

**Senator Timothy Grendell's comments on the motion before the Ohio Senate
Judiciary/Criminal Justice Committee to not confirm Acting Director Cathy Collins-
Taylor, May 20, 2010.**

Cathy Collins-Taylor is an inherently good person who has been thrust into a bad situation. Her service as a police officer is not at issue. Her intervention in, and handling of, the Brofford suspected drug delivery at or near the rear of the state-owned Governor's residence in January 2010 and subsequent related decisions, actions, and events raises serious question about her qualifications for confirmation as the Director of the Ohio Department of Public Safety.

Marked inconsistencies, between documentary evidence and witness statements taken under oath and between testimony of sworn witnesses are troubling. For example, Director Collins-Taylor stated several times in her sworn testimony to the OIG on March 24, 2010, that former DRC Director Terry Collins "suggested the knock and talk" (Collins-Taylor-p.30) and that the first time she heard the phrase "knock and talk" associated with this situation was from Terry Collins (Collins-Taylor-p.30). Yet, under oath before this Senate Committee, Terry Collins testified that he had not heard of the phrase "knock and talk" until he attended the Committee's hearing on May 19, 2010. This inconsistency is further substantively raised by Director Collins-Taylor's sworn assertion that Terry Collins suggested that someone talk with the lady (Mrs. Brofford) (Collins-Taylor-p.30). Terry Collins testified before the Committee that Director Collins-Taylor told him that was what was going to be done, and in fact, that decision is in her jurisdictional purview, not his.

There is ample evidence that some individuals made statements that conflict with emails and previous statements made during the course of events. While these inconsistencies raise legitimate integrity concerns, such concerns alone, are but one factor to consider in this confirmation matter.

As demonstrated by the evidence, the involvement of political decision-makers and/or concerns over embarrassing the Governor or tarnishing the Governor-supported inmate work program at the Residence exemplifies the problems that arise when politics takes priority over public safety. As concluded by the independent Management Review conducted by Captain Combest, the Patrol's operation plan for the January 2010 suspected drug drop was well planned and provided adequate safety measures for the First Family and guests, the public, and the law enforcement officers involved. In fact, the Management Review concluded that the alternate "knock and talk" that resulted from Director Collins-Taylor's involvement provided more danger to the law enforcement officers than the approved January 8th operation plan. The evidence also establishes that the January 8, 2010 operational plan had been reviewed by or with Lt. Mannion (who made no objection to Captain Henderson, although he discussed possible alternatives with Lt. Jarvi), DPS Chief of Staff McCann (who sent a 5:34 PM email saying "sounds good" and for whom Superintendent Dicken confirmed to Cpt. Henderson had said okay to the operation), and DRC (Director Collins had been advised of the planned contraband drop and operation by Assistant Director Moore at 4:36 PM, and Director Collins responded affirmatively "ok good" at 4:52 PM). The operation plan also was approved by the appropriate Highway Patrol Chain of Command by 5:00 PM on January, 8, 2010.

It also is demonstrated by the evidence that Lt. Mannion went outside the patrol's applicable chain-of-command and engaged in numerous conversations with the Governor's Chief of Staff John Haseley on the afternoon and evening of January 8, 2010. Chief of Staff Haseley engaged in telephone calls with Governor Strickland's cell phone (2.8 mins.) at 6:40 PM (1/8/2010). The Governor's Chief Legal Counsel, Kent Markus, called DPS Director Collins-Taylor at 6:40 PM and told her to call Department of Rehabilitation and Corrections Director Terry Collins and Lt. Mannion. Director Collins-Taylor obliged Mr. Markus and called Mr. Collins and Lt. Mannion. These calls ultimately resulted in the decision to forgo the January 8th operation plan and, to instead send troopers to advise Mrs. Brofford that OSP was aware of the scheduled January 10th suspected drug drop at the Governor's Residence. As a result of the subsequent OSP contact with Mrs. Brofford on January 9, 2010, nothing was dropped at the rear boundary area of the Governor's Residence and the opportunity to intercept the contraband to be dropped so as to remove this item, if illegal (drugs) or dangerous (bomb or grenade) was lost. As a result, to the extent that the item is illegal or dangerous, that item apparently remains in the hands of someone with a criminal record who was involved in suspected or actual criminal activity. As a result of the decision, the Ohio public remains exposed and at risk to the potential adverse impact of the non-intercepted drugs or possibly dangerous contraband. This is a situation in which the professionals seem to be on one side and the politicians on the other.

The lack of judgment demonstrated through these events points to the assertion that not embarrassing the boss or his pet inmate program, trumped public safety, which concern in general has been expressed by several current and former Highway Patrol officers. This situation raises legitimate concerns about the public's confidence in Director Collins-Taylor's priorities,

management, and leadership as Director of DPS and the confidence of Highway Patrol troopers and officers in their ability to do their job of protecting Ohioans free of interference by non-law enforcement or politically appointed personnel in DPS and the Governor's staff. This public and patrol confidence situation cannot be resolved by confirming Director Collins-Taylor, and would be exasperated by such confirmation.

Moreover, the unprecedented decision by Director Collins-Taylor to engage in actions to assail and undermine the Ohio Inspector General and his staff in the performance of their statutory duties results in a great disservice to the people of Ohio . Director Collins-Taylor objected at committee to the OIG's failure to show proper respect for a state agency (DPS) and that the OIG had impugned the motives of public servants. Sadly, Director Collins-Taylor and her DPS legal personnel did just that – impugned the motives of the OIG and failed to show proper respect for the Office of the OIG. While Director Collins-Taylor's personal desire to protect her personal reputation is understandable, her decision to publicly attack the OIG and its investigation is unprecedented and indefensible. No individual public official is more important than the protection of the interests of Ohioans as a whole.

The OIG office was created to detect and discourage wrongful acts by state agencies, state officials, and state employees. Undermining that valuable role that protects the good of all Ohioans in furtherance of one's appointment or personal reputation/protection is not in the best interest of the citizens of this state. The judgment behind the OIG attack and the decision to cancel the well-planned and safe January 8th operation plan demonstrates a troubling attitude of placing individual or self over public concerns. As Superintendent Dicken agreed, the public

undermining of the OIG erodes public trust and confidence in the operation of state government. Director Collins-Taylor's participation in this public assault on the OIG further warrants against her confirmation.

Finally, the actions by Director Collins-Taylor and others under her in leadership in the DPS after the cancellation of the January 8, 2010 operation plan raises serious concerns. The allegation that DPS Chief Counsel Josh Engel approached an official in the Ohio Homeland Security office and asked that official "to leak the [confidential] report to the IG" so that attorney Engel "can set him [the IG] up" is the most serious purported impropriety brought to the attention of the Committee. The fact that Mr. Engel has not been put on administrative leave while this most serious matter is being investigated defies logic. The fact that Director Collins-Taylor has permitted Mr. Engel and his legal office to continue to be involved in the OIG-related matter and to prepare the "White Paper" assailing the OIG Investigation Report is inexcusable. Additionally, the collateral effort to attack the reputation of some of those who have testified before the Committee and/or the OIG in this matter reflects poorly on the Governor, Director Collins-Taylor, and the State of Ohio. The Director's failure to take corrective action over Superintendent Dicken's mishandling of Major Booker's unceremonious relief from his position shortly before his retirement after 33 years with the patrol, serves to undermine morale in the patrol.

Taken in their totality, the integrity and judgment concerns, the erosion and potential for erosion of public confidence in DPS and OIG, and the real and perceived negative impact on the

highway patrol's morale and internal confidence, all resulting from Director Collins-Taylor's questionable decisions and actions dictate against her confirmation.

For these reasons, the committee should recommend against the confirmation (advise and consent) of Cathy Collins-Taylor for the position of Director of the Ohio Department of Public Safety.