



State of Ohio
Office of the Inspector General

THOMAS P. CHARLES, Inspector General

REPORT OF INVESTIGATION

FILE ID NUMBER: 2010037

AGENCIES: Ohio Department of Public Safety, Ohio Department of Administrative Services, Ohio Department of Rehabilitation and Correction

BASIS FOR INVESTIGATION: Inspector General Initiative

ALLEGATIONS: Lack of supervision of inmates; failure to enforce policies; failure to exercise adequate oversight of agency functions; failure to comply with state law by obstructing an OIG investigation

INITIATED: February 4, 2010

DATE OF REPORT: April 29, 2010

EXECUTIVE SUMMARY

File ID No. 2010037

On February 4, 2010, acting on our own initiative, the Office of the Inspector General (“OIG”) opened an investigation into the circumstances under which senior officials at the Ohio Department of Public Safety (“DPS”) cancelled an Ohio State Highway Patrol (“Patrol”) operation to intercept and prosecute individuals who were plotting to smuggle contraband into the Pickaway Correctional Institution (“PCI”) using the Governor’s Residence as a way station. After cancelling the Patrol operation, which was to take place on January 10, 2010, outside the perimeter fence that surrounds the Residence in the Columbus suburb of Bexley, DPS officials made the unusual decision to order Patrol investigators to visit one of the conspirators and warn her that she would be arrested if she carried out the plot to drop contraband outside the fence. We sought to determine whether that decision was based on legitimate law enforcement reasons, or whether other factors drove the decision.

Our investigation determined that the primary reason given for cancelling the conveyance operation – that it presented a danger to Governor Ted Strickland, his wife, Frances, their guests at a dinner party and troopers stationed at the Residence – was a pretext, and that the operation was safe, well-planned and routine. Due primarily to obfuscation and false statements made by DPS officials, we may never know the precise reason for the decision, but it is clear that avoiding political embarrassment to the Governor was a key factor.

We found that DPS Director Cathy Collins-Taylor cancelled the operation after she and the Governor’s security chief, Patrol Lt. Joseph Mannion, consulted extensively with the Counselor to the Governor, Kent Markus, and the Governor’s Chief of Staff, John Haseley. We did not find evidence that Markus or Haseley ordered the cancellation of the operation or that they or other members of the Governor’s staff otherwise interfered in

this matter. We were unable to determine whether the inquiries by Markus and Hasley influenced Collins-Taylor's decision.

Our conclusion that political considerations factored into Collins-Taylor's decision is based on multiple sources of evidence. In an email to her Chief of Staff on January 8, 2010, Collins-Taylor noted that concerns about "the level it [the operation] was being ramped up to" and "embarrassment to the boss" had been expressed by Terry Collins, a fellow political appointee and Cabinet member who was then-Director of the Department of Rehabilitation and Correction ("DRC"). Collins-Taylor claimed to us that her comment referred to "a myriad of things that could have been an embarrassment." She also claimed that her comment about "the boss" referred to the Administration, not Governor Strickland. These statements simply lack credibility.

Recent attempts by the Patrol Superintendent, Colonel David Dicken, to justify the cancellation of the operation on the grounds that it was a "gross violation of officer safety practices" are equally lacking in credibility. Multiple law enforcement witnesses told us that everyday traffic stops present a greater risk to troopers than the proposed operation. Simply put, no witness who supported shutting down the operation could articulate a valid law enforcement or security concern for doing so.

We reviewed tens of thousands of pages of documents and conducted interviews with 49 people, including Markus and Haseley and officials at DPS, the Patrol, DRC and the Department of Administrative Services ("DAS"). The evidence derived from these records, along with the interviews we conducted, showed that Collins-Taylor, Mannion, Dicken and others made unsupported accusations that Patrol supervisors and investigators jeopardized the safety of the First Family by drafting a plan to allow an unknown object – which Mannion said could even have been a biological weapon – to be thrown over the fence of the Residence. The actions of those supervisors after Collins-Taylor cancelled the conveyance operation also undermine the claim that the operation was dangerous. On the contrary, the operation was routine and notable only by the fact that the location of

the planned contraband drop was behind the rear fence line of the Governor's home, about 75 yards from the Residence itself.

During sworn interviews with our office, Collins-Taylor did not tell the truth about her decision to shut down the operation, nor was she truthful about the timing of her decision. Mannion also was untruthful under oath, initially denying to us that he had shut down a plan to have a drug dog sniff several locations on the Residence grounds in June 2009. In that case, the Patrol had received a tip that an inmate-graduate of the Residence's horticulture program who was then working as the Residence's head groundskeeper after serving four years in prison on a drug conviction, was using illegal drugs at the Residence. After initially approving a plan to have a Patrol drug dog sniff the Residence's Carriage House and tool shed, Mannion abruptly cancelled the drug sniff without explanation. Only after being confronted by us with testimony from other Patrol personnel did Mannion acknowledge that he had cancelled the sniff. He could provide no explanation, saying he could not recall why he made this decision, even though he said this was the only time that he even contemplated using a drug-sniffing dog at the Residence.

We also conducted an extensive review of the inmate work program at the Governor's Residence. Governor Michael DiSalle (1959-63) was the first governor who used honor inmates to perform gardening, maintenance work and other chores at the Residence. More so than previous governors, Governor Strickland, a former prison psychologist, has been particularly supportive of the rehabilitative goals of this program, and he and the First Lady allowed the program to expand from an average of five or six inmates under Governor Bob Taft to nine inmates, including two cooks.

Since 2007, the Governor's Residence honor inmate program has veered off-course. We found that due largely to a failure to integrate the prison security requirements of DRC, the administrative oversight responsibilities of DAS and the duties of the Executive Protection Unit ("EPU"), prisoners were permitted to walk outside the fence unescorted, where they received curb-side deliveries of contraband in broad daylight. We also

discovered that inmates were permitted to have free access to knives, axes, chainsaws and a wide variety of other hand tools with no accountability whatsoever. Some of those items – including a razor blade and a utility knife – have been intercepted by corrections officers after Residence honor inmates attempted to smuggle them into the prison.

Supervision of the inmate work program has been so cavalier that oversight responsibility for the nine inmates frequently “devolved,” in the words of one DAS official, to the Residence’s two female housekeepers. As a consequence, the inmates were able to conduct a lucrative tobacco-smuggling business out of the Residence, using the drop ceiling in a half-bathroom in the basement of the Residence as one of their stash locations. Nearly two months after Residence staff found a large cache of tobacco in this bathroom and members of the EPU had searched the area, our investigators found a baggie of tobacco in the same location during a prearranged tour.

We primarily fault Mannion for permitting the inmate work program to deteriorate to the point that it compromised the safety and reputation of the First Family. For all of Mannion’s platitudes about his commitment to the security of the Stricklands and their guests, the Patrol’s Residence security detail is the dog that didn’t bark. Mannion acknowledged to us that he was unaware of almost all of the contraband incidents and security breaches that occurred under his watch. Given his conduct in the two drug operations that he helped shut down, he has shown himself to be more committed to image protection than executive protection.

Finally, we must comment on the adversarial and obstructionist conduct of DPS officials in this case. Although state law requires state agencies and employees to cooperate in investigations conducted by the OIG, DPS officials went to extraordinary lengths to impede our ability to obtain records. They sought to shield certain records from disclosure by artificially broadening computer search terms, refused to provide passwords to make agency electronic records searchable, and intentionally delivered to us tens of thousands of pages of non-responsive records, including announcements about H1N1 flu

vaccinations, numerous issues of Gongwer News Service and hundreds of pages of blank, lined paper.

Based on the results of our investigation, we have made 12 recommendations and are asking DPS, DAS and DRC to respond to this office within the next 60 days with a plan explaining how these recommendations will be implemented. We also are forwarding copies of this report to the Franklin County Prosecutor and the Columbus City Attorney.

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I. BASIS FOR INVESTIGATION

On February 4, 2010, acting on its own initiative, the Office of the Inspector General (“OIG”) opened an investigation into the circumstances under which senior officials at the Ohio Department of Public Safety (“DPS”) cancelled an Ohio State Highway Patrol (“Patrol”) operation to intercept and prosecute individuals who were plotting to smuggle contraband into the Pickaway Correctional Institution (“PCI”) using the Governor’s Residence as a way station. After cancelling the Patrol operation, which was to take place on January 10, 2010, outside the perimeter fence that surrounds the Residence, DPS officials made the unusual decision to order Patrol investigators to visit one of the conspirators on the day before the operation and warn her that she would be arrested if she carried out the plot to drop contraband outside the fence. Subsequent media accounts of the aborted Patrol operation suggested that the decision to cancel the sting was made to avoid political embarrassment to Governor Ted Strickland. The decision also raised questions about whether DPS Director Cathy Collins-Taylor overstepped her authority by interfering with a safe, routine and well-devised law enforcement plan. On the basis of these and related issues, OIG opened an investigation.

II. ACTION TAKEN IN FURTHERANCE OF INVESTIGATION

In the course of this investigation, our office obtained and reviewed nearly 2,000 pages of documents provided by the Department of Rehabilitation and Correction (“DRC”). They included email correspondence, copies of policies and procedures, inmate records, investigative reports, Rules Infraction Board records and cell phone records. We also listened to several hours of recorded inmate phone calls.

Additionally, we obtained more than 45,000 pages of documents from DPS. They included email correspondence, investigative reports, inter-office communications, incident reports and cell phone records. Unfortunately, fewer than 2,200 of the documents were relevant to this investigation or responsive to our subpoenas. We also reviewed about 100 pages of records obtained from the Department of Administrative

Services (“DAS”), including email correspondence, training materials and program materials related to the Governor’s Residence inmate work program. We issued multiple subpoenas to procure these documents, including one to DRC and four to DPS. We also obtained cell phone records.

We conducted interviews with 49 people. Those interviewed included a PCI investigator, PCI’s warden and his assistant; the current and former directors of DRC; six DAS employees, including four members of the Governor’s Residence staff; former members of the Residence staff; the director of DPS and her Chief of Staff; the Superintendent of the Patrol; members of the Patrol’s Office of Investigative Services (“OIS”) and Executive Protection Unit (“EPU”); five PCI inmates; and the Governor’s Chief of Staff and the Counselor to the Governor.

We conducted a site visit of the areas frequented by inmates at the Governor’s Residence, as well as the contraband drop site outside the fence. We also reviewed Ohio Revised Code Section 121.45 pertaining to cooperation with OIG investigations; Section 2901.12 pertaining to criminal venue; and sections 5503.01 and 5503.02 pertaining to the duties and authority of DPS and the Patrol.

III. DISCUSSION

The Governor’s Residence inmate work program

Dating back to the administration of Ohio Governor C. William O’Neill (1957-59), the official Governor’s Residence has been a mansion located on Parkview Avenue in the Columbus suburb of Bexley. The Residence has been home to Governor Ted Strickland and his wife, Frances, since January 15, 2007, when Governor Strickland was sworn in as Ohio’s 68th governor.

O’Neill’s successor, Governor Michael DiSalle (1959-63), was the first Ohio governor to include inmates as members of the Governor’s staff, employing prisoners from the Ohio

Penitentiary as housemen, lawn care workers, chauffeurs and cooks.¹ Historically, some Ohio governors even permitted inmates to live at the Governor's Residence, a practice that ended during the administration of Governor John Gilligan (1971-75). Gilligan also was the first Ohio governor to employ full-time security on the property.

Since 2004, midway through the administration of Governor Bob Taft (1999-2007), the Governor's Residence has offered an Apprenticeship Program in Horticulture exclusively to inmates at PCI in Orient. The initial class consisted of six inmates. Graduates of this program can become certified horticulturalists by passing the Ohio Landscape and Nursery Test, thereby better positioning themselves for employment upon their release from prison. Inmate apprentices at the Governor's Residence receive assistance in their efforts to re-enter society and find employment through the Transitional Educational Program run by Community Connection for Ohio Offenders, Inc., a private, non-profit agency in Columbus.

Under Governor Strickland, the inmate work program at the Governor's Residence has undergone an expansion. At the time of the cancellation of the conveyance operation, nine honor inmates were working at the Residence every weekday from 7 a.m. to 3:30 p.m., tending the gardens, doing general maintenance work inside and outside the Residence, and staffing state dinners and other special events on weekends and holidays, as needed. The Stricklands use two of the PCI inmates as cooks.

PCI houses slightly over 2,000 inmates, with 881 inmates classified as Level 1 (minimum security), 1,114 inmates classified as Level 2 (medium security), 36 inmates classified as Level 3 (close security) and two inmates classified as Level 4 (maximum security). The classification of Level 1 inmates is further broken down into two categories: Level 1-A and Level 1-B. Only Level 1-A inmates are permitted to "work outside the fence," which

¹ "Our First Family's Home," a pictorial history of the Ohio Governor's Residence and Heritage Garden published by Ohio University Press in 2008, includes a chronicle of the use of inmate staff at the Residence by previous Ohio governors.

includes work assignments at the Ohio Penal Industries (“OPI”) Garage, the Ohio State Fairgrounds, the Capital Area Humane Society and the Governor’s Residence.

About 200 inmates at PCI are classified as 1-A security risks. PCI administrators say that finding 1-A inmates who are qualified to work outside the fence is difficult due to the fact that qualifications are based on a variety of factors unrelated to inmates’ security classifications and because other institutions are reluctant to “give up” their Level 1-A inmates.

Screening requirements (Exhibit 1) for community service-approved inmates at the Governor’s Residence and other locales outside the prison walls include requirements that they have at least a year left on their prison term, that they are able to lift at least 75 pounds and that they be non-smokers.² Inmates convicted of sex crimes or crimes of violence are ineligible for the program.³

The screening process and interviews (Exhibit 2) conducted by PCI staff assess whether the inmate under consideration is courteous, professional and displays a good work ethic. Working at the Governor’s Residence is a coveted assignment, permitting inmates to work at their own pace in a collegial atmosphere in which members of the First Family and the DAS staff who supervise them refer to the inmates as “interns” and the inmates address the DAS staff and some Patrol officers on the Governor’s Executive Protection Unit by their first names. Inmates who work at the Residence also earn \$100 a month – more than other honor inmates.

² DRC banned smoking in state prisons in March 2009. While prison officials credit the ban with a reduction in the incidence of serious respiratory ailments such as emphysema, bronchitis and chronic obstructive pulmonary disease, they acknowledge that the ban also created a lucrative black market in the prisons, with loose leaf tobacco selling for \$200 to \$300 a can and a single cigarette butt fetching \$25, according to PCI Warden Stuart Hudson.

³ Despite this prohibition, inmate Reginald Zimmerman served as a Governor’s Residence honor inmate from September 2008 until his parole on April 5, 2010, even though he was convicted of aggravated assault in 1995. Zimmerman’s criminal record includes convictions for carrying a concealed weapon, having a weapon under disability, aggravated menacing, criminal damaging, contributing to the delinquency of a minor, improper handling of a firearm and driving under suspension. A second Governor’s Residence honor inmate, Charles Eck, has a criminal record that includes illegal manufacture of drugs and a conviction for domestic violence in 2005. Eck was removed from the Residence work program in January 2010 after admitting that he routinely had tobacco delivered to him at the Residence.

Honor inmates work out of the second floor of the Residence's Carriage House, where they change out of their prison jumpsuits into khaki pants and a green work shirt. Working primarily under the supervision⁴ of a civilian employee, Head Groundskeeper John Paul Jones, inmates receive their daily assignments, which Jones writes on a dry-eraser board. In addition to the Carriage House and grounds, inmates have free access to the basement and first floor of the Governor's Residence, as well as unfettered access to a variety of tools, including axes and chainsaws. Until recently, inmates also were permitted to work unsupervised outside the fence of the Residence, raking leaves, shoveling snow and performing other duties along Parkview, Maryland and Columbia avenues.

The aborted Patrol contraband-interception operation

On December 31, 2009, PCI Investigator Scott Thompson received a phone call from another prison investigator warning him to keep an eye on inmate Douglas Brofford. A career criminal who previously had served 13 years in federal prison after being convicted of conspiracy to distribute pharmaceutical drugs in West Virginia, Brofford was serving a two-year sentence at PCI for drug possession and breaking and entering.

Thompson began monitoring Brofford's phone calls that day and soon overheard a call from Brofford to his wife, Angela,⁵ in which the Broffords, speaking in code, discussed a plan to have Angela Brofford drop off a package at the OPI Garage on McKinley Avenue in Columbus, about one mile from Angela Brofford's home. During the call, Douglas Brofford also informed his wife that he would be sending her a letter in which he would detail a new plan.

⁴ DRC corrections officers and Patrol troopers who are assigned to the Residence have no responsibility for the supervision of the inmates.

⁵ Angela Brofford's criminal record does not include a conviction for a crime of violence. She was convicted of shoplifting in 1993.

On January 8, 2010, Thompson intercepted a letter, dated January 7, 2010, from Douglas Brofford to Angela Brofford (Exhibit 3) in which the inmate instructed his wife to drop a “six pack” outside the fence at the rear of the Governor’s Residence.⁶ Referring to the Residence as “Red’s House,” Douglas Brofford informed his wife that “other people are making drops there, so it’s cool but our day is Sunday evening” – i.e., January 10, 2010. “We are going with a six pack for starters,” the letter said. “That will get you at least 125. And if it work [sic] out well then I’ll be able to pay your car note & insurance.” The inmate went on to explain to his wife that the “six pack” would be “a three way split, so I’ll make sure you get 125.”

The Governor and First Lady were scheduled to host a dinner that evening for former Ohio Senator John Glenn and his wife, Annie, and Strickland Chief of Staff John Haseley and his 8-year-old daughter. The dinner party was to be staffed by five PCI honor inmates that had been requested by Head Groundskeeper Jones – inmates Ron Reichenbach and Nicholas Hoaja as cooks and inmates Kenneth Dawson, Randy Holycross and Daniel Smith as servers.

Although Thompson was not familiar with the term “six pack,” he determined, based on Brofford’s prior record and the amount of money the inmate was promising his wife (\$375 split three ways, plus payment of her car note and insurance), that the “six pack” was a drug drop that was to be retrieved by one of the three inmate servers and then conveyed back to PCI. As a result, Thompson, as he had done in previous drug conveyance operations, made a copy of the letter, mailed it to Angela Brofford and immediately contacted PCI Warden Stuart Hudson and OIS Patrol Sgt. Chad Miller. The three men agreed that “six pack” most likely was code for drugs, and Miller and Thompson began devising a plan to monitor the drop and then arrest Angela Brofford after she drove away from the Residence if the item proved to be drugs.

⁶ This location, along Columbia Avenue, is about 75 yards from the Residence.

A detailed timeline (Exhibit 4) of the communications that occurred between January 8, 2010, and January 10, 2010, shows that officials at the Patrol, DPS, DRC, DAS and the Governor's Office had more than 150 email and phone communications about the conveyance operation on those three days. Ultimately, Collins-Taylor decided on January 8 to call off the operation and order Miller to conduct a "knock and talk" with Angela Brofford on Saturday, January 9, the day before the dinner party. Miller was instructed to inform Brofford that Patrol officials were aware of the plot to drop contraband outside the fence at the Governor's Residence and warn her that she would be arrested if she went through with the plot.

The following day, Patrol investigators conducted surveillance outside the Residence. No drop was made by Brofford or anyone else and the case was closed. To this day, no criminal charges have been filed, although PCI inmate Douglas Brofford was found guilty by PCI's Rules Infraction Board of attempting "to procure drugs into the Pickaway Correctional Institution . . . through the inmate phone system and the U.S. mail."

Allegation 1: The inmate work program at the Governor's Residence is poorly managed and presents a security risk to the First Family, the Residence staff, the residential neighborhood and the Ohio State Highway Patrol troopers who are stationed at the Residence.

Supervision of the inmate program

Surrounded by million-dollar homes on the northern edge of one of central Ohio's most exclusive neighborhoods, the Governor's Residence bustles with daily activity. The Residence, which sits on a three-acre property, employs a full-time Residence Manager, Todd Rensi; housekeepers Mona Reed and Antoinette (Toni) Laster; Head Groundskeeper John Paul Jones; and Mary Alice Mairose, a part-time curator who supervises tours of the Governor's Residence and Heritage Garden and helps to plan special events. All of these people are civilian employees who work for DAS.

On the first floor of the Residence's Carriage House are the offices of the Governor's Executive Protection Unit Residence detail, which is responsible for the full-time safety and security of the First Family while at the Residence.⁷ The second floor of the Carriage House is the daytime headquarters of the nine honor inmates (Exhibit 5) who are bused to the Residence from PCI every day to cook, garden and perform maintenance chores.

On paper, supervision of the inmate work crew is a responsibility shared by the Patrol, PCI and DAS. In practice, however, that responsibility has fallen almost exclusively on the civilian employees of DAS, who receive scant training⁸ in the oversight and supervision of felons. Rensi, Jones and Pete Gunnell, chief administrator of DAS' Office of Properties and Facilities – which manages the Governor's Residence – also all acknowledged that they had no idea where the nine inmates on the Residence crew were during large parts of the day, including times when the inmates were working unsupervised outside the fence of the Governor's Residence.

Unlike honor inmate work details at the Ohio State Fairgrounds and other locations, inmates at the Governor's Residence – at the request of the First Family – are not supervised by PCI personnel, according to Warden Stuart Hudson. He and other PCI officials told us that the prison's responsibility for supervision of the inmates ends when the PCI bus arrives at the Residence at 7 a.m. and begins again when the bus picks them up at 3:30 p.m.

Similarly, Lt. Joseph Mannion, the head of the Governor's EPU, and Post 95 Commander Sgt. Janet Mulder-Yeagley, said the EPU is responsible exclusively for the security of the First Family and has no responsibility to monitor or supervise the honor inmates who work at the Residence. Major Robert Booker, who recently retired as head of the Patrol's OIS, which oversees the Governor's EPU, agreed with this assessment, saying DAS is

⁷ The Patrol refers to this location as Post 95.

⁸ PCI conducts a two-to-four-hour orientation program for Governor's Residence staff in which employees receive training on "offender manipulation," confidentiality, how to identify illegal activity, professional/personal boundaries and other topics. Reading materials for the orientation include "Games Criminals Play," which describes the schemes prisoners use to gain others' confidence and sympathy.

solely responsible for management of the inmate work crew. Although Rensi said supervision of the inmates primarily falls on Jones,⁹ who gives them their work assignments, Jones was unsure of this responsibility. Asked whether he was in charge of the inmate staff, Jones responded: “I guess you’d say yes.”

Rensi and Jones acknowledged that there are significant periods of time when they are running errands or otherwise not at the Residence. In those instances, Gunnell said supervision of the inmates “devolves” to the two housekeepers – Reed and Laster. Mannion expressed no concern about this arrangement, telling us that when the Residence Manager and Head Groundskeeper were off-site, “then Mona and Toni were to watch them” – i.e., the inmates.

Although the Patrol monitors security cameras on the property, Mannion and other EPU members said use of the cameras to monitor the activities of the inmates working at the Residence is incidental and not part of the Patrol’s duties. Nevertheless, at the request of the First Family, DRC granted five policy variances (Exhibit 6) in 2008, four of which were based on the inaccurate claim that inmates at the Governor’s Residence “are on continuous video camera surveillance monitored by the State Highway Patrol” or that the area is “secured” by the Patrol.

The five policy variances pertain to the DRC requirement that DRC supervisors do a visual check of inmates at least once every 30 minutes; that all inmates report for an 11 a.m. head count; that a DRC security inspection of the inmates’ work sites be conducted at least twice a month; that DRC supervisors carry a set of escape posters for each inmate; and that all inmate work crew members be required to wear a uniform shirt on which “DRC INMATE” is stenciled in four-inch lettering.

⁹ At the time of his hiring in November 2009, Jones was an unemployed drywall contractor and electrician. Jones acknowledged that he has no background in either horticulture or landscape management.

Trust and mutual respect

DAS officials told us that one of the guiding principles of the inmate work program has been to remain faithful to the First Family's insistence that the Governor's Residence not have "a prison-like" atmosphere. It was this insistence, they said, that led to the dismissals last year of former Residence Manager Julie Stone and former Head Groundskeeper Curtis Carter.

"The Stricklands have made it very clear that they do not want their home run like a prison, and Mr. Carter's tone was like a prison mentality," Stone's successor, Rensi, told us. "And it was not in keeping with the tone of rehabilitation that the Stricklands wanted to be set in their home." Gunnell said Carter was terminated because the First Family thought he was "overly harsh" in dealing with his former peers. As for Stone, who served as Residence Manager from January 2003 to April 2009, Gunnell said she was let go because the Stricklands considered her too "autocratic."

Prior to his dismissal in October 2009, Carter had been touted as one of the PCI inmate work program's greatest success stories. Having been convicted of drug trafficking in 2003 and sentenced to four years in prison, Carter had served his sentence, "graduated" from the Governor's Residence horticulture apprenticeship program and then had been hired in June 2008 as the full-time head groundskeeper.

Rensi and Jones said they have sought to manage the inmate work program based on the principles of trust and mutual respect. They practice these principles in words, as well as deeds. Accordingly, inmates primarily address Residence staff by their first names; in turn, the Residence staff never refer to members of the work crew as inmates or prisoners, always referring to them instead as "interns."

We found that this atmosphere of unqualified trust and mutual respect led to a series of personal-boundary violations that primarily involved relationships that DAS personnel

developed with Charles Eck, an inmate serving a three-year term out of Williams County for illegally manufacturing drugs. Eck also has a conviction for domestic violence.

In April 2009, PCI officials confiscated a pair of steel-toe boots from Eck after then-Residence Manager Stone learned that the two housekeepers and the curator – Reed, Laster and Mairose – had bought them for the inmate. Not only are Residence staff counseled by PCI not to give gifts to inmates, but steel-toe boots are contraband inside prison because they can be used as a weapon. Consequently, Eck was removed from the Governor’s Residence program. The Stricklands subsequently interceded on Eck’s behalf, and Eck was returned to the program. Gunnell said PCI was told to reverse the ruling on Eck “because the First Family felt that he deserved another chance.” He said he disagreed with that decision and would not have allowed Eck to return. Shortly after Eck’s return, Stone found herself out of a job. “That was probably the beginning of the end of me,” she said, referring to the boot incident.

Another DAS employee, Carpenter Alan Rawlins, admitted to us that he often smoked¹⁰ with Eck by the tool shed while Eck was assisting him with carpentry and electrical tasks at the Residence. Rawlins said he also talked to Eck about subletting the inmate an apartment he owned after Eck got out of prison and about trying to help Eck find a job. Rawlins said he both gave cigarettes to Eck and smoked hand-rolled cigarettes from pouch tobacco that Eck stored in the tool shed. He said he knew that tobacco was contraband in state prisons and wondered how Eck obtained it. “I asked him one time, ‘Where are you getting your tobacco; how do you get this stuff?’ ” Rawlins said. “And he says, ‘I have ways.’ ” He said Eck also told him that he was making a lot of money selling tobacco inside PCI.

We found that Eck was so well liked, trusted and highly valued for his electrical, carpentry and plumbing skills that he was even asked by DAS staff to assist a contract

¹⁰ Even though smoking is prohibited in state prisons and one of the program requirements is that inmates be non-smokers, it was widely known that Eck and other inmates were smoking at the Residence. Housekeeper Toni Laster said she even reported Eck’s smoking to Residence Director Rensi, who Laster said promised to take care of it.

employee during the repair of the Residence's security camera system. In an interview with our office, Eck volunteered that he was familiar enough with the security system that he had figured out how to evade camera coverage. Eck further told us that he performed repairs on the Residence telephone system and often was by himself in rooms where telephones were located, although he denied ever using the phones.

Residence staff finally learned that their trust in Eck had been misplaced on January 12, 2010, two days after the ill-fated conveyance operation. On that day, PCI officials monitored a phone call in which a Residence honor inmate discussed a scheme involving Eck to smuggle tobacco and marijuana into PCI through the Governor's Residence.¹¹ On that same day, corrections officers found rolling papers and a baggie containing tobacco hidden in one of the shoes of the inmate whose call they had monitored.

Eck confessed to prison officials that day that he had been involved in a scheme to smuggle tobacco into PCI via the Governor's Residence. Eck later told us that he received drops of loose leaf tobacco from a man driving a Pontiac Firebird who made the deliveries on Columbia Avenue, at the rear of the Residence.¹² He said drops typically were made mid-morning on weekdays. For reasons of personal safety, Eck would not identify the driver or any of the other inmates who were involved in this scheme.¹³

On the following day, January 13, Head Groundskeeper Jones found a large cache of tobacco (Exhibit 7) hidden in the drop ceiling of a bathroom in the basement of the

¹¹ According to a transcript of the conversation between the inmate and a woman, the inmate told the woman that "Eck was "[expletive] with one of the maids and she [sic] holding the [expletive] for him. That way he can keep his tobacco and his weed in there." Our investigation, as well as a Patrol investigation of this matter, found no evidence that one of the maids assisted Eck or any other inmates in the acquisition or conveyance of marijuana or any other contraband. In an interview, the inmate whose phone call was monitored told us that he was merely "speculating" that Reed was assisting Eck.

¹² This location is near the spot where Angela Brofford was to drop the "six pack" on January 10, 2010.

¹³ DRC officials told us that honor inmates are often subjected to "pressure from the yard" – i.e., pressure from inmates behind the wire – to participate in schemes to smuggle contraband into prison. They said threats of physical violence sometimes persuade even unwilling honor inmates to participate in these schemes.

Governor's Residence. Jones told us that he was alerted to the stash, amounting to 30 pouches of tobacco, by an inmate who told him that the tobacco belonged to Eck.¹⁴

Incredibly, even after this discovery, the response of the Residence staff and EPU was not to initiate a crackdown that included an immediate search of all areas to which the inmates had access, but to call a meeting at which DAS staff addressed the inmates as peers. Jones said the message Residence staff conveyed to the inmates was: "We can't have secrets. Trust worked both ways. If we're to trust you, you must trust us." Aware that snitching on another inmate is potentially dangerous, Jones said DAS staff also discussed putting out a box in which inmates could anonymously drop notes if they observed wrongdoing.

Contraband

As part of our review of the inmate work program at the Governor's Residence and related security issues, we subpoenaed records from DRC pertaining to investigations, disciplinary proceedings and contraband seized from Residence honor inmates and staff. The records, combined with interviews we conducted, revealed two dozen incidents (Exhibit 8) involving contraband, discoveries of small alcohol stashes, theft and other misconduct since March 2007.

Taken together, these incidents reveal an obvious lack of supervision of the inmates who work at the Residence, as well as a willingness to ignore credible evidence that the Governor's Residence has functioned as a "mule station" for the conveyance of tobacco and other contraband into a state prison. Even more surprising is the fact that Mannion – the person most responsible for the safety and security of the First Family – expressed only a vague awareness of the majority of these incidents, which range from the conveyance of tobacco, to the theft of stamps, to attempts to smuggle a utility knife, a razor blade and other contraband stolen from the Residence into PCI.

¹⁴ Eck denies that this tobacco was his.

Even after stashes of tobacco were found at the Residence on January 13, January 27 and on January 28, Mannion did not order a thorough search of the basement bathroom, Carriage House and other areas frequented by inmates until January 28. Six weeks later, during a prearranged tour of the Residence and grounds on March 11, our investigators found a bag of tobacco in the drop ceiling in the basement bathroom – the same location where Jones had found the 30 pouches of tobacco on January 13.

Told that inmates either were continuing to smuggle tobacco into the Residence or that he missed the tobacco during his earlier search, Mannion responded: “I didn’t miss it,” adding that it “wasn’t where we looked.” This explanation defies logic.

Access to tools

In light of the fact that inmates perform a wide range of chores at the Residence, it is logical that they need to have access to a variety of tools. Most of those tools are kept in a well-appointed, three-bay tool shed east of the Residence. The shed holds a wide assortment of common hand tools, including screw drivers, hammers, wrenches, axes, chainsaws, hoes, shovels, pitchforks and propane torches.¹⁵ The shed, which is not locked during the day, also is equipped with a miter saw, band saw, drill press and other larger, stationary tools.

Although the tools are well organized by type, they are not “shadow boxed” for inventory purposes. Rensi, the Residence Manager, and Jones, the head groundskeeper, told us that inmates are free to use tools as needed without permission and are not required to sign tools in and out. Furthermore, they said that no inventory of the tools has been done to determine whether any are missing.

“We were trying to establish sort of an environment of trust,” Jones said when asked why he would permit felons to have unfettered access, with no accountability, to a wide

¹⁵ Honor inmates informed us that inmates often used propane torches to light their cigarettes when they smoked in the tool shed.

assortment of tools that are portable and can be used as weapons. “And that’s just part of how we see the rehabilitation.”

Two inmates also serve as cooks for the First Family. Of necessity, those inmates have access to a variety of knives and other sharp implements, none of which have to be accounted for. As recently as March 9, one of the cooks reported that a serrated knife with a 6-inch blade was missing from the kitchen, speculating that it may have been inadvertently thrown away. PCI officials, expressing appropriate alarm about the missing knife, conducted a prison-wide shakedown at PCI in an attempt to find it. As of this writing, the knife has not been found.

External security

In addition to the serious internal security flaws that we have already discussed, this investigation identified gaps in external security at the Governor’s Residence. In order to ensure the safety of the Governor and the First Lady, we are not disclosing those failings.

At the request of DAS, a comprehensive security assessment of the Residence is being conducted by Security/Risk Management Consultants of Columbus. We are confident that this assessment will identify and remediate these problems.

One of the problems can be addressed immediately. During our tour of the Residence on March 11, we walked to the rear of the Residence, along Columbia Avenue, and observed several wooden pallets stacked against the inside of the fence. The other side of the fence is the precise location where Angela Brofford was instructed to drop the “six pack.” Using the pallets as a ladder, a person could easily vault the fence, pick up a package and climb back over within a matter of seconds. These pallets should immediately be removed.

Summation

Although the Governor's Residence inmate work program has the laudable goal of demonstrating in concrete terms the First Family's sincere commitment to the principle that felons can indeed be rehabilitated and become productive members of society, this program has veered badly off-course.

In February 2008, more than two years ago, PCI officials warned that supervision of the Residence inmate work crew was inadequate. The warning followed an incident in which an honor inmate who was suspected of having consumed alcohol suffered a serious laceration on his left arm at the Residence after tripping over a broom and falling through a window pane. At the time, no corrections officer was present and no trooper was available to take the inmate to the hospital, forcing DAS staff to wait while the inmate bled until a Bexley police sergeant could be summoned to provide security.

“Pickaway Correctional Institution is concerned about the daily supervision of the offenders assigned to work at the Governor's Residence and the inability to provide/enforce proper security measures in the event of an emergency situation,” a PCI official wrote in an after-incident report (Exhibit 9). “PCI is concerned with the overall safety & security of the general public.”

Instead of addressing these concerns, the program continued to spiral out of control. Putting maids in charge of inmates; being oblivious to prisoners meeting vehicles on the street to accept curb-side deliveries of contraband in a residential neighborhood in broad daylight; permitting felons to have unlimited access to knives, tools and other potential weapons with no accountability whatsoever – these are all reckless and irresponsible security practices.

Due to the “silo” effect that supervision of the inmate program has had – which has led to inter-agency quarrels over jurisdiction and responsibility – blame for the inadequate management of this program is shared primarily by the Patrol and DAS. Certainly, a large

share of the blame goes to Mannion, who displayed an alarming lack of knowledge and concern about the security breaches that have occurred under his watch. Mannion's former supervisor, retired OIS Major Robert Booker, also bears some of the responsibility. Although Booker told us that the Patrol is not responsible for monitoring inmates at the Residence and said he believes the inmates should be supervised by corrections officers, that has not been the wish of the Governor and First Lady. Of necessity, then, that responsibility falls in large part on the Patrol's EPU. We note, however, that Mannion said he typically deferred to Haseley and other members of the Governor's staff on matters pertaining to Residence security and did not consult Booker until after the fact.

Gunnell, the DAS official in charge of the Residence, fell on his sword when we interviewed him, saying: "At the end of the process, do I feel like an incompetent moron? Pretty much, yeah." However, Gunnell also succinctly analyzed the historical failure to integrate the agencies' oversight of the inmate program.

"The Highway Patrol can't just be responsible for the physical protection of the First Family and the perimeter and nothing else," he told us. "DAS can't be just responsible for the physical structure of the grounds and the people who maintain it. DRC can't be just responsible for the interns who get dropped off and picked up. There has to be obviously much better integration of who's doing what to who and when and where those responsibilities overlap and what kind of communication's happening. I think we have been incredibly fortunate up to now that things haven't gone off the rails . . ."

Accordingly, we find reasonable cause to believe that wrongful acts and omissions occurred in these instances.

Allegation 2: Ohio Department of Public Safety personnel interfered with a Highway Patrol plan to intercept and prosecute individuals involved in a plot to smuggle contraband into a state prison through the Governor's Residence and did so in order to avoid political embarrassment to the Governor.

The decision to cancel the conveyance-interdiction operation at the Governor's Residence on the afternoon of January 10, 2010, raises three central questions that we will address individually:

- When was the decision made to cancel the conveyance operation?
- Who made the decision to cancel the conveyance operation?
- Why was the conveyance operation cancelled?

When was the decision made to cancel the conveyance operation?

Between 12:15 p.m. on Friday, January 8, 2010, and 10:41 p.m. on Sunday, January 10, 2010, officials at the Patrol, DPS, DRC, DAS and the Governor's Office had more than 150 phone and email communications in which they discussed the operation, debated whether to permit it to go forward and proposed alternate plans (Exhibit 4). An extensive review by our office of those communications, along with interviews we conducted, leads to the conclusion that the decision was made on Friday. The Patrol supervisors and investigators who were directly involved in the planning and execution of the operation were not included in the discussions that led to the decision, nor were they informed of the decision until the following day. It also is clear that the decision to cancel the operation was reached after senior DPS and Patrol officials were briefed on the plan and initially expressed no concerns.

Less than an hour after being briefed by the lead investigator, OIS Sgt. Chad Miller,¹⁶ about the conveyance plan scheduled for January 10, 2010, Miller's supervisor, OIS Lt. Gene Jarvi, sent an email (Exhibit 10) to his supervisor and four other Patrol lieutenants

¹⁶ As is standard procedure in such cases, Miller also contacted Judy Wolford, the Pickaway County prosecutor, and obtained her commitment to prosecute the case if the contraband proved to be drugs. Miller said he chose Pickaway County as the venue instead of Franklin County because PCI is located in Pickaway County and the scheme called for the contraband to be smuggled into the prison.

in which Jarvi summarized the actions that already had been taken and outlined the conveyance-interdiction plan. The recipients of this email included Mannion, the head of the Governor's EPU.

Jarvi wrote that the operation was a "possible pending drug conveyance" and that the contraband was to be "dropped near the Governor's Residence where it will be left for a work crew inmate to pick up later." Jarvi reported that the plan was to hold three honor inmate servers back on Sunday, the day of the dinner party, and replace them with other inmates. The three servers who were being held back would then be placed in segregation, Jarvi said, to allow the investigation to continue. "If a drop is made, the suspect will be allowed to leave the area and will be followed by undercover officers," Jarvi wrote. "The package will then be retrieved and the contents will be examined. If the contents are found to be narcotics or other illegal contraband, the suspect will be pulled over by a marked patrol unit. The traffic stop would be effected away from the residence as to not cause a safety concern or distraction for the event."

At 4:03 p.m. Friday, Jarvi's supervisor, Capt. Michelle Henderson, sent an email (Exhibit 11) to the Patrol's Superintendent, Colonel David Dicken, and Lt. Colonel William Costas in which she forwarded the contents of Jarvi's email and informed them that she had briefed Assistant DRC Director Ernie Moore. Henderson's email, whose subject header said "Governor's Residence Detail – CONFIDENTIAL COVERT OPERATION INFORMATION," also informed Dicken and Costas that Mannion would "update the Governor and Residence director as requested" and that "everyone is okay with the plan."

Four minutes later, Dicken forwarded Henderson's email (Exhibit 12) to Michael McCann, Chief of Staff to DPS Director Collins-Taylor, writing: "FYI. Let me [sic] if you [sic] any concerns." McCann responded to Dicken's email (Exhibit 13) at 5:34 p.m. that day, writing: "Sounds good."

Mannion, who was represented by counsel¹⁷ when we interviewed him, told us that he doesn't recall whether he read Jarvi's email, although Patrol records show that he opened the email at 4:13 p.m. Nevertheless, Mannion started working behind the scenes to have the operation cancelled and began circulating misinformation that the OIS Operational Plan (Exhibit 14) drafted by Miller and approved by Jarvi and Henderson was to allow unknown contraband to be "thrown over the fence."

Mannion, senior DPS officials and officials in the Governor's Office continue to this day to champion the over-the-fence story. In an interview on March 31, Mannion said, "My thing is nothing gets thrown over the fence at the Governor's Residence." He also said he was concerned that the "six pack" that Patrol investigators were going to allow Angela Brofford to throw over the fence could have been a knife, a gun or even "a biological weapon."¹⁸

On Friday at 4:18 p.m., Mannion called Rensi, the Residence Manager, and told him that the conveyance operation was "not going to take place." That call was followed by a flurry of calls and emails among Mannion and senior officials at DPS, DRC and the Governor's Office, none of which included Booker, Henderson, Jarvi, Miller or any of the other Patrol officials who were supervising and planning the operation. Those discussions resulted in the decision to call off the operation and to order Miller to conduct a "knock and talk" with Brofford, an idea that DPS officials said was first floated by then-Prisons Director Terry Collins. As a result, Miller confronted Brofford shortly before 2 p.m. on Saturday, warning her that she would be arrested if she made the drop.¹⁹

¹⁷ Collins-Taylor, McCann and Dicken also were represented by private attorneys during their interviews with OIG.

¹⁸ Collins-Taylor said she could not recall how she came to believe that something was going to be thrown over the fence, saying simply: "I had the visual something was going over the wall." She also told us that she thought a "six pack" might be a reference to a "six shooter."

¹⁹ In press accounts and in public testimony given to an Ohio Senate committee, it has been reported that Miller told Brofford that she was getting a "lucky ticket." Miller says these accounts are untrue and that what he said to Brofford was: "Today is your lucky day." Miller said Brofford denied to him that she intended to deliver drugs or any other contraband to the Governor's Residence.

At 9:40 p.m. on Friday, Collins-Taylor sent an email (Exhibit 15) to McCann in which she wrote: “According to terry C [Collins] there is a meeting at noon tomorrow with osp to plan the whole caper. Terry c is totally fine with a visit to her with a warning . . . Terry c had concerns about the level it was being ramped up to also and the embarrassment to the boss. Terry will let me know within the hour who the meeting is with and where. More to follow. Might want to contact dd (Patrol Superintendent David Dicken) to bring him up to speed.” Twelve minutes later, Collins-Taylor sent McCann another email (Exhibit 16) in which she wrote: “Hopefully we have succeeded in a grand downscaling.” Prison officials were also discussing the change in plans. At 10:13 p.m. Friday, Assistant DRC Director Moore sent an email (Exhibit 17) to PCI Warden Stuart Hudson, advising him that “OSP is visiting her [Brofford’s] house after 10.” Four minutes later, McCann sent an email (Exhibit 18) to Collins-Taylor titled “Cluster” in which he wrote: “Talked to dd [David Dicken] he is reaching out to Booker tonight to advise of the knock and talk.”

Despite the fact that all of these communications lead to the inescapable conclusion that the decision to conduct the knock and talk was reached on Friday, both Collins-Taylor and McCann insisted to us that the decision was not made until Saturday, following an 11 a.m. meeting between Dicken, Booker and Henderson. Collins-Taylor was particularly adamant on this point, contending that her use of the past tense – “succeeded in a grand downscaling” – did not mean that the decision had been made and that McCann’s email advising her that Dicken would brief Booker on the knock and talk was simply affirmation that the knock and talk was “an option.”

Collins-Taylor would not even concede that the phrase “embarrassment to the boss” referred to Governor Strickland. She insisted that she was referring to “the embarrassment to the administration in general – to the Patrol, to DRC, to DAS. The fact somebody could throw something over the fence at the Governor’s office [sic], that’s all . . . an embarrassment to the administration, to all of us.” In her view, Collins-Taylor told us, “I look at the administration and the Governor are [sic] the same thing.”

These statements are absurd. Use of the past tense describes actions that have occurred, and “the boss” is a person, not a collective noun. Nevertheless, Collins-Taylor continued throughout her interview to quarrel over such points, insisting over and over that the decision to call off the conveyance operation was not made until after 11 a.m. on Saturday. Shown an email (Exhibit 19) that she sent to Kent Markus, the Counselor to the Governor, at 9:42 a.m. on Saturday in which she wrote that she has had “many conversations and are scaling any planned operations back” and told Markus “your cause for concern was right on,” Collins-Taylor again contended that the decision had not been made under after 11 a.m.

Further evidence that Collins-Taylor testified falsely under oath was provided in the sworn interview of former DRC Director Collins. Collins said that it was Collins-Taylor who first informed him at about 10:15 p.m. Friday that the Patrol was going to do a knock and talk with Brofford. He said the DPS director told him that authorities had obtained Brofford’s address and that Collins-Taylor “said that they would . . . go out and tell the person that they knew that her boyfriend . . . was locked up and there wasn’t going to be anything going on.” Collins’ successor, Ernie Moore, confirmed that Collins relayed the change in plans to him shortly after having the discussion with Collins-Taylor.

In conclusion: The overwhelming weight of the evidence makes it clear that the decision to cancel the conveyance operation was made on Friday.

Who made the decision to cancel the conveyance operation?

Collins-Taylor’s dishonesty on an issue as seemingly insignificant as the timing of the decision is closely linked to the question of who made the decision. That is because the evidence shows it was Collins-Taylor who cancelled the operation.

Since the appointment of her predecessor, Henry Guzman, in January 2007, DPS has been dogged by allegations that civilian DPS employees have interfered in criminal

investigations being conducted by the Patrol. Both Guzman, who resigned in August 2009, and Collins-Taylor have denied interfering in Patrol investigations.

Major Booker and Capt. Henderson have publically accused Collins-Taylor and members of the Governor's staff of interfering in this and other investigations. Collins-Taylor and her Chief of Staff, McCann, bristle at these allegations. "We get our butts kicked every day about interfering with the running of the Patrol," McCann told us. "And when we don't interfere with the running of the Patrol, we get our butts kicked."

State law authorizes the superintendent of the Patrol and agency troopers to "enforce the criminal laws on all state properties and state institutions."²⁰ The Ohio General Assembly also established the Patrol as a subordinate agency to DPS, mandating that the Patrol Superintendent "shall be appointed by the director of public safety, and shall serve at the director's pleasure."²¹ The statutes that govern DPS and the Patrol are silent regarding the DPS Director's authority to control Patrol investigations.

Although Collins-Taylor and Dicken insisted that it was Dicken who made the decision to cancel the conveyance operation, documents and interviews demonstrate that the decision was made following high-level discussions between Collins-Taylor, Mannion, Collins, McCann, Markus, and John Haseley, the Governor's Chief of Staff – discussions in which Dicken was not a participant. In addition, Collins-Taylor's "embarrassment to the boss" email to McCann on Friday evening asks McCann to "contact dd [Dicken] to bring him up to speed" about the knock and talk – evidence that Dicken was not involved in this decision.

Numerous press accounts also have attributed the decision to Collins-Taylor. While we do not rely on those accounts as evidence, DPS officials did not dispute them at the time and only recently asserted that Dicken made the decision and that reporters misquoted the

²⁰ Ohio Revised Code Section 5503.02.

²¹ Ohio Revised Code Section 5503.01

Patrol's spokeswoman, Lindsay Komlanc, when they had attributed the decision to Collins-Taylor instead of Dicken.

However, clear evidence that Komlanc did inform the press that Collins-Taylor made the decision is contained in an angry email (Exhibit 20) that Komlanc sent to Collins-Taylor, McCann, Dicken and other DPS and Patrol officials at 7:28 p.m. on January 27, 2010. The email referred to a story published that day in *The Columbus Dispatch* that was headlined "Director of Public Safety scuttled drug sting at Governor's Residence."

"Once again," Komlanc wrote, "shock, awe and amazement that my quotes along the lines of 'Director Collins-Taylor ultimately made the decision with the full support of Colonel Dicken and DRC' . . . were not used." Twelve minutes after receiving Komlanc's email, Collins-Taylor sent her and the other DPS officials a one-word response: "Nice." McCann then responded (Exhibit 21): "Evidently facts don't count do they?"

Incredibly, both Collins-Taylor and Komlanc told us in sworn interviews that Komlanc's sarcastic response to the Dispatch story actually was Komlanc's error, not the reporter's. Both insisted to us that it was the other way around – that Dicken made the decision to cancel the conveyance operation and that he did so with the full support of Collins-Taylor. Collins-Taylor also told us that she later had a discussion with Komlanc about this issue and "straightened her out." Komlanc disputed this assertion, telling us that she had no such discussion with Collins-Taylor.

We also examined whether members of the Governor's staff – principally Markus and Haseley – called the operation off or pressured Collins-Taylor to cancel it. We found no evidence that they did, although it is clear that Collins-Taylor reached her decision following several consultations with Markus and after Haseley had several discussions with Mannion and top DRC officials.

Markus and Haseley told us they first learned about the operation when Assistant DRC Director Moore contacted Renuka Mayadev, the Governor's Executive Assistant for

Public Safety and Criminal Justice, shortly after receiving Capt. Henderson's email (Exhibit 11). Mayadev, in turn, contacted Haseley.

Markus and Haseley said they became concerned when they learned that Collins-Taylor – who was out of town on Friday, January 8, 2010 – was unaware of the operation, and because it had been inaccurately reported to them through Mayadev that Mannion had approved the operation. In a private conversation with Haseley, Markus said he told Haseley that the operation sounded “pretty crazy. I think I might have even said like, ‘This all feels like something out of a movie somewhere.’” Similarly, Haseley told us that the report he had received that Mannion was going to allow an unknown object to be thrown over the fence of the Governor's Residence sounded “bizarre” given Mannion's devotion to his duty to protect the First Family.

But Markus and Haseley both said they were hypersensitive to the perception that their inquiries might be viewed as interference and thus made sure that they informed Mannion, Collins-Taylor and other officials with whom they spoke that they were only asking to be kept in the loop and were not asking to be included in the decision-making process.

During a conference call on January 8, 2010, between Markus, Haseley and Mannion in which Mannion told the Governor's representatives that he thought the operation was a bad idea, Markus said he told Mannion: “Look, we do not want to get in the middle of this conversation,” adding “obviously, if you have concerns about things, you need to communicate your concerns . . . to the people you report to, to the people that are involved in this, but we're not going to get in the middle of this.” Markus said he also told Collins-Taylor: “Look, Cathy, we want you to be aware of this but we want to make sure we are not involved in this conversation in terms of the decision-making about anything associated with this in any way.”

We also did not find evidence that Governor Strickland interfered in any manner with the planned operation. Mannion said he told the Governor on Friday evening, while he and

Strickland were in New York, that the Patrol was planning an operation to allow unknown contraband to be thrown over the fence. Mannion said he told the Governor that he didn't want it to happen and that the Governor simply replied "OK" and left the matter to him.

In conclusion: The decision to cancel the conveyance operation was made by Collins-Taylor, and we found no evidence that officials in the Governor's office interfered.

Why was the conveyance operation cancelled?

The evidence in this case overwhelmingly shows that the Patrol's conveyance operation was routine, well-planned and safe and that concern about protecting the Governor from political embarrassment was a key factor in the decision to cancel it. We also learned that this was not the first drug-interdiction action at the Governor's Residence that Mannion helped to shut down.

In June 2009, Sgt. Mulder-Yeagley, the head of the Patrol post at the Governor's Residence, received a tip that Curtis Carter, the inmate-graduate of the horticulture program who had served time for a drug conviction and then had been hired as the Residence's head groundskeeper, was using illegal drugs at the Residence. Mulder-Yeagley said she contacted Mannion, who approved a plan to bring one of the Patrol's drug dogs to the Residence to sniff the Carriage House and the tool shed. Mulder-Yeagley said the plan did not involve the dog entering any part of the Residence itself. The drug dog sniff, scheduled for the late afternoon of June 29, 2009, was to be conducted by Patrol Tpr. Theresa Mikesh, who has worked as a canine handler since 1997. Mikesh said she spoke to both Mannion and Mulder-Yeagley and confirmed with them that the dog would only sniff the "out-buildings" and not the Residence. Mikesh said the next thing she heard was that Mannion had cancelled the search.

Mikesh said she could not recall who phoned her and told her the sniff was off but said she believes it was Mannion. Asked whether she was given a reason for the cancellation,

she said it was suggested that he might bring in a drug dog at a later date or that there was going to be a “change in how we’re doing it” – i.e., a change in investigative tactics.

Mulder-Yeagley said she was attending a Columbus Clippers baseball game when she received a call from Mannion, informing her that he was calling off the drug sniff. Asked whether Mannion gave her a reason, she said he was not specific. “It seemed like he just didn’t think it was a good idea,” she said.

Mannion was not truthful when we questioned him about this incident under oath. Asked whether allegations of drug possession or drug use at the Residence had ever been brought to his attention, he said: “I have no knowledge of that.” Asked whether he had ever requested or approved bringing a drug dog to the Residence to search any part of the property, he responded: “No . . . the Residence is the Governor’s house. I mean, I’m not going to bring a dog into your house.” Mannion also said that he had never been presented with allegations in which he considered using a drug dog to sniff the Carriage House or tool shed and that the only allegations he had ever received about contraband at the Residence involved tobacco.

When asked directly about the drug sniff that he had discussed with Mulder-Yeagley and Mikesh and approved, Mannion said he did recall the incident. However, he continued to be evasive, saying, “I don’t remember why I changed my mind” and then contended that “there was no substance” to the allegation. Asked what he based his conclusion on, Mannion said it was personal observation. “I checked out Curtis,” he said. “He didn’t appear to be anything out of the ordinary to me.” Mannion said his personal observation of Carter²² was limited to “several minutes” over a four-day period.

Mannion’s dishonesty on this issue is instructive in explaining his opposition to the conveyance operation that he helped to derail in January, six months later. With regard to the conveyance matter, we found that Mannion was the primary architect of an edifice of

²² Carter was not fired by DAS until October 2009, four months later.

self-serving distortions that he and senior DPS officials constructed. These distortions include the claim that the “six pack” Angela Brofford was instructed to drop by a wall²³ outside the fence of the Governor’s Residence could have been a gun, a grenade or a bomb and that careless Patrol supervisors and investigators, in their zeal to arrest a minor drug trafficker, were willing to jeopardize the safety of the First Family and their guests by allowing a weapon to be thrown over the fence.

Both publically and privately, DPS officials have mocked and ridiculed the supervisors and investigators who planned the conveyance operation. In emails they exchanged on the evening of January 8, 2010, Collins-Taylor and McCann belittled the operation as a “caper” (Exhibits 15 and 22) and a “cluster” (Exhibit 18), and McCann, speculating that the planners had inflated the significance of the operation by engaging the Patrol’s SWAT team,²⁴ sent an email (Exhibit 23) to Collins-Taylor in which he compared the investigators to “Shriner clowns” stumbling out of a clown car.

In his interview, McCann also told us that he thought the conveyance operation was “a dumb plan,” and said he was concerned that some of the Patrol investigators might be “cowboys.”

McCann’s dismissiveness of the operation and his repetition of the over-the-fence story is particularly curious because he told us that he did not even read the email from Capt. Henderson that Dicken forwarded to him (Exhibit 12) at 4:07 p.m. on January 8, 2010. This email had as its subject header “Governor’s Residence Detail – CONFIDENTIAL COVERT OPERATION INFORMATION” and it asked McCann to let Dicken know whether he had “any concerns.” Approximately 90 minutes later, McCann responded: “Sounds good.” (Exhibit 13). McCann claimed to us that “sounds good” simply referred to Dicken’s comment “that he was going to get back with me . . . as he pieced together what was going on.”

²³ This wall is actually located on a neighbor’s property on Columbia Avenue, just south of the Governor’s Residence.

²⁴ The Patrol refers to this team as the Strategic Response Unit, or SRT.

This is troubling on multiple levels. Either McCann ignored information that no prudent administrator would ignore and then conveyed his approval of a plan that he did not bother to read, or he did read the email and was not telling the truth when we interviewed him.

In addition to Mannion, the primary proponent of the theory that allowing the conveyance operation to go forward presented a grave danger is Dicken. In testimony he gave to a Senate committee, Dicken characterized the operation as a “gross violation of officer safety practices.” The validity of this statement has been disputed by Booker, Jarvi, Miller and others who were involved in the operation. All of them contend that the operation presented little to no risk to the First Family, their guests, residents of the neighborhood or the troopers who were involved.

Jarvi said that, but for the fact that the location of the operation was the Governor’s Residence, the operation was “common practice.”²⁵ He noted that on March 3, 2010 – less than two months after the aborted operation at the Residence – the Patrol conducted a similar operation at the Ohio State Fairgrounds and arrested a man who was attempting to deliver eight ounces of marijuana to another group of PCI honor inmates.

Jarvi and other supervisors and investigators also said there was no precedent for conducting a knock and talk on a case involving an attempted contraband conveyance. “I’ve never done that before . . . in my career in OIS, and I never really heard it being done before in law enforcement, I guess,” Miller said.²⁶

Booker and Henderson said they also protested to Dicken that the Patrol had never before warned off a suspect in this manner and said Dicken responded that the operation was

²⁵ Sgt. Miller, the OIS officer who drafted the Operational Plan, told us that he has worked on about 20 drug conveyance operations and has supervised six or seven of them.

²⁶ In fact, knock and talk is a tactic that law enforcement agencies use in drug busts, albeit not in the manner that it was used in this case. In a typical knock and talk, police knock on the door of a residence at which suspected drug activity is occurring and ask for permission to enter. If they are allowed in, they conduct an interview. If entry is denied and drugs or drug paraphernalia are in plain sight, the police have the legal authority to make a warrantless entry.

being cancelled “because it’s the Governor’s Residence and we have to keep things quiet.” Dicken denies this, saying that Booker was insubordinate, unwilling to provide details and that Booker was adamant that Collins-Taylor and Haseley were interfering in a Patrol criminal case.

We also are left to conclude that Dicken’s and others’ characterization of the operation as reckless and dangerous is disingenuous because the alternate plan that Dicken drafted in the event that Miller was unable to locate Brofford and conduct the knock and talk was to proceed with the original Operational Plan drafted by Sgt. Miller.

In an email (Exhibit 24) that Dicken sent to Collins-Taylor, McCann and others on January 9, 2010, at 11:26 a.m., the superintendent outlined a “Plan A” – the knock and talk – and a “Plan B.” Dicken described Plan B thusly: “If we cannot do the knock-and-talk, or if a breach is observed, we will immediately assess its nature to ensure security and affect a stop away from the area. It will be safe, and low key. In short, preparedness to mitigate the situation will be the order of the day.”

Dicken confirmed that Plan B was, in fact, the original Operational Plan, contending that he had no choice but to go forward with it if the investigators could not locate Brofford. Asked how he could then characterize the original plan as high-risk and his plan as safe and low-key, Dicken replied: “Well, I was hopeful that it would be safe.”

Mannion’s and Dicken’s contention that the conveyance operation posed a grave danger to the Stricklands and their guests also is contradicted by their curious actions on January 11, 2010, the day after the cancelled operation. The obvious corollary to the weapon-over-the-fence narrative is that at least one of the inmate workers inside the Residence also presented a danger to the First Family because he would be retrieving the weapon. Nevertheless, PCI’s Inmate Tracking Sheet (Exhibit 25) for January 11 shows that all nine of the inmate workers were allowed to report for work at the Residence that day. Asked why he permitted all of the inmates to return to work, Mannion claimed: “The threat with them – with whatever they were going to get – was gone.”

This answer skirts the obvious: Not only was at least one of the inmates a co-conspirator in inmate Brofford's scheme, but honor inmates at the Governor's Residence also had been involved in other attempts to smuggle contraband through the Residence, according to Brofford's letter. Also, the surveillance that was conducted at the Residence on January 10, 2010, in the event that Angela Brofford defied the warning shows that the threat was illusory. None of the troopers who were involved were informed of Dicken's concern that the operation was a "gross violation of officer safety practices." In fact, one of the officers told us he had never even heard that officer safety was an issue at all until our interview with him.

Running counter to DPS' weapon-over-the-fence narrative is a second claim that Dicken, Mannion and others have made that the "six pack" most likely was tobacco, not drugs. They cite as evidence the fact that several caches of tobacco have been found at the Residence and that marijuana and other drugs have not been found.

This is another smokescreen. Not only is this a question that will never be answered,²⁷ but it is contradicted by an email (Exhibit 26) that Mannion sent to Capt. Henderson on January 11. In it, Mannion rhetorically asks: "Who knows what else might have gotten through in the past[?]" The claim that the six pack is tobacco also is directly contradictory to the weapon-over-the-fence narrative on which DPS officials have staked their credibility and reputations.

²⁷ DRC "Termination of Visiting Privileges" logs show that Angela Brofford's visiting privileges at PCI were revoked on January 11, 2010, for "attempting to procure drugs and contraband onto the grounds of the Governor's Mansion." Separately, a DRC "Conduct Report" issued on January 11, 2010, for her husband, Douglas Brofford, says that the inmate was found guilty of two rules violations – "procuring or attempting to procure unauthorized drugs: aiding soliciting or collaborating with another to procure unauthorized drugs or to introduce unauthorized drugs into a correctional facility;" and "use of telephone or mail in furtherance of any criminal activity." Four days later, PCI's Disposition of Rules Infraction Board ruled that Douglas Brofford attempted "to procure drugs into the Pickaway Correctional Institution . . . through the inmate phone system and the U.S. mail."

Summation

At the beginning of our interview with Mannion, the Governor’s security director informed us that this case and our investigation were political. “I think it’s political . . . that it came to this extent,” he said. He said he was convinced that the planned conveyance drop was tobacco and that OIG’s investigation was “just a waste of money, all of this time.”

On this count, Mannion is absolutely correct, but not for the reasons he thinks. This matter is political. Political considerations unquestionably factored into the decision to cancel the original conveyance operation. Had Collins-Taylor, Dicken, Mannion and others simply admitted this from the beginning – that conducting a minor drug interdiction outside the fence of the Governor’s Residence might be politically embarrassing to the First Family and might reflect poorly on an inmate program to which they were deeply committed – our office would not have “wasted” all of the time and money that Mannion decries. Instead, Mannion, Collins-Taylor, Dicken and others participated in a cover-up that has tarnished their reputations and the reputations of DPS and the Patrol.

Accordingly, we find reasonable cause to believe that wrongful acts and omissions occurred in these instances.

Allegation 3: Officials at the Ohio Department of Public Safety violated their statutory duty to cooperate in this investigation.

In the course of this investigation, we issued four subpoenas to Collins-Taylor. In its response to these subpoenas, DPS’ Legal Department went to extraordinary lengths to impede our ability to obtain records and to intentionally deliver thousands of pages of non-responsive records to this office.

Ohio law requires state agencies and employees to “cooperate with, and provide assistance to, the inspector general and any deputy inspector general in the performance

of any investigation.”²⁸ The law further requires each state agency to “make its premises, equipment, personnel, books, records, and papers readily available to the inspector general or a deputy inspector general” and permits those agents to “enter upon the premises of any state agency at any time, without prior announcement, if necessary to the successful completion of an investigation.”

Nevertheless, throughout this investigation, our office was treated by DPS officials as a hostile civil litigant. Based on previous interactions with DPS, we chose to subpoena records to which we normally would have free access. DPS officials then accused us of wasting the agency’s time and resources after the agency showered us with 46,731 pages of documents, only 2,144 (4.6 percent) of which were relevant or responsive to our subpoenas.

Specifically, DPS provided 15 PDF folders that were individually subdivided by employee. For example, we received 2,750 pages of records that were produced or received by Collins-Taylor. Only 229 of these pages were responsive. The remainder included copies of Gongwer News Service, daily news clippings, information on Operation Feed, a series of communications titled “Girls Night Out,” information about H1N1 flu, DPS Superintendent-selection panel materials and other irrelevant documents. One of the two folders provided on behalf of Booker contained 115 blank, lined pages. Another file relating to Booker contained a 2,085-page inventory of equipment assigned to the Patrol. This pattern repeated itself in the remaining folders that DPS provided.²⁹

Analysis of these documents reveals that despite our warnings, DPS intentionally used search terms that were overly broad. Although we drafted subpoenas that sought evidence related to conveyances of contraband at the Governor’s Residence, we received some records pertaining to the conveyance of real property. A simple conjunction of search terms could have avoided the unnecessary expense caused by producing this deluge of

²⁸ Ohio Revised Code Section 121.45.

²⁹ Other examples include: More than 40 copies of the Patrol’s Office of Investigative Services annual report; multiple copies of the Patrol’s Ohio State Fair manual; and multiple copies of DRC/Patrol institution-disturbance plans containing detailed and sensitive institutional security information.

documents. This suggests that DPS officials were attempting to stall our investigative efforts.

Collins-Taylor also insisted that all documents provided to our office be Bates stamped.³⁰ When we requested passwords to enable us to search the electronic records that DPS had provided, Collins-Taylor refused, claiming that doing so would allow us to remove Bates stamps from the documents and alter the records.

To do so would be a criminal act. It is outrageous and offensive that DPS officials would accuse this office of contemplating the commission of a crime in the course of this investigation. In addition, DPS retained the original documents, ensuring that any alterations would be easily discernible.

We also encountered resistance and hostility from Patrol Tpr. Thomas Esenwein, a member of the Governor's EPU. At the beginning of his interview, Esenwein demanded that one of the two OIG interviewers leave the room or he would walk out. Informed that both interviewers would remain in the room, Esenwein, responded: "Well, then we're done." He then stood up and began to leave, at which time we informed him that walking out on the interview would place him in violation of ORC Section 121.45. After being provided with a copy of the statute and reading it, Esenwein sat down and resumed the interview.

DPS' overall unresponsiveness stands in stark contrast to the cooperation we received from DRC in this case. In less than one week, DRC officials responded to a subpoena of similar scope by providing us with two large binders containing 1,907 pages of pertinent records that were tabbed and well-organized. Similarly, our follow-up requests for records and clarification were answered by DRC officials promptly and without rancor.

Accordingly, we find reasonable cause to believe that wrongful acts and omissions occurred in these instances.

³⁰ Bates stamping is commonly used in adversarial litigation to prove that legal documents were provided by labeling each document with a unique numerical identifier.

IV. OTHER MATTERS

The precipitating event for what became a concerted effort to shield the Administration from political embarrassment over the cancelled conveyance operation was the leak of information to the press, which spawned the first news coverage of this matter on January 26, 2010. On the following day, Collins-Taylor convened a meeting at DPS that included various supervisors and employees of DPS, the Patrol and DRC. In addition to Dicken, the Patrol representatives who were summoned to the meeting were Lt. Jarvi, Sgt. Miller and Tpr. James Schlotterbeck from OIS. Neither Major Booker, then the head of OIS, nor Capt. Henderson, the second-in-command, was invited.

Participants at this meeting said the discussion focused on speculation about who had leaked information to the media; why the case file on the conveyance operation had been closed, thereby making it a public record; and how to respond to future media inquiries. It was also at this meeting that Collins-Taylor first learned that 30 pouches of tobacco had been found in the drop ceiling of the bathroom in the basement of the Governor's Residence on January 13, two weeks earlier.

Collins-Taylor, McCann and Dicken all contend that Jarvi reported at the meeting that he had been urged to hurry up and close the case file "because of media inquiries."³¹ Asked whether the person who ordered him to hurry up and close the file was Booker or Henderson, Collins-Taylor said Jarvi rolled his eyes, indicating to her that he was confirming her suspicion that the order came from Booker. She said her deputy, McCann, then said, "Well, that's our answer."

Jarvi confirmed that he rolled his eyes but said he did so because he was frustrated by the accusatory line of questioning and the contention by DPS officials in the room that the operation was poorly planned. Jarvi said he also was upset because the allegation that the operation presented a danger to the First Family had never before been raised, and

³¹ Collins-Taylor told us that she believed the case had been closed and "orchestrated in a very quick way so it can be asked for by the media."

because DPS officials were accusing the Patrol of closing the case prematurely so that it could be released to the media.

Jarvi said Dicken informed him that his report on the conveyance operation was “over-documented,” saying, “There’s too much information here.” He also said that the DPS officials misinterpreted his eye roll, telling us that neither Booker nor Henderson told him to close the case. Jarvi said the decision to close the file was his and that he did so because, after the knock and talk and the uneventful dinner party, the investigation was over.³²

Collins-Taylor and McCann said that by the end of the January 27 meeting, Dicken was furious at Booker. “I’ve about had it with Booker,” McCann quoted Dicken as saying. “I’ve about had it with the stuff he pulls.” Convinced that Booker had leaked information on the conveyance operation to the press and failed to inform him of the tobacco seizures at the Residence,³³ Dicken confronted Booker on the following day, informed him that he was under administrative investigation³⁴ and ordered him to clean out his office that day. Dicken took this action, knowing that Booker was scheduled to retire from the Patrol after 33 years of service on February 5, 2010, just eight days later. Dicken also reassigned Henderson and ordered that computers and Blackberries assigned to both officers be seized and searched.

Subsequently, the Patrol announced that Dicken had downgraded the administrative investigation to a management review. The officer overseeing that review, Capt. Arthur Combest, told us that his analysis of Booker’s and Henderson’s computers and

³² Collins-Taylor and Dicken contend that the case should have been left open following the discovery of the cache of tobacco in the Residence basement. They contend that this discovery leads to the logical conclusion that the “six pack” was tobacco. Jarvi says he closed the file because the conveyance operation was a criminal investigation pertaining to a drug drop, while the discovery of tobacco was an administrative violation, not a criminal matter.

³³ Patrol records show that Booker, in a January 19, 2010, weekly report, did include information about the large tobacco seizure at the Residence on January 13. The records show that Booker forwarded his weekly report to Dicken’s Chief of Staff.

³⁴ A Patrol administrative investigation is a formal inquiry into allegations that a Patrol employee has engaged in misconduct or committed policy violations.

Blackberries, coupled with interviews he conducted, uncovered no evidence that Booker or Henderson leaked information to the media.³⁵

We do not question Dicken's authority to remove or transfer Booker or Henderson. But we also believe that the manner in which Booker's removal was handled, based largely on a misinterpreted eye roll and Dicken's belief that Booker had been insubordinate when he argued with Dicken over the unusual decision to shut down the conveyance operation, was a deliberate attempt to humiliate an officer who had served the Patrol honorably for more than three decades.

We do believe that Dicken's point is well taken that Booker and Henderson did not come to the January 9, 2010, meeting prepared to demonstrate why the conveyance operation was safe, well-planned and should go forward. Instead, Booker accused Collins-Taylor and Haseley, the Governor's Chief of Staff, of interference and the conversation deteriorated from there.

V. CONCLUSION

Although the goals of the Governor's Residence inmate work program are laudable, we have described numerous problems and unsafe practices in this program. Many of these problems have already been acknowledged and addressed in a security assessment that was conducted by the Patrol at the request of the Strickland administration.

The changes in policies and procedures include a more thorough background check of inmates in the program; an agreement that DRC will conduct pat-downs of all inmates after completing their work details; treatment of all contraband – whether drugs, tobacco or unknown substances – as evidence, including testing in the crime lab; and more extensive training by DRC of the DAS staff who work at the Residence. The new regulations also prohibit inmates from serving alcohol at special events at the Residence

³⁵ As of this writing, Combest's review was still ongoing. Combest told us that he would be issuing a written report.

and from being outside the fence without an escort. We are hopeful that these security upgrades will ensure the safety of the First Family, Residence staff and the residents of the neighborhood.

With regard to the cancellation of the conveyance operation, we found that there was an unusual level of interest – more than 150 email and phone communications among high-ranking Administration officials – in what should have been an innocuous and routine law enforcement action outside the grounds of the Governor’s Residence. Public disclosure of the ensuing decision to shut down the operation led to a cover-up in which senior officials at DPS did not tell the truth about their roles in the decision or their reasons for making it. That failure was then accentuated by DPS’ attempts to thwart this investigation.

We believe the evidence is clear that political considerations played a significant role in the decisions that were made by DPS officials in the conveyance case. We also believe that politics factored into the decisions of some witnesses to provide false testimony under oath. Whatever steps the Administration, DPS, DRC and DAS take to address the security deficiencies at the Governor’s Residence, we believe they should ensure that political considerations have no impact on future law enforcement decisions.

VI. RECOMMENDATIONS

Based on the results of our investigation, we are making the following recommendations and are asking the Department of Public Safety, the Department of Administrative Services and the Department of Rehabilitation and Correction to respond to this office within the next 60 days with a plan explaining how these recommendations will be implemented:

1. DPS, DAS and DRC should work jointly to develop a process to assure that Governor’s Residence inmates’ criminal histories are properly screened to prevent inmates with a history of violent offenses, sexual offenses or multiple serious

- felony convictions (felonies of the second degree or above) from participating in the program.
2. DPS, DAS and DRC should develop a policy to ensure that Residence inmate workers are under the supervision and control of corrections professionals or law enforcement officers at all times.
 3. DPS, DAS and DRC should work together to develop a comprehensive, in-depth training program for all non-DRC, non-law enforcement personnel who work with the Residence inmates. This training program should emphasize concepts of security and safety for the neighborhood in which the Residence is located. It also should establish clear rules about improper personal relationships between staff and inmates.
 4. DPS and DRC should work together to establish a policy that clearly defines the boundaries at the Residence and outside the Residence beyond which inmates may not go. All personnel who work at the Residence should be trained in this policy. Inmates who violate this policy should be immediately removed from the Residence work program and, where appropriate, charged with escape.
 5. DAS should significantly curtail inmates' access to dangerous tools. The tools in the three tool bays at the Residence should be organized and inventoried. A system should be developed for inmates to be assigned appropriate tools for the jobs to which they are assigned, and tools should be checked out and returned pursuant to a written sign-out and sign-in log. Inmates should not be given unsupervised access to axes, chainsaws or other dangerous, mobile implements.
 6. The areas frequented by the inmates – particularly the second floor of the Carriage House, the tool bays, the Residence basement and the kitchen – should be subject to frequent random searches by the Patrol to discourage the hiding and

- conveyance of contraband. Any DRC variances to the contrary should be rescinded. From time to time, this should include drug dog-assisted searches.
7. DPS, DAS and DRC should jointly develop and implement policies and procedures that clearly define their respective roles and responsibilities for the security, safety and conduct of the inmates at the Residence. This should include the establishment of clear communications channels to assure that the Executive Protection Unit is made aware of security variances.
 8. The Patrol should be designated – either through agreement, executive order or through legislation – as the lead agency pertaining to security at the Governor’s Residence. The Patrol’s responsibilities should include a periodic assessment of all security issues at the Residence, including those related to security systems and the employment of inmates.
 9. DPS should establish policies and procedures by which the Patrol Executive Protection Unit can coordinate its efforts and mission with that of the Office of Investigative Services, or its successor office.
 10. DPS should establish clear policy through which the dignitary protection functions and the Residence protection functions are better integrated.
 11. DPS should establish policies that prevent the undue influence of non-law enforcement personnel on decisions made in criminal investigations undertaken by the Patrol. This may require legislation or an executive order.
 12. DPS should internally review the actions of all involved employees in this case to determine whether their conduct warrants further administrative action.