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LETIZIA TAGLIAFIERRO
INSPECTOR GENERAL

August 18, 2020

Basil Seggos, Esq.
Commissioner
New York State Department
of Environmental Conservation
625 Broadway
Albany, New York 12233

Re: NYS IG 2241-001-2019

Dear Commissioner Seggos:

On December 26, 2019, [REDACTED], the wife of Forest Ranger [REDACTED] [REDACTED] alleged to the New York State Department of Environmental Conservation (DEC) that in summer 2019, her husband advised his supervisor, [REDACTED] then the [REDACTED], that he had contemplated suicide and that [REDACTED] took no action to ensure [REDACTED] well-being. On January 13, 2020, DEC's Office of Internal Investigations, which had initiated an investigation of this complaint, referred the matter to the Office of the New York State Inspector General.¹ The following is a summary of the Inspector General's investigation.

¹ At this time, the Inspector General was involved in an ongoing investigation of [REDACTED] for time and attendance abuse, misappropriation of DEC property, and other inappropriate conduct while on duty. This investigation began in July 2019, following a referral from DEC.

█████ testified to the Inspector General regarding his June 14, 2019 encounter with ██████ ██████ stated that their encounter occurred at a DEC facility in Saratoga where ██████ then a DEC ██████ According to ██████ ██████ approached him and, appearing distraught, stated, "I was almost your first statistic." ██████ testified that he interpreted ██████ statement as that ██████ had contemplated suicide. ██████ further testified that ██████ then revealed to him a number of personal issues, including that he had recently been diagnosed as a manic depressive and that this disorder had gone undiagnosed for 20 years, and that he had recently observed a fatality while responding as a forest ranger to a vehicular accident. According to ██████ he asked ██████ at this time if he was going to harm himself. ██████ responded, "No, sir," and then looked directly at ██████ and said, "Sir, I definitely will not do that." ██████ also revealed that he was receiving counseling and treatment for his disorder. ██████ believed ██████ was being "sincere" but, still concerned about his well-being, told ██████ that he could call him at any time if he needed help. ██████ lastly testified that he took no immediate action at this time with respect to ██████ statements.

According to DEC, it has no written policies or procedures specifically addressing employee mental health issues. Instead, DEC advised, it refers employees experiencing mental health issues to the New York State Employee Assistance Program (EAP) for guidance. This program, which is overseen by the Governor's Office of Employee Relations (GOER), provides State employees access to services through EAP coordinators in agencies throughout the State, including DEC. Of note, the New York State Police (NYSP) offer an EAP tailored to law enforcement officers, which law enforcement officers from other agencies may utilize.

DEC also advised that under New York State Civil Service Law section 72(5), it may place an employee on involuntary leave if it determines that the employee's continued presence represents a potential danger to persons or property or would severely interfere with operations. Also, DEC's Code of Conduct for the Office of Public Protection, Members - Fitness for Duty, states, in pertinent part:

In cases where the Member indicates his/her intention to report for duty but is *suspected that they are not able to perform their duties and/or the condition may cause the Member to be a danger to himself or others*, the Captain may require a consultation with a trained medical professional prior to authorizing the Member to report for duty. . . . If the medical opinion indicates that the Member should not report for duty or that the Member's performance may be questionable, the Captain will consult with the appropriate Division Director or designee who make the final decision. (Emphasis added.)

On or about July 2, 2019, 18 days after his encounter with ██████ ██████ for the first time informed DEC of his concerns about ██████ According to ██████ on that date he advised ██████, then the director of DEC's ██████ ██████ that he had concerns about ██████ being "stressed." ██████ testified that he also told ██████ that ██████ had responded to the scene of a vehicular accident and had observed a fatality, but he did not disclose to ██████ that ██████

had indicated he had contemplated suicide. ██████ testified to the Inspector General confirming ██████ account of their meeting. She further advised that ██████ reassured her that ██████ was “safe” because ██████ was drawing on “resources” within the DEC to deal with his stress.

According to ██████ on July 26, 2019, 42 days after his encounter with ██████ he spoke to ██████, DEC’s ██████, of his concerns for ██████. ██████ testified that he did not advise ██████ that ██████ had indicated he had contemplated suicide but instead spoke generally about ██████ mental health and recommended securing ██████ DEC-issued weapon. ██████ further testified that ██████ agreed that ██████ weapon should be secured and directed ██████ to oversee this.

████████ testified to the Inspector General that he had a conversation with ██████ about ██████ on or about this date, but this conversation was largely about allegations of misconduct involving ██████. Contrary to ██████ description of this conversation, ██████ testified that ██████ did not mention that he had concerns for ██████ mental health and the two did not discuss securing ██████ DEC-issued weapon. Instead, ██████ testified, ██████ spoke about his frustration that ██████ who he viewed as a good employee, was being investigated by DEC.

████████ also testified to the Inspector General that he subsequently spoke with ██████ the director of DEC’s ██████, about securing ██████ DEC-issued weapon. According to ██████ he did not recall if he advised ██████ at this time of ██████ mental health issues and/or that he believed ██████ had contemplated suicide. ██████ further testified that ██████ informed him that DEC was not authorized to secure ██████ weapon without suspending him on disciplinary grounds. After receiving this answer, ██████ said, he took no further action toward securing ██████ weapon.

████████ testified to the Inspector General that his conversation with ██████ about ██████ occurred on or about July 29, 2019. ██████ advised that ██████ spoke generally about his concerns for ██████ mental health but did not provide specifics about his conversation with ██████ or mention that ██████ had spoken about suicide, and ██████ did not recall ██████ discussing securing ██████ weapon. Instead, ██████ testified, the two briefly and generally discussed the process by which forest rangers are suspended and their weapons secured. ██████ advised the Inspector General that had ██████ alerted him to ██████ contemplation of suicide, he would have taken multiple proactive steps, including securing ██████ DEC-issued weapon and ensuring welfare checks were conducted.

Under advisement of the Inspector General, ██████ weapons were secured by DEC on or before January 28, 2020, and he was placed on administrative leave. ██████ subsequently sought treatment through the NYSP EAP and was cleared to return to work in April 2020.

The Inspector General’s investigation found that ██████ failed to take immediate action to address ██████ apparent mental health issues and withheld critical details

of [REDACTED] mental state from DEC. [REDACTED] testified he was not familiar with any DEC policy or procedure addressing forest rangers experiencing mental health issues or authorizing him as the director of the Division of Forest Protection to seize a forest ranger's weapon. However, under DEC's Code of Conduct, [REDACTED] had such administrative authority to secure [REDACTED] weapon and require [REDACTED] to undergo an immediate medical assessment.

On January 31, 2020, [REDACTED] retired from State service, ending a 32-year career with DEC's Division of Forest Protection.

Based upon these findings, I recommend that DEC consult with GOER and the applicable labor unions to develop a wellness and mental health policy and procedure for its employees, including its armed police officers. This new policy and procedure should provide clear direction for employees experiencing mental health issues, specific reporting and documentation requirements for supervisory employees who learn of employees with certain mental health issues, and guidance for securing DEC-issued weapons when appropriate. Specifically, such policy should empower certain supervisors to secure a subordinate police officer's weapon when there are immediate concerns about mental health, pending a subsequent psychological review. Additionally, DEC should disseminate its new mental health policy and procedures to its staff and train on the same.

Please advise me of any action taken by DEC in response to these recommendations within 45 days of the date of this letter. If you require further information, please contact Deputy Inspector General James R. Davis at 518.474.1010.

Sincerely,

A large black rectangular redaction box covering the signature of Letizia Tagliafierro.

Letizia Tagliafierro
Inspector General

Cc: Thomas Berkman, Esq.
Deputy Commissioner and General Counsel