

Bernadine Kennedy Kent
District 25

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Committees:
Community and Family Advancement
Criminal Justice
Government Accountability and Oversight
Health

State Representative
Bernadine Kennedy Kent
Ohio House — District 25

March 20, 2018

City of Columbus
90 West Broad St.
Columbus, OH 43215

Dear Honorable Mayor Andrew Ginther:

As you may know from my last letter to Director Pettus, on November 27, 2017, December 8, 2017, December 11, 2017 and on March 1, 2018, Director Pettus directed/ordered Chief Jacobs in writing to appropriately address and handle crime victim Diona Clark's appeal and complaint. The complaint accused Detective Jay Fulton in conjunction with Deputy Chief Richard Bash of fabricating evidence in a criminal investigation and lying to IAB Investigator Ken Decker about making phone calls to Ms. Clark. **(Please be advised Ms. Clark has given me the authority to provide you with her cell phone records as definitive proof upon your request.)**

Additionally, on February 2, 2018, Director Pettus directed/ordered Chief Jacobs to appropriately address my complaint. The complaint accused Deputy Chief Michael Woods in conjunction with Lt. Aimee Haley of having sent to me a police report naming me as a "**suspect**" in a crime knowing the police report was false due to an alleged glitch in the Division's Internal Affairs' system, but never notifying me of that fact. I alleged the act of knowingly sending me a false report was meant to intimidate and retaliate against me for my continuous efforts on behalf of victims of violent crimes and for filing complaints that involved **high-ranking members of the Division including Police Chief Jacobs.**

As stated in the March 19, 2018 Letter of Complaint to Director Pettus, to date, I have not been offered an apology or received any written notification from Chief Jacobs notifying me I am not a suspect; I am not under investigation; that the computer glitch has been fixed or informing me as to what will be done with the false reports that are now public records and material evidence associated with my February 2, 2018 complaint.

Please be advised, to date, Chief Jacobs remains in violation of the City's Central Work Rules; is still refusing to adhere to Director Pettus's directions/orders; is still violating the written and

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established policies and procedures upon receipt of the public's complaints; and is still impeding an internal investigation that could result in disciplinary action.

I allege this refusal by Chief Jacobs to adhere to a superior's directives/orders comes, in part, from Chief Jacob's admitted bias toward me expressed in an October 19, 2017 letter from IAB Commander Greg Bodker to Asst. Public Safety Director George Speaks stating, "***Chief Jacobs has recused herself from the decision-making process of any investigation associated with Kent***".

Amazingly, this statement about Chief Jacobs wanting nothing to do with any investigation associated with me comes less than six months after I received an email from Chief Jacobs ***thanking me for my help with the Diona Clark case. Please be reminded Ms. Clark lost her opportunity to have her alleged assailant charged with felonious assault after CPD Detective Fulton allowed the statute of limitation to run out. However, as reported in the media, with the help of my office, Ms. Clark's alleged assailant was able to be charged with kidnapping 12 years after her almost fatal shooting.***

Truly, a City employee freely expressing such explicit and personal bias as well as displaying such blatant insubordination should have no place in the City's workforce, be the head of a Police Division, or be paid with the taxpayer's dollars. Any decision-makers involved in the appeals and complaints of the public should not be allowed to indulge in biases that affect the findings of fact and are meant to mislead government officials and the public. **I allege this explicit bias and the treatment of crime victim Diona Clark is discriminatory, which is defined under the Division's directives as "the failure to treat all persons equally where no reasonable distinction exists to justify the differences in treatment"**.

According to the City's Central Work Rules, **any employee**, who violates any of these rules may be subject to disciplinary action, including suspension or termination. I urge the City Council to address Chief Jacob's refusal to adhere to a superior's directives/orders to appropriately address and handle the above referenced appeal and complaints as well as her violation of established written protocol, which required her to send the complaints received from Director Pettus to the Internal Affairs Bureau (IAB) to be entered into the system for investigation and tracking.

A reliable complaint tracking system is a means not only for managing cases but of providing public accountability. With Jacobs' failure to forward the complaints to IAB, there is no way of verifying that the complaints are properly assigned, that investigators are providing due diligence or that investigations have been completed.

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Since Chief Jacobs has not been able to produce any documents justifying her actions or lack thereof, I respectfully urge **you** on behalf of our collective constituency to promptly address Chief Jacobs' blatant insubordination, her admitted explicit and personal bias, and her violation of Standard Operational Procedures as it relates to complaints from the public. I request that no presumptions be made regarding the complainants and witnesses' credibility. All involved persons should be considered equally credible unless an objective, fact-based evaluation and documented evidence justifies otherwise. **Conclusions must be logically deduced from the evidence and based on facts.**

As you know from my requests to meet with you, I am more than willing to work with the Mayor's office on this extremely serious matter. I believe it imperative for us as elected officials to focus on service, openness, transparency and accountability for the betterment of the people we represent. Please be apprised of Chief Jacobs' very public statement in 2001 discussing a complaint lodged against former Chief James Jackson for what was alleged by some people as an insensitive remark, ***"Police officers are held to higher standards than other public employees and are expected to obey specific rules of conduct. I would expect the chief to do the same thing. Everybody's responsible for their actions."***

With the safety and protection of the public, especially our children, utmost in mind, I respectfully request you as the Mayor of Columbus acknowledge in writing receipt of this Letter of Complaint. I further ask that you utilize the power granted you by the Ohio Legislation in ORC 733.35 to exercise your authority to file charges against Police Chief Kim Jacobs on behalf of this office, Diona Clark as well as our collective constituency for the reasons described above. I welcome your response to this Letter of Complaint lodged herein against Police Chief Jacobs by the end of the business day Monday, March 26, 2018.

Sincerely,

A handwritten signature in cursive script that reads "Bernadine Kennedy Kent".

Bernadine Kennedy Kent

CC:

Diona Clark