

On January 30, 2010, Colonel Thomas W. Rice (retired) forwarded this letter to Governor Ted Strickland regarding the removal and reassignment of Major Robert Booker and Captain Michelle Henderson from the Office of Investigative Services.

Thomas W. Rice

January 30, 2010

The Honorable Ted Strickland

Governor, State of Ohio

Governor's Office

Riffe Center 30th Floor

77 South High Street

Columbus, Ohio 43215-6108

Dear Governor Strickland:

On Friday January 29, 2010, during the 12:00 Noon News broadcast, WBNS-TV reported that Major Robert W. Booker, Ohio State Highway Patrol, who was in charge of a plan to arrest a drug suspect who troopers thought was going to convey drugs to the Governor's residence was relieved of his official duties and placed under administrative investigation. The report further stated that Major Booker was not under investigation because of the outcome of the case, but rather his handling of the case. Captain Michelle Henderson, who was also closely involved with the case was also relieved of her duties and assigned to another location outside Patrol Headquarters.

The report also quotes you on Thursday, January 28, 2010, when you were asked if anyone at any level should face scrutiny related to the case, " I don't know why they would be under scrutiny, I don't know that anybody has done anything wrong". After reading the Ohio State Patrol Report of Investigation (published on-line by the Columbus Dispatch on January 30, 2010), I agree with your assessment in regard to the actions of Major Booker, Captain Henderson and the other Troopers involved.

I cannot agree with your assessment of the actions of the Director of the Department of Public Safety and the Superintendent of the Patrol when they apparently made the decision to scuttle the sting and instructed Patrol officers to contact and warn the drug courier.

I also learned from Patrol sources that Major Booker was not only relieved of his duties but he was escorted out of the building. Keep in mind that Major Booker will retire after 30 plus years of dedicated service on Friday, February 5, 2010. What a way to treat a man of character and integrity for simply doing his job.

What Major Booker and Capt. Henderson failed to do was to ask for an order in writing from the Director of Public Safety or the Superintendent when they were told to scuttle the ongoing criminal investigation, stop the sting, and to notify the drug carrier that she would be arrested if she went through with the delivery.

From my reading of the Ohio Criminal Code, section 2921.32 (3) Obstructing Justice; it appears that the Director of the Department of Public Safety and the Superintendent may have obstructed justice by telling Major Bob Booker and Captain Michelle Henderson to stop the sting and notify the person that she would be arrested if she delivered the drugs. At the very least they may be guilty of Misfeasance, Malfeasance and Nonfeasance in office.

I feel certain that individuals within your office and in the Department of Public Safety will relate to you that I am just another old Ohio State Highway Patrol retiree trying to run the Highway Patrol. I assure you that nothing is further from the truth. I retired in 1994, after 33 years of service, sixteen years ago. However, Larry James, who headed the last Superintendent's selection committee, asked me (the only Superintendent asked to appear before the committee) to come and speak and to share my thoughts and concerns about the Ohio State Highway Patrol and the selection of the new Superintendent. My only interest in the matter involving Major Booker, Captain Henderson, and the drug conveyance case is to protect and preserve the integrity and reputation of the Patrol and the staff that have been treated so unfairly.

The Patrol must remain free of political interference at the operational level. Directors or in-house lawyers cannot steer, direct, or interfere with criminal investigations. The Patrol must be free to investigate criminal matters within their jurisdiction and to report their findings to the appropriate prosecutor. I strongly encourage you to review and revise the Department of Public Safety's controlling policy on criminal investigations.

With the most recent drug conveyance case at the Governors residence, the Patrol now has failed to investigate two significant criminal matters. The first case was the Encouraging Diversity Growth and Equity (EDGE) case involving falsified reporting of EDGE payments and falsified pay requests to the Department of Public Safety (Ohio Inspector General File # 2009069).

I am requesting that you take immediate action on the Booker and Henderson matter and order Superintendent David Dicken to restore Major Robert Booker and Captain Michelle Henderson to their positions of authority and command. Colonel Dicken, by all rights, should apologize to Major Booker and Capt. Henderson for his harsh, and capricious behavior. I would also request that Inspector General Thomas Charles conduct a full and complete investigation of the actions of all state employees involved with the conveyance of drugs case at the Governor's Residence.

Sincerely,

Col. Thomas W. Rice (Ret.)

Ohio State Highway Patrol 1960-1994

Superintendent 1989-1994