

State of New York
Offices of the Inspector General



Investigation of the
New York State
Department of Environmental Conservation
Division of Forest Protection

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Inspector General

EXECUTIVE SUMMARY

In July 2019, the New York State Department of Environmental Conservation (DEC) referred a complaint to the Office of the New York State Inspector General alleging misconduct by Charles Richardson, a DEC Division of Forest Protection forest ranger. The Inspector General's investigation of Richardson corroborated that Richardson engaged in workplace misconduct, including time and attendance abuse, misuse of State resources, and failure to complete and file mandatory reports.

Significantly, the Inspector General's investigation revealed that Richardson's misconduct was facilitated by systemic deficiencies in field leadership and supervision in the Division of Forest Protection that resulted in a lack of proper oversight and accountability. Specifically, the investigation found that forest rangers, who work independently and have wide discretion to set their schedules and tasks, are infrequently supervised by captains and lieutenants within the Division. Indeed, some forest rangers reported having no direct meetings with their supervisors for several weeks. Moreover, the investigation found that when forest rangers failed to complete and file mandatory reports detailing their official activities, their supervisors often neglected to take action to address this failure to comply with DEC policy. This lack of accountability and oversight engenders an environment ripe for time abuse and other misconduct.

In addition, the investigation found the Division of Forest Protection's residency policy is unclear and is being interpreted inconsistently. In fact, the investigation found that when several forest rangers were promoted or transferred to other DEC regions, they openly flouted DEC's residency policy by commuting far distances to report to their new duty locations. The conflicting interpretations of the residency policy, by both forest rangers and their supervisors, enabled this "super-commuting" and thereby created situations in which forest rangers may not be available to respond to emergencies. Lastly, the investigation found poor inventory controls for equipment in the Division of Forest Protection.

As such, the Inspector General recommends that DEC review and revise its policies and procedures for the supervision of members of the Division of Forest Protection. At a minimum, the new policies and procedures should require more frequent direct meetings between

supervisory lieutenants and subordinate forest rangers.¹ DEC should also review and revise its residency and emergency response policies to provide clear definitions of policy terms. DEC should disseminate these revised policies to staff, train on the same and, most importantly, enforce these policies.

The investigation determined that DEC must address issues regarding inventory policies and practices to ensure the integrity of assets in the Division of Forest Protection. DEC should evaluate current internal controls and taking corrective action where gaps exist. This should include the use of asset tags on agency equipment, the implementation of inventory tracking protocols, and the periodic audit of inventory.

DEC advised the Inspector General that in light of the leadership concerns found in the Division of Forest Protection, it implemented several personnel changes. In October 2019, DEC's executive deputy commissioner was assigned to oversee the operations of DEC's law enforcement divisions. In January 2020, a new acting director was appointed to lead the Division of Forest Protection. And in April 2020, a new deputy commissioner of public protection was appointed to oversee DEC's law enforcement divisions and tasked with reviewing and improving their procedures and operations.

Lastly, in response to the Inspector General's findings regarding Richardson, DEC advised it commenced disciplinary action against Richardson on June 26, 2020.

ALLEGATION

On July 29, 2019, DEC referred a complaint to the Inspector General alleging that Charles Richardson, a DEC forest ranger 1, was engaging in a sexual relationship with a civilian while on duty. Additionally, DEC advised that while investigating this allegation, the agency found that Richardson, then also a part-time police officer with the Town of Boonville and co-owner and operator of a private gym in Boonville, had worked for the Town of Boonville Police Department on several occasions during his DEC working hours.

¹ In light of the ongoing COVID-19 pandemic, increased direct meetings could consist of video conferencing or in-person meetings conducted with appropriate personal protective equipment and social distancing in conformance with federal Centers for Disease Control and Prevention (CDC) and New York State Department of Health guidelines.

BACKGROUND

The Department of Environmental Conservation's Division of Forest Protection

DEC's Office of Public Protection consists of two separate law enforcement entities: the Division of Law Enforcement and the Division of Forest Protection.

The Division of Law Enforcement is comprised of approximately 330 environmental conservation officers who are responsible for fish and wildlife management and environmental quality enforcement. The Division of Forest Protection employs approximately 150 forest rangers charged with protecting the approximately five million acres of public land and natural resources in the State.

Forest rangers are police officers who enforce both New York State Penal Law and Environmental Conservation Law. They are responsible for suppressing forest fires, managing State lands and resources, issuing tickets for offenses, and conducting search and rescue operations for lost or injured individuals on forest lands.² Forest rangers must complete a 26-week Basic Training School before being assigned to work in one of DEC's nine regions. Upon assignment to a region, forest rangers are required to reside within a geographically designated district within the region.

Each division is overseen by a director who serves as its chief law enforcement officer. Colonels, regional captains, and lieutenants collectively form a management structure, which supervises the field staff of the rank of forest ranger 1.

The Division of Forest Protection is headed by a director headquartered in Albany. During the period covered by this investigation, Eric Lahr was the director of the Division of Forest Protection.

A colonel, who also holds the title of assistant director of forest ranger services, reports to the director. Each of DEC's nine regions is commanded by a captain (forest ranger 3), who oversees regional lieutenants (forest ranger 2) and forest rangers (forest ranger 1). Lieutenants function as field supervisors for the forest rangers. Seasonal auxiliary assistant forest rangers help support the Division's field work, emergency response, and administrative needs.

² New York Criminal Procedure Law § 1.20(34)(v).

POOR SUPERVISION WITHIN THE DIVISION OF FOREST PROTECTION ENABLED MISCONDUCT BY RICHARDSON

Lack of Oversight and Accountability

The captain who oversees DEC's Region 8 (Chemung, Genesee, Livingston, Monroe, Ontario, Orleans, Schuyler, Seneca, Steuben, Wayne, and Yates Counties) and Region 9 (Erie, Niagara, Wyoming, Allegany, Cattaraugus, and Chautauqua Counties) testified to the Inspector General that forest rangers patrol their assigned region as police officers, visit campsites and trailheads, investigate private logging on public lands, and respond to emergency rescues, among other duties. Apart from periodic mandatory trainings, the captain testified, forest rangers create their own work schedules and have very little contact with their supervising lieutenants. The captain noted that forest rangers are required to submit reports to their supervising lieutenants every two weeks summarizing their official activities. The captain testified that he is not involved in managing the daily activities of forest rangers, reviewing their biweekly reports, or monitoring their performance. According to the captain, the forest ranger position is a "dream job" because of the autonomy and discretion it affords.

The investigation found that the Division of Forest Protection's poor supervision facilitated Richardson's misconduct. Forest rangers are only required to report activity to their supervisors in a biweekly report, which details their official activity on behalf of DEC. Forest rangers, who set their own schedule and self-report their own activities, should have a field structure in place that guides productivity and performance management.

Lahr, then the director of the Division of Forest Protection, and several forest ranger supervisors testified to the Inspector General that this remote supervision of forest rangers is necessary due to the vast backcountry regions they patrol. In practice, they testified, this remote supervision often results in weeks passing before subordinate forest rangers directly meet with their supervisor. Lahr testified that supervising lieutenants are often unaware of the actual activities of subordinate forest rangers on any particular day. Moreover, Lahr noted that forest rangers are not required to check in with DEC radio dispatch while patrolling. He also testified that there are no mandatory staffing levels for forest rangers on nights and weekends.³

The Inspector General found the Division of Forest Protection's lack of supervision and accountability of its forest rangers allowed Richardson to inappropriately utilize DEC property

³ This reduces readiness at those times to accomplish their emergency response function.

and vehicles for personal use on DEC time, misappropriate DEC resources for a private business, and work a second job while on duty.

Richardson Engaged in Sexual Relationships While on Duty

The Inspector General reviewed a sworn statement obtained by DEC from a woman who claimed to have engaged in a sexual relationship with Richardson, some of which she stated occurred while he was on duty. This statement described a series of hikes by this woman and Richardson in September and October 2018 and sexual encounters between the two in December 2018 or January 2019 and again in February 2019. According to this woman, Richardson was in his forest ranger uniform on some of these occasions and their activities occurred on or near State forest lands. In their December 2018/January 2019 meeting, the woman stated, the two met at Buck Hill State Forest while Richardson was in uniform and driving his DEC vehicle. The woman also reported that the two were sexually involved in January 2019, but that Richardson did not appear to be on duty at that time as he was not wearing his DEC uniform or driving his State-assigned vehicle.

The Inspector General also received testimony under oath from a second woman who claimed to have engaged in a sexual relationship with Richardson at a State facility. This second woman testified that in or around January or February 2016, she was sexually involved with Richardson inside a DEC Region 6 facility. According to this second woman, the two met at this DEC facility one evening, with Richardson arriving in his marked New York State forest ranger vehicle. Richardson unlocked the door to the facility and ushered the second woman to an office.

Richardson, who testified under oath to the Inspector General, claimed that although he had hiked with the first woman, he had not engaged in sexual behavior during his DEC working hours or at DEC facilities. Further, Richardson claimed that he was unaware that DEC prohibited such hikes with civilians while on duty.

New York State Public Officers Law's Code of Ethics requires employees of State agencies to "endeavor to pursue a course of conduct which will not raise suspicion among the public that he or she is likely to be engaged in acts that are in violation of his or her trust."⁴ The Division of Forest Protection's Code of Conduct also mandates that forest rangers not "engage in on-duty or off-duty conduct unbecoming a police officer." Additionally, the code reads, "No

⁴ New York Public Officers Law § 74(h).

[forest ranger] shall, except with the approval of his/her immediate supervisor, permit any person to accompany him/her while on duty unless such person possesses an official connection therewith the [forest ranger's] activities.”⁵

Richardson's Outside Employment and Time and Attendance Abuse

DEC alleged to the Inspector General that Richardson, a part-time police officer with the Town of Boonville and co-owner and operator of a private gym in Boonville, worked for the Town of Boonville Police Department on several occasions during his DEC working hours.

DEC's Outside Employment Authorization policy and the Division of Forest Protection's Code of Conduct state, "Members engaging in outside employment in any capacity, other than as a Police Officer, Peace Officer, or to provide security services . . . shall submit a notification to their immediate supervisor in the form of a memorandum." Outside employment is defined as "any work, occupation or business for which a Member is compensated."

Those members requesting approval for outside employment at another law enforcement agency are required to submit a detailed memorandum to their immediate supervisor along with a statement indicating that the schedule to be worked will not conflict with the member's DEC work. If the request is approved by the Division director, an approval memorandum is issued outlining the terms and conditions of the outside employment. All outside employment authorizations must be renewed annually.

Pursuant to this policy and code, on January 16, 2017, Richardson submitted a memorandum to his supervising lieutenant, captain, and Lahr notifying them of his intention to work as a part-time police officer in Boonville. In this memorandum, Richardson wrote, "There is no conflict of scheduling pertaining to my duties as a New York State Forest Ranger." On February 1, 2017, Lahr approved the request with certain limitations and conditions to which Richardson agreed. On February 9, 2017, the Village of Boonville hired Richardson and he began his first shift on February 18, 2017. The investigation found that despite being a co-owner and operator of a private gym in Boonville since 2014, Richardson did not seek or obtain approval for that outside employment or activity.

The Inspector General obtained time and attendance records from both DEC and the Village of Boonville Police Department and conducted a review of Richardson's hours worked

⁵ NYS DEC Division of Forest Protection Code of Conduct § B(18).

on both payrolls. Richardson completed “punch cards” at the Town of Boonville reflecting his time and attendance, and he made entries in New York State’s Leave and Accrual Tracking System (LATS) to record his time and attendance at DEC. Entries in LATS require that a submitter certify “that this record of attendance is an accurate report of hours worked and leave used during the period. . . . failure to submit accurate and timely attendance and leave records may potentially result in administrative actions.”

The Inspector General’s audit found that Richardson worked overlapping hours at the two employers on July 21, 2017 (124 minutes); January 15, 2018 (65 minutes); January 16, 2018 (118 minutes); and September 25, 2018 (67 minutes). Moreover, given the commuting distances between the two employers, Richardson’s theft of time from one or both employers is greater than that represented here.⁶

His theft violates the Division of Forest Protection’s Code of Conduct, which provides that a forest ranger “shall not knowingly make a false entry in official records” and requires that “all reports submitted to the Department shall reflect only time and activities actually spent in State service and shall at all times be a true, complete, and accurate account of Member's activities.”

Richardson Misappropriated DEC Property

During the course of this investigation, the Inspector General received information that Richardson may have stolen DEC equipment for use at the Black River Training Company in Boonville, a gym he opened in May 2014.

A former employee of the gym testified to the Inspector General that in or around February 2016, she observed several wooden “jump boxes” at the facility. According to this former employee, Richardson told her at this time that he had obtained the jump boxes from DEC’s training academy in Pulaski. The employee further testified that she learned from Richardson that the jump boxes were specifically built by DEC at his request for use by forest ranger recruits at the academy. At that time, Richardson was the head PT instructor at the training academy.

⁶ For example, on April 4, 2018, then-Lieutenant Richardson signed into DEC radio dispatch as “on duty” from 7:58 a.m. to 3:00 p.m. At the same time, Richardson started his shift at the Village of Boonville Police Department at 2:19 p.m.

The Inspector General’s review of the Black River Training Company’s Facebook page revealed the below image of gym members using wooden jump boxes, circa July 2017.



Black River Training Company’s Facebook Post, “Mobile Uploads” Album, posted to social media on July 4, 2017 (faces pixilated)

The Inspector General interviewed a DEC maintenance assistant who advised that in February 2016, he built 15 unpainted plywood jump boxes at a DEC facility in Boonville using wood and other materials that were purchased with DEC funds for use by recruits at DEC’s training academy in Pulaski. The below image of the 15 plywood jump boxes was provided to the Inspector General by the maintenance assistant.



Image of newly-constructed plywood jump boxes, provided by DEC.

On February 26, 2016, the maintenance assistant loaded the boxes onto a DEC trailer for later transportation to the training academy. The maintenance assistant noted that he had not labeled or affixed a DEC asset tag on the equipment.

The maintenance assistant advised the Inspector General that Richardson then retrieved the trailer and jump boxes for transport to the Pulaski training academy.

The Inspector General visited DEC's training academy in Pulaski and observed 11 unpainted plywood jump boxes.

The Inspector General also interviewed an environmental conservation officer who was an instructor at the training academy in 2016. According to the instructor, in 2016, Richardson ordered various gym equipment, including resistance bands and jump ropes, and requested from DEC that 15 wooden jump boxes be constructed for a recruit training program at the academy. An email from Richardson to Lahr reflects Richardson's request for a variety of gym equipment and the construction of 15 wooden jump boxes.

The environmental conservation officer stated that when he returned to DEC's training academy in January 2017 as the head PT instructor, he discovered multiple jump boxes, among other equipment, were gone.⁷ According to the instructor, he requested that a forest ranger who also worked as an instructor at the training academy locate this equipment. Several weeks later, after repeated requests to this forest ranger, some of the equipment "appeared" back at the academy. The returned equipment was part of Richardson's specific 2016 equipment purchase.

The Inspector General also received testimony from the forest ranger/training academy instructor who had been tasked with finding the missing equipment. The instructor testified that in 2017, "someone" at the training academy asked him to contact Richardson about the missing equipment. Subsequently, the instructor met Richardson in Lowville, where the two loaded several plywood jump boxes onto a trailer, which the instructor transported to DEC's training academy in Pulaski.⁸

In January 2020, investigators from the Inspector General's office visited the Black River Training Company and observed four wooden jump boxes inside the facility (see image below).

⁷ The instructor advised that five resistance bands, 20 jump ropes, and one pull up bar were also missing.

⁸ The instructor testified under oath that he was unable to recall the number of plywood jump boxes loaded onto the trailer.



Four plywood jump boxes observed by the Inspector General at the Black River Training Company in Boonville in January 2020.

The maintenance assistant who had constructed DEC's jump boxes, when shown images of the four wooden jump boxes observed by the Inspector General's investigator's at Richardson's gym, indicated that they closely match the boxes that he built.

Apart from New York State Penal Law larceny provisions, both New York State Public Officers Law's Code of Ethics and DEC's Code of Conduct prohibit the misappropriation of State resources. The State Code of Ethics mandates:

No officer or employee of a state agency . . . should use or attempt to use his or her official position to secure unwarranted privileges or exemptions for himself or herself or others, including but not limited to, the misappropriation to himself, herself or to others of the property, services or other resources of the state for private business or other compensated nongovernmental purposes.⁹

Similarly, the Division of Forest Protection's Code of Conduct reads:

No [forest ranger] shall acquire or receive for any purpose any State property except in accordance with the policies and procedures set forth by the Department, the Comptroller's Office or the Office of General Services.

* * *

No [forest ranger] shall use any issued or assigned uniform attire or Department equipment for personal use.¹⁰

⁹ New York State Public Officers Law § 74(3)(d).

¹⁰ New York State Department of Environmental Conservation, Division of Forest Protection's Code of Conduct §§ B(29) and H(6), respectively.

The investigation found persuasive evidence that Richardson misappropriated DEC property for use in his private business, the Black River Training Company. In doing so, Richardson violated New York State Public Officers Law section 74, Code of Ethics, and the DEC Division of Forest Protection's Code of Conduct.

Richardson Failed to File Mandatory Biweekly Reports

During the course of investigating the allegations against Richardson, the Inspector General found that Richardson continuously and habitually failed to comply with DEC reporting requirements. Further, the investigation found that despite Richardson's repeated noncompliance, his supervisors did not meaningfully penalize him for his failure to timely file completed reports or rectify the problem.

Pursuant to the Division of Forest Protection's Code of Conduct, "Each [forest ranger] shall submit all required reports, forms and tickets to the designated office location or person within the return time specified in the policy, procedure, law or by a supervisor requesting it."¹¹

The Division mandates that all forest rangers submit biweekly reports to their supervising lieutenants documenting their activities in that period, to include tickets issued, arrests effectuated, camping permits issued, miles of state land patrolled, and responses to wildlife incidents, among other activities. Rangers are expected to complete their entries in these reports by the next routine workday so that the information is accurate. The report also has a daily narrative section, which requires forest rangers to describe their activities in a text box. Yearly ticketing and arrest activity is compiled for each forest ranger by Division management and maintained in a database. Additionally, forest rangers are required to separately submit annual arrest and ticketing reports to their supervising lieutenants, who provide them to the regional captain.

The Inspector General's investigation found that Richardson failed to timely submit required biweekly reports to his supervisor as directed for 23 weeks in 2017 and 2018. When he did submit the biweekly reports, Richardson habitually failed to report any metrics of his activity, often leaving the entire page blank. Richardson also failed to submit annual arrest and ticketing reports to his supervising lieutenant.

¹¹ NYS DEC Division of Forest Protection Code of Conduct, § C.

According to Richardson's personnel file, the only consequence of his repeated failures was a note in his file stating that he failed to submit annual arrest and ticketing reports. No disciplinary actions were taken. Additionally, in periods in 2016 and 2017, Richardson failed to timely submit his biweekly LATS timesheets to DEC, with 22 out of 26 timesheets being tardy. Ultimately, in April 2017, Richardson was counseled for this tardiness.

DEC's Residency Policy and Lack of Enforcement

The Inspector General's investigation found that forest rangers employed in DEC's Division of Forest Protection disregard residency requirements, often with the knowledge and tacit consent of their supervisors.

As relevant to this investigation, the Division of Forest Protection's residency policy is governed by a 2006 Public Employees Relations Board stipulation of settlement agreement between DEC and the New York State Law Enforcement Officers Union, District Council 82.¹² The agreement states:

Ranger I's must reside within the boundaries of the Ranger District to which they are assigned and Ranger II's must reside within the boundaries of the Zone to which they are assigned.¹³

Neither the settlement agreement or any other DEC policy defines the word "reside."

The Inspector General's investigation found that upon a forest ranger's first assignment to a region and any subsequent transfer to another region, the forest ranger is required to complete a "Residency Notification and Roster Change Form." This form requires forest rangers to report their new mailing and physical addresses and includes an unsworn statement that "the physical street address above is within my assigned district and meets residency requirements for the title series of Forest Ranger."

This form is signed by the forest ranger and then submitted to the captain in the region to which the forest ranger has been newly assigned/transferred, who also is required to sign indicating that the physical address reported on the form meets DEC's residency policy. Finally,

¹² PERB Stipulation of Settlement between NYS DEC and NYS Law Enforcement Officers Union, District Council 82 (August 10, 2006).

¹³ In September 2019, DEC's Division of Forest Protection and the New York State Law Enforcement Officers Union, District Council 82 entered into another agreement declaring that "by March 20, 2020, all Forest Rangers must establish an approved residence in their awarded or assigned District in compliance with the August 10, 2006 Stipulation of Settlement regarding Forest Ranger residency." The matters investigated by the Inspector General in this case precede the March 20, 2020 date.

the form is delivered to DEC's Albany headquarters, where a representative in the Office of Human Resources also signs the document.

Despite regional captains' approval of forest rangers' residency forms, the investigation found neither regional captains nor others at DEC confirm that forest rangers actually reside at the physical address listed on the forms. Captains, who sign and approve the residency forms, do not visit or otherwise confirm the address written on the form. Office of Human Resources administrative personnel who also sign the forms do not confirm that the address actually exists. The then director of the Division of Forest Protection testified that he does not have a role in approving or reviewing the residency forms.

Division of Forest Protection members advised the Inspector General of different and conflicting interpretations of the residency policy. Lahr testified that "there is no requirement that [forest rangers] have to sleep" at the physical address listed on their residency form. He further noted "ideally," a forest ranger should be available in their assigned region 24 hours a day for emergency response purposes, which, he said, is the "whole reason for residency" requirements.

Lahr also advised that as forest rangers are considered essential employees in emergency situations, it would be unacceptable for them to commute long distances to their assigned region from their remote homes as they would be unable to timely respond to emergencies and complete their job effectively.

However, the investigation found that DEC has no policy or procedure linking residency requirements to emergency responses nor mandating that forest rangers be available to respond to off-duty emergencies.

The captain who oversees DEC's Regions 8 and 9 also testified to the Inspector General that a forest ranger need not sleep or physically reside at the physical address listed on their residency form but the DEC vehicle assigned to each forest ranger must remain at this address. In contrast to Lahr, the captain testified that forest rangers are not required to be in their assigned region for any specific amount of time. The captain stated that the Division of Forest Protection is "not there yet" and there is no policy requiring that forest rangers stay at the residence where they are assigned.

Division of Forest Protection administrative specialists who process residency forms for both forest rangers and environmental conservation officers also provided testimony to the

Inspector General on the residency requirement. One administrative specialist advised that forest rangers are required to “maintain a residential headquarters” in their assigned district.¹⁴ However, when prompted by the Inspector General to define “maintain a residential headquarters,” the administrative specialist was unable to do so. Another witness testified that forest rangers might not be living at their stated residential headquarters because Lahr “doesn’t care to see the paperwork that people are submitting.”

Richardson was one such forest ranger who failed to comply with the Division of Forest Protection’s residency requirement. The Inspector General’s investigation found that on March 15, 2018, Richardson was provisionally promoted to the rank of lieutenant and assigned to Region 8, which is based in Monroe County. This promotion required Richardson to move his physical address and relocate from DEC Region 6 to DEC Region 8, a distance of at least 170 miles. In preparation for the transfer, on March 13, 2018, Richardson received a Residency Notification and Roster Change form and was directed to submit it to the regional captain. On or about April 13, 2018, Richardson submitted the form in which he indicated his new physical address was in Hilton, New York, which is within DEC Region 8. However, Richardson retained his old mailing address in Boonville, which is within DEC Region 6. Richardson’s residency form was reviewed and approved by the regional captain. The regional captain testified to the Inspector General that his review solely consisted of checking Google Maps to ensure the address was not a parking lot and he did not ask Richardson if he was actually residing within his assigned region.

According to Richardson’s promotional paperwork when he was promoted to lieutenant, he reported that he resided at the Hilton address from April 13, 2018 to September 5, 2018. In this new title, Richardson supervised approximately six forest rangers. On September 5, 2018, Richardson forfeited his promotion and returned to Region 6 as a forest ranger, a move which resulted in a reduction in rank and salary. Richardson testified that he forfeited his promotion due to, in part, the lengthy commute between his home and assigned region.

The Inspector General visited the physical address in Hilton, New York, listed on Richardson’s residency form and spoke with the owner of the home located there. The homeowner advised that Richardson was an old friend who did not stay at her residence “that

¹⁴ DEC’s nine regions are divided into zones, which are subdivided into districts.

often” or on a regular basis during the period at issue but infrequently, only “when he needed to stay out here.”

The Inspector General interviewed Richardson regarding his residency during his brief tenure as a lieutenant. Richardson stated that rather than residing at the physical address listed on his residency form, he typically commuted from his Boonville home to his office in Bath (Region 8)—an approximately 170 mile/three-hour commute each way—for each shift in Region 8. He noted that a friend had allowed him to use her address as his “physical address” listed on his residency form, where he infrequently stayed.

Richardson further testified his duties and responsibilities in Region 8 only required that he remotely supervise subordinates in the region, which he accomplished by telephoning them, and not by being physically present. In fact, Richardson testified that he rarely needed to be physically present “on scene.”

The Inspector General examined Richardson’s DEC telephone records and found that during the six-month period that Richardson held the position of lieutenant in DEC Region 8, he made telephone calls from a location outside Region 8 during normal business hours on 33 days. Moreover, most of these calls were made from Richardson’s home area, in DEC Region 6. This evidence further proves that he was not in fact physically present in his assigned region while on duty.

The Inspector General’s investigation also discovered that another forest ranger, a friend of Richardson, also contravened the residency policy. A review of Forest Ranger Scott Jackson’s April 4, 2019 residency form revealed that he listed his physical address in Region 6 as the address of Richardson’s gym, the Black River Training Company in Boonville.

Jackson, who is assigned to DEC Region 6, testified to the Inspector General that he filed the form listing the address of Richardson’s gym after receiving permission from Richardson to do so. He further testified that he never resided at the gym or stayed there overnight but used the gym’s parking lot when switching from his personal to DEC-assigned vehicle during shifts. According to Jackson, the residency form merely requires that a forest ranger provide the address at which they park their DEC-assigned vehicle, start their shift, and possibly receive mail.

Jackson testified that he drove approximately one hour to and from his home and his Region 6 office for each shift. He said he was not required to respond to off-duty emergencies in Region 6, so being located far from his duty location did not diminish his readiness to respond.

FINDINGS AND RECOMMENDATIONS

The Inspector General's investigation of Richardson found that he engaged in time and attendance abuse by being on two payrolls at the same time, failed to seek and obtain approval for outside employment as a co-owner and operator of a gym, misappropriated DEC property, failed to complete and file mandated reports, engaged in sexual relationships while on duty, and disregarded the Division of Forest Protection's residency requirement.

In response to the Inspector General's findings regarding Richardson, DEC advised that it commenced disciplinary action against Richardson on June 26, 2020.

The Inspector General's investigation of Richardson revealed widespread deficiencies in the Division of Forest Protection. These deficiencies, which include poor supervision of forest rangers and lax controls, resulted in lapses in accountability, officer safety, oversight, and facilitated Richardson's misdeeds.

The investigation found that forest rangers are infrequently supervised by captains and lieutenants within the Division. Forest rangers reported to the Inspector General that they often had no direct meetings with their supervisors for several weeks. This absence of regular contact with supervisory lieutenants results in insufficient oversight over the daily performance of forest rangers and uncertainty of their whereabouts.

The investigation found that when forest rangers failed to complete and file mandatory reports detailing their official activities, their supervisors often neglected to take action to address this failure to comply with DEC policy. This lack of accountability and oversight encouraged the bad behavior of Richardson and others outlined in this report.

The investigation found the Division of Forest Protection's residency policy is unclear and is being interpreted inconsistently by forest rangers and their supervisors. Forest rangers promoted or transferred to other DEC regions openly disregarded DEC's residency policy by "super-commuting" far distances to report to their new duty locations. This created situations in which forest rangers may not be available to respond to emergencies.

The investigation also found poor inventory controls for equipment in the Division of Forest Protection.

Based upon the above findings, the Inspector General recommends the following remedial actions:

DEC should review and revise its policies and procedures for the supervision of members within the Division of Forest Protection. The new policies and procedures should require more frequent direct meetings between supervisory lieutenants and subordinate forest rangers. As forest rangers patrol large and dispersed tracts of land throughout New York, these periodic meetings would facilitate communication and the implementation of work plans. Additionally, these meetings and increased oversight would serve to address performance concerns and deter misconduct.

As this investigation found failures in the Division of Forest Protection's enforcement of its policies (i.e., timeliness of reports, etc.), the Inspector General recommends that DEC retrain its law enforcement officers on enforcing and monitoring compliance with its policies.

DEC's Division of Forest Protection should review and revise its residency and emergency response policies to provide clear definitions, disseminate the new policies to all staff, and train on the same. DEC should enforce these new policies. A new residency policy should include definitions of key terms such as "residence" and "residency," among others. An emergency response policy should be promulgated to include guidance on if and under which circumstances forest rangers are to be available to respond to emergencies, both on and off duty. Then Division of Forest Protection Director Lahr's muddled definitions of "residence" set the tone for the exploitation of this policy, coupled with his lack of general enforcement. Residency checks should be performed periodically by captains and colonels, with "super-commuting" prohibited.

DEC should address equipment inventory control issues that were discovered in this investigation. The Division of Forest Protection should use asset tags on training academy equipment and implement an inventory tracking procedure, which would have deterred Richardson's misappropriation of DEC property. The training academy should also conduct an annual audit of training equipment to ensure no loss has occurred and any missing equipment should be reported to the director of the Division of Forest Protection.

DEC'S RESPONSE TO THE INSPECTOR GENERAL'S FINDINGS AND RECOMMENDATIONS

In response to the Inspector General's findings and recommendations regarding deficiencies in field leadership and supervision in the Division of Forest Protection, DEC advised that it has implemented several personnel changes. In October 2019, DEC's executive deputy

commissioner, Judy Drabicki, was assigned to oversee the operations of DEC's law enforcement divisions. In January 2020, a new acting director, John Solan, was appointed to lead the Division of Forest Protection.

In April 2020, a new deputy commissioner of public protection, Stephen Smith, was appointed to oversee DEC's law enforcement divisions and tasked with reviewing and improving the procedures and operations of these divisions. Smith was previously a colonel with the New York State Police Field Command, the third highest-ranking position with the State Police. There he oversaw approximately 3,000 members of its Uniform Force and Bureau of Criminal Investigation. His invaluable experience will be an asset to DEC's law enforcement divisions.