



**MIKE DEWINE**  
GOVERNOR  
STATE OF OHIO

**TO: Department/Agency Directors and Chief Legal Counsels**

**FROM: Matthew Donahue, Chief Legal Counsel, Governor's Office**

**DATE: May 16, 2019**

**SUBJECT: Policy and Procedures for Notification of Suspected Illegal or Improper Activity  
Within State Departments and Agencies**

The purpose of this Memorandum is to set forth the procedures to be followed when illegal or improper activity by any state employee or official is observed, suspected or reported. This Policy sets forth the procedures for processing such allegations and provides for careful, expeditious handling of all allegations and claims made against state employees. The procedures described herein are not intended to waive or vary any rights or obligations set forth in any Collective Bargaining Agreement and/or any notification requirements imposed by law.

**I. Emergency Notification Procedure:**

If an illegal activity has been committed, or is in the process of being committed, and an immediate law enforcement response is necessary to protect life, physical safety, property and/or to preserve evidence, state employees may call 911. However, if time permits and it can safely be done, it is preferable to first call the State Highway Patrol, Office of Investigative Services.

In central Ohio, the State Highway Patrol Office of Investigative Services can be reached at (614) 752-0234 or (614) 466-3375 during normal business hours. After hours, call the Highway Patrol Communications Center at (614) 466-2660. In other areas of the state, reports should be directed to the local State Highway Patrol Post. A trooper will be dispatched to start an investigation.

After the immediate emergency has subsided, the Department Director and/or the Chief legal Counsel for the Department shall provide information about the incident according to the procedure outlined below.

## II. Non-Emergency Suspected Illegal Activity Notification Procedure:

A state employee who observes, becomes aware of, or suspects non-emergency illegal or improper activity should immediately notify his or her supervisor or the Chief Legal Counsel for the Department and/or the Department Director.<sup>3</sup> Employees who report conduct that they believe is illegal or improper should have a reasonable factual basis for believing or suspecting that illegal or improper activities have occurred or will occur, and should provide a much specific information as possible to allow for proper assessment of the nature, extent, and urgency of the illegal or improper conduct.

When such a report is made by an employee, senior staff must be aware of their obligations to comply with “whistleblower statutes” found in R.C. §124.341 and R.C. §4116.52.

Upon receipt of the report of possible or illegal or improper activity, the Chief Legal Counsel for the Department and/or the Department Director shall promptly provide the information to (1) the Chief Legal Counsel for the Governor (or Matt Donahue), (2) the State Highway Patrol, Office of Investigative Services (3) the Ohio Inspector General (or his designee) and (4) the Executive Director for Ethics Commission (or his designee). To the extent practicable, notification shall be simultaneously provided to all four in writing and include the following factual details.

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<sup>1</sup> If there is an immediate need to keep the peace on the lands or waters owned, maintained controlled or regulated by the Ohio Department of Natural Resources (ODNR), employees should call Doug Young at (614) 265-7068.

<sup>2</sup> If there is a concern regarding a veteran health care facility, contact Veterans Affairs police.

<sup>3</sup> If an employee observes, becomes aware of or suspects illegal or improper activity by the Department Director, then the employee or supervisor should report the activity to the Chief Legal Counsel and not the Director. The Chief Legal Counsel must then notify the Governor’s Office, the State Highway Patrol and the Inspector General, Ethics Commission according to the procedures below. Likewise, if the purported illegal or improper activity is being conducted by the Chief Legal Counsel, then the employee or supervisor should notify the Director who will then notify the Governor’s Office, the State Highway Patrol and the Inspector General, Ethics Commission according to the procedure set forth.

- a. A description of the activity believing to be illegal or improper;
- b. What action/investigation, if any, has been taken by the Department;
- c. Where the activity occurred;
- d. Name and position of the person(s) suspected of acting illegally or improperly;
- e. Time frame in which the activity is believed to have occurred or will occur;
- f. How and when the Department learned of the activity; and
- g. Department contact person with contact information.

Once the information is received, the Chief Legal Counsel for the Governor, the State Highway Patrol, Office of Investigative Services, Ethics and the Ohio Inspector General, or their respective designees, will promptly and jointly determine whether to open an investigation, and if so, which agency will investigate or whether it is appropriate for multiple agencies to jointly investigate the matter. The investigating agency may also, when warranted, refer the matter to, consult with or determine to bring into the investigation other appropriate agencies including, but not limited to, the Ohio Auditor of State, the Ohio Attorney General, a county or city prosecuting attorney or a local law enforcement agency.

Because criminal investigation may be initiated as a result of such a report, the Department involved should not conduct an internal investigation unless and until specifically authorized to do so by the appropriate investigating agency. Administrative inquiries and interviews must defer to criminal investigations and no one suspected of illegal activity should be approached, disciplined or provided notice of administrative leave without authorization. Upon completion of the law enforcement investigation, the Chief Legal Counsel of the Department in question shall be notified by the appropriate investigating agency.

### III. Additional Procedures:

Any state employee who becomes aware of, or suspects, illegal or improper activity by the Governor or any member of his immediate staff may directly contact the State Highway Patrol and the Ohio Inspector General using their contact information below.

In such case, the State Highway Patrol and the Inspector General shall confer without the Governor's Chief Counsel and decide whether an investigation is warranted, and if so, which agency will conduct the investigation or whether they will jointly investigate the allegation.

Employees observing or suspecting illegal or improper activity always have the option of reporting such activity directly to the Ohio Inspector General, the State Highway Patrol, The Ohio Ethics Commission, or any other pertinent law enforcement authority.

IV. Designations and contact information:

Governor's Office:

Matt Donahue, Chief Legal Counsel  
(614) 644-0872  
[matthew.donahue@governor.ohio.gov](mailto:matthew.donahue@governor.ohio.gov)

Ohio Inspector General:

James Manken, Chief Legal  
(614) 644-9589  
[James.manken@oig.ohio.gov](mailto:James.manken@oig.ohio.gov)

State Highway Patrol, Office of Investigative Services:

Captain Gene Jarvi  
(614) 466-7090  
[gjarvi@dps.ohio.gov](mailto:gjarvi@dps.ohio.gov)

Ohio Ethics Commission:

Paul Nick, Executive Director  
(614) 466-7090  
[Paul.nick@ethics.ohio.gov](mailto:Paul.nick@ethics.ohio.gov)