

# JEFF CAPELL

October 11, 2007

**VIA HAND DELIVERY**

Mr. Patrick Thompson,  
County Administrator  
County Administration Building  
130 East Court Street, Room 603  
Cincinnati, OH 45202

**VIA HAND DELIVERY**

Mr. Todd Portune, County Commissioner  
County Administration Building  
138 East Court Street  
Cincinnati, OH 45202

**VIA HAND DELIVERY**

Mr. Pat Dewine, County Commissioner  
KEATING, MUETHING & KLEKAMP  
1800 PROVIDENT TOWER  
ONE EAST FOURTH STREET  
CINCINNATI, OH 45202

**VIA HAND DELIVERY**

Mr. David Pepper, County Commissioner  
County Administration Building  
138 East Court Street  
Cincinnati, OH 45202

**VIA HAND DELIVERY**

Mr. Simon Leis, Sheriff  
1000 Sycamore St. Room 120  
Cincinnati, OH 45202

Re: Use of County resources and fora to oppose Issue 27

Dear Sirs:

As you are likely aware, I am affiliated with the Coalition Opposed to Additional Spending and Taxes issues PAC (COAST) and another Ohio Political action committee known as WeDemandABetterPlan.Com. Both groups and I oppose the passage of Issue 27 on the November ballot.

It has come to my attention that numerous County resources, including distribution media, have been employed to benefit a third party, the pro-Issue 27 campaign. I, on my own behalf and that of COAST and WeDemandABetterPlan.Com, would like to express opposition to Issue 27 using the same resources and distribution media as has been employed by the pro-Issue 27 campaign, including without limitation:

- 1) Having a letter from me to all Sheriff's department employees distributed using the County paycheck envelopes, in the same scope and manner that

Sheriff Leis attested that he used the same medium for distribution of his pro-Issue 27 letter. The letter I request to be distributed is attached hereto as **Exhibit A**.

2) Having a letter from me to all Sheriff's department employees distributed using the County e-mail system, in the same scope and manner that Sheriff Leis attested that he used the same medium for distribution of his pro-Issue 27 letter. The same letter I request to be distributed is attached hereto as **Exhibit A**.

3) I would like to post an anti-Issue 27 sign in the lobby of the 6th floor of the County administration building in the same manner as the pro-levy sign was posted there at a press conference last Friday, for as long a period of time as the County permits such signs to be displayed.

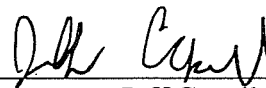
In order that the first request may be fulfilled appropriately, please advise where we may deliver the copied letters for insertion into the pay envelopes, how many copies will be required and the manner in which you want them prepared (i.e., size of paper, how folded, other requirements). I want to be absolutely clear that each of the foregoing requests are limited in scope ONLY to the method, number and manner in which the pro-levy messages were conveyed. So that you might clearly understand this request, attached hereto as **Exhibit B** is a letter from the Sheriff what was distributed by means of the pay envelope distribution and the e-mail distribution referenced in numbered **paragraphs 1 and 2**, above.

I also request from you copies of all written policies and procedures you maintain for ascertaining which third party materials will be inserted in such pay envelopes and distributed on the County e-mail system to such employees, and where and when on County property is permissible to post political signs. In the event that such written policies are not maintained, I hereby request that you inform me of what those procedures are in practice.

Because of the sensitive nature of this proposal, and the rapidly approaching election, I also demand a full response from you before October 18, 2007.

Thank you.

Very truly yours,



Jeff Capell

# Exhibit A

## **Please join me in opposing Issue 27**

October 12, 2007

To all Sheriff's Department Employees:

Sheriff Leis recently wrote to you asking you to vote Yes on Issue 27, the Jail Tax proposal. In that letter he told you it was "your duty" to support Issue 27 and threatened you with layoffs if Issue 27 does not pass.

My name is Jeff Capell. I am a private citizen in Hamilton County who has researched the issue thoroughly and has determined to oppose Issue 27.

I also have researched Ohio law on the topic and have concluded that:

- 1) It is not "your duty" to support Issue 27. Indeed, Ohio law expressly prohibits any determination of your job performance (or actions thereon such as hiring, firing, job promotion, raises, pay reductions, etc.) to hinge on whether or not you overtly (as a contributor, volunteer, allowing your home to be used as a sign location, or otherwise) or covertly (at the ballot box) determine to support Issue 27.
- 2) It is illegal under Ohio law for Sheriff Leis to threaten layoffs in the Sheriff's Department if you fail to vote "yes" on Issue 27. See O.R.C. §3599.05.

Therefore, I encourage you to take your time and independently research the topic. Here are some facts that compelled me that the Portune/Pepper tax proposal is an unnecessary "Super-Sized" tax:

- The Portune/Pepper plan is more than 2.5 times more expensive than that tax rejected by Hamilton County residents last November by 57% to 43%.
- Housing inmates is a function of many variables, including arrests, arraignments, bail settings, trial schedules, and sentences. The reality is that we don't know how much jail space we need because they have only recently started working on the "problem" of processing inmates through the system. The County Commission last year hired The Vera Institute of Justice, recognized experts in jail management, to study inmate population characteristics and jail management processes in Hamilton County. Here's what they concluded:
  - In 2004, four out of five inmates in the Justice Center are in between booking and court review - awaiting trial. Vera Institute In 1999, that number was only 37%. Why has that number grown so dramatically? And what can we do about it?

- There presently is a task force - the Criminal Justice Commission -- including of the Prosecutor, the Sheriff and Judges working to develop operational solutions to the crowding problem, such as a Night Court that would process arrestees more quickly, but they have yet to issue their recommendations to develop operational improvements to reduce inmate populations. How do we know how many jail spaces are needed until their work is concluded and implemented?
- The "Comprehensive Safety Plan" is not a plan at all. The on-line version of "Comprehensive Safety Plan" sales brochure says: "The current County Commission is developing a comprehensive safety plan."
- We have not had a male inmate "early released" in more than a year, and the Sheriff himself characterizes the female early releases, which are all non-violent offenders, as "insignificant."
- What there is of this "plan" contemplates a new 1,800-bed facility at a cost of \$198 million. That equates to \$110,000 per jail bed.
  - In 2003, Butler County built a new state-of-the-art, federal standard compliant jail of 800 beds for \$35 million, which is around \$43,000 jail bed, less than ½ of the cost.
  - Warren County this year agreed to build a 180-bed expansion to their current jail at a cost of only \$5 million, less than \$28,000 per bed. Cincinnati Enquirer, Sunday, July 15, 2007.
  - Remember, the land in Hamilton County has been donated. In Butler County, they had to acquire the land as a part of the construction costs.
  - Why is the cost of our jail two to three times per cell what these immediately adjoining counties spent on jail spaces?

As a result of the foregoing, I encourage you to reject the attempted intimidation of Sheriff's Department employees by Sheriff Leis and that you Vote No on Issue 27. If you care to help the opposition to the campaign, please log onto our web site, [WeDemandABetterPlan.Com](http://WeDemandABetterPlan.Com) to learn how you can participate.

Sincerely,

Jeffrey Capell

# Exhibit B

## A LETTER FROM SHERIFF LEIS

### **SUPPORT THE JAIL INITIATIVE THE FUTURE OF OUR COUNTY AND OUR AGENCY DEPENDS ON IT**

To All Sheriff's Office Personnel:

In all of my nearly 37 years of elected office in Hamilton County I have never asked our citizens for any tax increase to support our operation. I am now asking them and you to support the proposed sales tax increase to fund the Hamilton County Comprehensive Safety Plan (jail) that will be on the November ballot. Public safety in our region, not just our county, depends on it and, in many ways the future of our agency. Without space to house inmates and the funds to operate a new facility we will not have the tools to provide the quality of public safety service our region deserves.

I encourage each and every one of you to vote YES in November and, between now and November, educate your friends, family, associates, and anyone with whom you have contact on the absolute necessity to build a new jail. No one in our community knows the crisis we are facing better than each of you.

As most of you know, I have been advocating the need for a new jail since shortly after taking office as Sheriff in 1987, for nearly 20 years. In the early nineties a jail was nearly a reality but the Commissioners at that time reversed their position at the eleventh hour. We had a serious overcrowding problem at that time and now we are in a crisis. Jail overcrowding has resulted in early releases, "process only", huge expenditures for "temporary" housing at Queensgate and more recently in Butler County. Queensgate was meant to be temporary while a new jail was built, not a permanent facility; it has eroded to the point where it is dangerous for inmates and our personnel, plus the county must rent the facility.

I recently wrote a letter to the Cincinnati Enquirer containing specific facts as to why we must build a new jail. This letter was in response to one written by Commissioner DeWine who opposes the Comprehensive Safety

Plan (the building of a needed jail) for what can only be political motives. I am attaching that letter to this message. Please read, copy it, distribute it, and discuss this issue with everyone you know.

Commissioner DeWine's position on the sales tax for the Comprehensive Safety Plan puts several factors into play. If the sales tax fails, as he wishes, we will no longer house prisoners in Butler County, the Over-the-Rhine detail will be terminated, and lay offs of personnel are a real possibility. As you can see, Commissioner DeWine is not a friend of law enforcement in general and the Sheriff's Office in particular.

I ask you to think about this also, a half cent sales tax increase translates to a very small expenditure over a year's time and it is a small price to pay for safety and security. It will cost the average taxpayer Thirty-Three Dollars (\$33.00) per year. Furthermore, a sales tax is paid by the region as a whole, a regional effort for a regional crisis.

YOU, better than anyone, know the crisis we face. YOU see and feel the effects of this crisis on a daily basis. It is our duty to campaign for the passage of the jail initiative so we and all law enforcement agencies in Hamilton County can provide the public safety service our citizens and our region expect and deserve.

As your Sheriff, and for the first time in my career, I am asking you and the citizens of Hamilton County to support the passage of the Comprehensive Safety Plan (new jail and more) in November.

Sincerely,

Simon L. Leis, Jr.  
Sheriff