

Retired Superintendents
Ohio State Highway Patrol
1965-2009
August 2, 2010

The Honorable Ted Strickland, Governor
Governor, State of Ohio
Governor's Office
Riffe Center 30th Floor
77 South High Street
Columbus, Ohio 43215-6108

Dear Governor Strickland:

As you are aware, The Ohio State Highway Patrol Mission Review Task Force (Task Force) has now completed its statutory mandate and has presented its final report and recommendations as required by law. Additionally, the final report is accompanied by a minority report and comments by the Buckeye State Sheriffs' Association and the County Commissioners' Association of Ohio.

Over the course of nine months, starting in November of 2009, the Task Force conducted fourteen meetings under the leadership of the appointed Chair, Peter Tobin. We must commend you on your selection of Chairman Tobin and congratulate Peter on the professional manner in which the meetings were conducted and the fairness and consideration he displayed to all individuals who appeared before the Task Force.

Members of the Ohio State Highway Patrol Retirees Association and several retired superintendents monitored all Task Force meetings. With the assistance of a website (TroopertoTrooper.com) founded by all of the retired Ohio State Patrol Superintendents, the proceedings of the last seven meetings were videotaped and posted on the Internet for information and record. All Task Force meeting agendas and meeting minutes can be found on the Ohio Department of Public Safety's website.

We appreciated the opportunity to attend and participate in the Mission Review Task Force meetings and we very much appreciate your interest in giving consideration to our concerns on the Task Force's final and minority report. We also commend the members of the Task Force for their time and effort in completing this endeavor and for the staff responsible for preparing the final report. We must also commend the Ohio State Highway Patrol staff that collected, prepared and presented a wealth of valuable information to the Task Force.

The Task Force was charged with exploring opportunities to improve operational efficiency, identify overlapping services, and consolidate current operations of the Ohio

State Highway Patrol. After evaluating the report, reviewing the nature of the recommendations and talking to Task Force members, we believe the Task Force found the Patrol to be an efficient and effective law enforcement organization that is very cognizant of its relationships with other law enforcement agencies and its attempts to work cooperatively with them.

When developing recommendations, we understand that no task force, committee, or commission will create a package that is 100% amenable to any one individual or group. We understand it is a collective process that generates a consensus set of recommendations. Although there may be some recommendations in this final report we would have written differently, we accept them as written with the following two concerns.

Many of the recommendations appear to infer the Patrol is not performing certain functions currently. Based on information and testimony provided to the Task Force, many of the recommendations have been undertaken in the past and are continually being evaluated, to ensure better operational efficiencies, better inter-agency communications, and cost-savings for Ohio taxpayers. Our second concern is about future long term funding for the Patrol. We will discuss this issue in more depth later on in this letter.

It was indeed unfortunate that two members of the Task Force believed it was necessary to include a minority report with the issuance of the Final Report. A reading of the Minority Report along with careful consideration of the evidence and testimony presented would tend to indicate some of the underlying reasons the legislation creating the Task Force was originally introduced. The BSSA's Task Force representative continually pressed forward with recommendations to reduce or shift necessary operational funding from the Patrol to other agencies and recommendations to obtain state funding for all county Sheriff departments. The sophistry of the BSSA's arguments can be clearly understood when one compares the voted down recommendations submitted to the Task Force on May 19, 2010, (Attached # 1), with the issues listed on page 4, of the Minority Report- "Possible Issues Not Included In The Final Report That Should Be Considered"-(Attachment # 2).

Your visionary comments about the creation of the Task Force in April of 2009, were clearly on target when you commented:

...“ It (legislation for the Task Force) did not originate from me, and my personal feeling is I think we do have a clear idea of the mission of the Patrol...”

...“ I have little patience for such competitive feelings. Both the sheriffs and members of the patrol are professional law enforcement officers and agents. I think it is a little unseemly when it gets into a turf battle... I am aware that there have been these territorial disagreements. I do not think they're anything to get exasperated or excited about. I just think it's the way things are in **certain areas** (emphasis added).”

We could not agree with you more! Jealousy of and resistance to the Patrol (by a small minority of Sheriffs and the BSSA) as a statewide law enforcement agency has been a reality since the Patrol was created in 1933. We believe that historically a very large majority of Sheriffs support the Patrol, appreciate the Patrol's limited powers and duties conferred by the legislature, as well as the benefits, services and programs available to them by the Patrol at the local and state levels. It is unfortunate that some accrue benefits from fanning the flames of jealousy and conflict.

Long Term Funding

Sustainable funding should be an integral part of any discussion of Patrol operations, effectiveness, efficiency, or overlapping services. Recommendation number 9 under Operational Efficiency in the Mission Review Taskforce Report touches on this topic and is the result of lengthy discussions that included reinstatement to the Motor Vehicle Fuel Tax.

The Patrol historically received substantial funding from the Motor Vehicle Fuel Tax until 2003 when legislation, which incrementally increased the tax by 6 cents over 3 biennium's also required a incremental reduction of funding for Patrol operations from the fuel tax. Fuel tax funding of the Patrol was totally eliminated in FY 2011. Since 2003 the Patrol has been increasingly funded by a wide variety of new or increased fees and even administrative penalties which has resulted in a shift of Patrol funding from all users of Ohio roads, including out of state vehicles passing through Ohio (fuel taxes) to placing the burden squarely on the citizens of Ohio (fees).

The current dedication of Motor Vehicle Fuel Taxes for highway purposes ignores provisions in article 13 of the Ohio Constitution that specifically allows the use of Motor Vehicle Fuel Taxes for "expenses of state enforcement of traffic laws".

We would recommend that serious consideration be given to restoring a substantial portion of the Patrol's funding to the Motor Fuel Tax. This will ensure a reliable, sustainable funding stream for the Patrol and reduce incursion into areas historically available to local governmental entities. This can be accomplished by redirecting a portion of current fuel taxes to the Patrol or phasing in additional new- dedicated funds for the Patrol similar to the incremental plan used in 2003.

The Ohio State Highway Patrol has a rich tradition of professionalism, inter-agency cooperation, and providing quality services to the citizenry of Ohio for the last 77 years. As retired superintendents, we want that tradition to continue, and we know the current Patrol administration feels the same way.

Despite the issues that have surfaced in recent months, we know you have the utmost respect for the Ohio State Highway Patrol, and we appreciate the support you have shown during your tenure as governor. We trust that support will continue as proper funding sources are identified.

Again, we appreciate the opportunity to participate in this process and thank you for listening to our concerns. We would welcome the opportunity to further discuss with you the findings and recommendations of the Final Report and our opposition to the Minority Report.

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Sincerely

Sincerely,

Colonel Robert M. Chiaramonte (Ret.)

Colonel Jack B. Walsh (Ret.)

Colonel Thomas W. Rice (Ret.)

Colonel Warren H. Davies (Ret.)

Colonel Kenneth B. Marshall (Ret.)

Colonel Kenneth L. Morckel (Ret.)

Colonel Paul D. McClellan (Ret.)

Colonel Richard H. Collins (Ret.)

By: Colonel Thomas W. Rice (Signature)

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