I’m thinking well, that I’ve just used force on a, on a third party... .” Jones admitted that after Langer told him that Leach had a warrant, Jones’ assumption was that Leach was a parolee with a warrant.

Jones claimed that had he not pursued and arrested Leach on April 2, 2013, he could have been charged with dereliction of duty. Jones said, “If you know there’s a warrant on somebody and you’re a law enforcement officer or peace officer, you are ordered to take that person into custody.” Jones was asked if he had authority as a parole officer to arrest someone who was not under his supervision, and Jones responded, “... you can’t separate parole officer from law enforcement, so I think the mistake that I think that you’re making, but you might know more about it – but you can’t separate them.”

The Office of the Ohio Inspector General conducted an interview with Parole Officer Langer on May 30, 2013. Langer described her duties as a parole officer as “... we supervise people from prison that are being released; uh community control offenders, compact offenders; um participate in local investigations, um arrests; home um – searches of people’s homes; um investigations, writing reports; um – testify at hearings, um – things of that nature.” Langer was asked who the adult parole officers have authority over, and Langer responded, “Um, well, we are parole officers, law enforcement officers um so I am required to supervise people, um but also to make sure – I guess that people aren’t committing crimes and doing things of that nature.”

Langer was asked to explain what had occurred on April 2, 2013. She initially declined to answer questions related to the events of April 2, 2013, and instead referred the Office of the Ohio Inspector General to the incident report she completed. Later, however, Langer agreed to answer limited questions.

Langer indicated that she wanted to add an additional statement to her incident report. Langer stated that she and Jones were acting in “good faith” that day. Langer referred to State v. Barnes,

which she said upholds parole officers as law enforcement officers. Langer advised that had she and Jones not responded, they could have been charged with dereliction of duty. Langer stated she was not aware of a policy that states what she and Jones did that day was not proper.

When asked if she was a sworn law enforcement officer, Langer responded, “And that’s never been told to us one way or the other, either. I don’t ... I mean you ... graduate the academy you do, they ... I mean you sit there and you say stuff and, you know. If I wasn’t a law enforcement officer I wouldn’t be able to carry my firearm ... legally. I wouldn’t be able to do that.”

Parole Officer Langer stated that she was contacted by the “prosecutor’s office” a month prior to the April 2, 2013, incident. The prosecutor’s office advised Langer that Leach had an outstanding warrant. During a follow-up telephone call on July 10, 2013, Langer identified the assistant prosecutor as Johnna Shia. Langer also stated that a week prior to the incident, she was contacted by Dayton police officers Ed Trick and Mitch Olmstead, about Leach’s warrant.

Langer stated that on April 2, 2013, when she spotted Scott Leach in the BP gas station, Langer “...advised Mr. Jones that that was Scott Leach and he has warrants.” Langer was asked if she advised Jones that Leach was no longer under supervision, to which she replied, “No, I didn’t have time.”

In their incident reports, Langer and Jones identified Dayton Police Department Detective Mike Arrichio as the person Langer contacted to request assistance after apprehending Leach. During a telephone interview with Detective Mike Arrichio on July 19, 2013, Arrichio stated that he is currently assigned to a taskforce, and is rarely in Dayton, Ohio. Arrichio recalled Langer contacting him, stating that she was in pursuit of an individual with warrants and requested assistance. Arrichio explained that the dispatch center for the Dayton Police Department handles calls for multiple departments in the surrounding area and admitted that it is difficult to navigate through. Langer provided no explanation as to why she did not call 911 and, instead, called Detective Mike Arrichio.

The Office of the Ohio Inspector General conducted a telephone interview with Lt. Andy Booher of the Dayton Police Department on August 1, 2013. Booher is Ed Trick and Mitch Olmstead's supervisor. Booher confirmed that Officer Olmstead contacted Parole Officer Langer the last week of March 2013 to advise Langer of the felony warrant on Leach.

On July 10, 2013, the Office of the Ohio Inspector General conducted a telephone interview with Johnna Shia, assistant prosecutor at the Montgomery County Prosecutor's Office. Langer had identified Shia as the prosecutor that notified Langer of Leach's outstanding warrants. Shia stated after Leach's arrest on April, 2, 2013, Shia was assigned the case and contacted Langer after reading the police report. Shia confirmed that she had no contact with Langer prior to Leach's arrest on April 2, 2013.

On June 13, 2013, the Office of the Ohio Inspector General conducted an interview with Lori Bonner, parole services supervisor. Bonner is Parole Officer Langer's supervisor. According to Bonner, OAPA officers have authority over people who are currently on supervision, including parole, post release control, community control, transitional control, and interstate compact. Bonner stated that a parole officer's law enforcement authority is limited to only those individuals currently under supervision. Bonner said that in cases involving an individual under supervision where a third party poses a security threat, OAPA officers are permitted to detain that third party. Bonner did not believe that OAPA officers could be charged with dereliction of duty if they fail to stop the commission of a crime by an individual not under supervision.

During the interview with Bonner, she stated, in her opinion, OAPA had no authority in this case. Bonner noted that Leach was on parole seven months ago, and "... was pumping gas at a gas station minding his own business, he does not have the diminished rights of those under supervision, he has rights ... ." Bonner stated she believed that if there was a warrant, the police should have been called.

When Bonner was asked what Langer and Jones should have done according to policy, Bonner replied, "... he's not on parole, so there is really no, he's not on parole anymore, so we're not, I

don't think there is a specific policy saying ... we don't have a policy to deal with somebody that is not on parole because we don't deal with people that aren't on parole.”

During an interview with Jones' supervisor, Wanda Deardurff, conducted on June 13, 2013, Deardurff stated that Jones was not aware that Leach was not under OAPA supervision when he began the pursuit. Deardurff stated that Langer and Jones should not have pursued Leach on April 2, 2013, and instead should have contacted local law enforcement. Deardurff explained that it is not normal practice for parole officers to respond in the manner that Langer and Jones did on April 2, 2013. Deardurff added that she would not have expected any of the parole officers to “do something like this.”

On June 13, 2013, the Office of the Ohio Inspector General conducted an interview with Tina Patrick, regional administrator at the OAPA. According to Patrick, parole officers have authority over any offender on supervision with OAPA, including parolees, post-release control, and community control.

Patrick said that she did not believe Parole Officer Langer and Parole Officer Jones had the authority to pursue and arrest Leach on April 2, 2013. Instead, Patrick stated that Langer and Jones should have called the Dayton Police Department to advise that Leach was at the gas station. Patrick explained that the OAPA policies do not spell out specifically what the parole officers can and cannot do, but the policies do speak only to those under OAPA supervision, which is OAPA's jurisdiction.

Patrick stated that in Parole Officer Jones' situation, Patrick felt Jones acted appropriately based on the information Jones had at that time, meaning that Jones believed Leach was under OAPA supervision at the time Jones was pursuing him.

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

## **CONCLUSION**

Parole officers are “law enforcement officers” pursuant to ORC §2901.01(A)(11)(b). That ORC section identifies a law enforcement officer as any “... officer, agent, or employee of the state or any of its agencies, instrumentalities, or political subdivisions, upon whom by statute, a duty to conserve the peace or to enforce all or certain laws is imposed and the authority to arrest violators is conferred, within the limits of such statutory duty and authority.” Thus, pursuant to §2901.01(A)(11)(b), parole officers are “law enforcement officers” for the limited purpose of exercising their statutory authority to arrest parole violators. ORC §2967.15 specifies the scope of a parole officer’s statutory duty and authority. The section states in part, that:

... any adult parole authority field officer who has reasonable cause to believe that any parolee...under the supervision of the adult parole authority has violated or is violating any term or condition of his pardon, parole, furlough, or release may arrest the person without a warrant or order any peace officer to arrest the person without a warrant.

The investigation determined that parole officers Jones and Langer had arrested Scott Leach, an individual who was not under the supervision of the OAPA at the time he was apprehended. Prior to the arrest of Leach, Jones pursued Leach during a chase. After Jones apprehended Leach, Jones used OC pepper spray on Leach.

## **RECOMMENDATION(S)**

The Office of the Ohio Inspector General makes the following recommendations and requests that the Ohio Adult Parole Authority respond within 60 days with a plan detailing how the recommendations will be implemented. The Ohio Adult Parole Authority should:

1. Review the conduct of Crystal Langer and Tim Jones and determine whether administrative action or discipline is warranted.
2. Provide training to parole officers clarifying their authority and jurisdiction.

## **REFERRALS**

The Office of the Ohio Inspector General will forward a copy of this report to the Montgomery County Prosecutor’s Office for consideration.

[\*\*\(Click here for Exhibits 1 - 2 combined\)\*\*](#)



STATE OF OHIO  
**OFFICE OF THE INSPECTOR GENERAL**

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RANDALL J. MEYER, INSPECTOR GENERAL

**NAME OF REPORT: Ohio Department of Rehabilitation and Correction**

**FILE ID #: 2013-CA00029**

**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**  
**December 18, 2013**

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