

**OSHP Mission Review Task Force**  
**December 16, 2009**  
**12:00 p.m. – 2:00 p.m.**  
**Meeting Minutes**

**Attendance:**

**Task Force Members:**

John Peach, Chief of Police, Kent State University  
Jim Foltz, Trooper, Ohio State Highway Patrol  
Larry Davis, President, Ohio Trucking Association  
Mark Drum, Fraternal Order of Police  
Michael McCann, Chief of Staff, Ohio Department of Public Safety  
Brian Newbacher, Director of Public Affairs, AAA East Central

Todd Dieffenderfer, Attorney General's Office for Chairman Peter Tobin  
Lt. Colonel William Costas for Interim Superintendent Kevin Teaford  
Josh Williams for Senator Jason Wilson  
Tim Lynch for Senator Tom Patton  
Eva Clark for Representative Connie Pillich  
Mckenzie Davis for Robert Cornwell, Buckeye State Sheriffs' Association  
John Leutz for Larry Long, County Commissioners' Association of Ohio  
Noah Wolf for Representative Schneider  
Kimberly Wheeler for Senator Steve Buehrer  
Arnie Schropp for Tom Charles, Office of Inspector General  
Jeff Clark for Mark Losey, Ohio Attorney General's Office

**Other Attendees:**

Sgt. Frank Horvath, OSHP  
S/Lt. Steve Rosta, OSHP  
Lt. S.A. Demmitt, OSHP  
Capt. J.R. Dickey, OSHP  
Major C.K. Minter, OSHP  
Capt. D.W. Dicken, OSHP  
Major P.L. Watts, OSHP  
Jeff Grayson, OSHP  
James Spurrier, OSHP Retired  
Howard Spearer, OSHP Retired  
Ted Wurm, OSHP Retired  
Kenneth M. Garloch, OSHP Retired  
David D. Sturtz, OSHP Retired  
Dan Weiss, Highway Patrol Retire System  
Larry Phillips, Ohio State Troopers Association  
Keith Torbert, Chief, Wauseon Police Department  
Blaine Keekly, OSHP Retired  
Ivan Teets, OSHP Retired

Clarence Auckerman, OSHP Retired  
Shel Senek, President, OSHP Retirees' Association  
Ginny Fogt, OSHP Retired  
Dick Curtis, Executive Director, Highway Patrol Retire System  
Lou Gliozzi, OSHP Retired  
Debbie Gliozzi, wife of Lou Gliozzi  
Bob Carson, OSHP Retired  
Charles E. Linek, OSHP Retired  
Richard Collins, OSHP Retired  
Lisa Taylor, OSHP Retired  
Scott Harter, OSHP Retired  
Nancy Crespo, ODPS  
Maria Clark, ODPS

### **Welcome and Introductions**

Todd Dieffenderfer welcomed everyone and stated he would be filling in for Chairman Tobin. Mr. Dieffenderfer ran down what was going to be on the agenda. Todd asked that all task force members introduce themselves.

### **Old Business**

Mr. Dieffenderfer stated that the minutes from the last meeting had been emailed to the task force members for review. He asked if there was a motion to approve the minutes. A voice motion to approve was heard and seconded. All were in favor of the approval of the minutes.

Lt. Colonel Costas spoke regarding questions that were brought up at the last meeting. Lt. Colonel Costas indicated that Chief Peach had requested a brief summary of CALEA (The Commission on Accreditation for Law Enforcement Agencies) and its significance. Mark Drum asked about the Patrol's compliance with the Ohio Revised Code. Below is Lt. Colonel Costas statement.

“As requested by Chief Peach, you have been provided a brief summary of CALEA and its significance at the last meeting. The Ohio State Highway Patrol is a flagship accredited agency, one of only 10 in the United States. This is a critical, but voluntary effort by the agency, to ensure compliance with international industry standards. The Patrol was one of the first Ohio agencies accredited in 1989. The handout lists those state law enforcement agencies in the United States as well as local agencies in Ohio.

In response to Mr. Drum's question last week regarding patrol compliance with Ohio Revised Code, created in 1991 following the enactment of emergency assistance legislation, you have been provided with the Patrol policy which mirrors Ohio law and guides our troopers. It is important to point out that at the request of several agencies, that law was expanded a few years ago to allow emergency assistance by Ohio law enforcement to federal agencies as well.”

Mark Drum asked about the Patrol's policy regarding powers (OSP Policy No. 203.03). The language specifically states although ORC Section 5503.02(B) prohibits use of Highway Patrol officers as peace officers in connection with any strike or labor dispute, a measured response by the Division may be ordered to maintain safe and orderly vehicular traffic flow, to ensure public safety, and/or to monitor the situation. He asked how it is determined where does the Patrol have authority to a measured response.

Lt. Colonel Costas indicated the Patrol has authority with respect to safety and protection on the highways and the motoring public. If strike related activities occur on the roadways, for example, truck strikes, issues of shootings, crossfire, vehicles traveling on the roadways, nails being thrown on the roadways and criminal activities that occur on the roadways although they may be strike related and the Patrol does not get involved in the strike related activities themselves the Patrol does have a responsibility to deal with any criminal activities that occur on the roadways. So that is where the Patrol's experience would come into play with respect of something with perpetual strikes. Mark Drum stated the Patrol's authority is limited to roadways and not private property. Lt. Colonel Costas agreed.

Mr. Drum continued with some additional questions regarding the Scope of Support from OSP Policy 203.03. The policy states – most requests for Division assistance will be on a “support” basis, rather than replacing persons with the duty and authority to act. However, Highway Patrol officers will have the same arrest authority as the law enforcement agency or officer being assisted. The first question he asked was where in the ORC does the arrest authority come from if it is not an emergency assistance as described in ORC 5503.02 but a support situation as stated in the Patrol's policy.

Lt. Colonel Costas indicated he will have get the information and report back on it. Mark asked does the Patrol consider all request for assistance to be an emergency. Lt. Colonel Costas stated it depends on the circumstances of that request and whether there is a danger to law enforcement personnel in whatever instance they may be engaged. Mr. Drum stated that is the exception. Does it fall under those categories and where does that authority comes from as the Patrol's policy says support. Lt. Colonel Costas stated he will get back with an answer.

## **New Business**

Lt. Colonel Costas provided a statement regarding the Office of Field Operations. Below is Lt. Colonel Costas' statement in its entirety.

“The Ohio State Highway Patrol's mission includes providing professional public safety services in Ohio. Today you are going to hear from our Office of Field Operations – The part of the Highway Patrol that represents many of our core services that provide a level of safety and security to the citizens of the state, and to motorists who utilize our roadways every day.

But our mission extends beyond serving the general public. Part of our mission includes serving other Ohio law enforcement agencies.

Through our efforts to support Ohio's law enforcement community some people may have reached a conclusion that the Ohio State Highway Patrol wants to become a state police organization. That, quite simply, could not be further from the truth.

There have been previous discussions in these meetings about the Ohio State Highway Patrol's increased authority on private property – and a perception, held by some, that this is somehow being used to position the Highway Patrol to expand our jurisdictional authority even further.

The topic of increased authority on private property, from our perspective, is aligned with our overall philosophy of providing valuable and timely assistance in addition to supporting our law enforcement colleagues across Ohio at level expected by the general populous.

We are fortunate to have some resources that are not enjoyed by all other Ohio law enforcement agencies. It should be noted, however, our resources are available to all of Ohio's law enforcement.

Our equipment resources were not completely paid for through taxpayer dollars. We have efficiently used other funding streams such as narcotics and forfeiture revenues to offset the costs of our equipment purchases. That equipment is available not just to the Highway Patrol, but to all of Ohio's law enforcement to support the state's overall service to the citizens of Ohio.

As you hear presentations from three units in our Office of Field Operations this afternoon, please remember that the core services they represent are not just providing value to the citizens of Ohio, but are also available to support and assist all of Ohio's law enforcement in our collective pursuit of making Ohio as safe as possible.

And lastly, let me add I find it a little interesting and even a little ironic that in this post 9-11 environment the national effort was to bring all law enforcement together to increase and improve safety and security of the citizens of this nation. The State of Ohio appears to be scrutinizing a law enforcement agency for allegedly overextending its mission for improvement for the overall law enforcement effectiveness in this state.

I would now like to introduce the commander of our Office of Field Operations, Major Christopher Minter.”

Below is Major Chris Minter's statement for Field Operations.

“Good Afternoon, My name is Major Chris Minter, Commander of Field Operations. Field Operations does not represent General Headquarters. Field Operations is what we do outside of I-270. As you drove to Columbus today and as you leave to return home, the troopers you see represent Field Operations.

Field Operations is the 25,520 OVI arrests made in 2008, and the 20,554 OVI arrests made during the first 10 months of 2009. Field Operations is the 530,997 enforcement contacts that resulted in at least one arrest in 2008, and the 861,781 non-enforcement contacts in 2008 that represent helping people. Field Operations is the partnerships that involve police

agencies across the state. Partnerships that have saved lives, reduced crime, and have provided a higher quality of life for Ohio's citizens.

Mark Mallory, Mayor of the City of Cincinnati recognizes the value of partnerships that represent Field Operations. In his State of the City address on February 8, 2008, Mayor Mallory said:

Our number one priority is reducing homicides, and last year we were successful in cutting the number of homicides by 22 percent. But even one homicide is too many, and we remain committed to continuing to reduce the number of violent crimes in Cincinnati.

Mayor Mallory went on to say, last year, we continued our partnership with the State Highway Patrol to make our streets safer. We reduced accidents by 10 percent and traffic fatalities by 22 percent. The Joint Initiative has been so successful that the Highway Patrol is using what we have done in Cincinnati as a model for other cities in Ohio.

### **Organizational Chart for entire Ohio State Highway Patrol**

Field Operations provides the statewide coordination and supervision for the 10 districts that fall under the direct responsibility of the Field Operations Commander.

### **Organizational Chart for Field Operations**

Field Operations is separated by two operational sections, the Operations Section and the Licensing & Commercial Standards Section. Today the presentations will cover Crash Reconstruction, Criminal Patrol, and Homeland Security/SRT.

At the conclusion of the three presentations today we will answer your questions. This will afford us the opportunity to cover our information in a timely manner.

The first section being covered today is Crash Reconstruction. In 2008, there were 1191 deaths that occurred on Ohio's Highways, which was the safest year in history. We would like to think that the Patrol contributed to the fatal reduction success of 2008. The Patrol handled 71,220 crashes during 2008. Experts have calculated that each fatal crash represents well over one million dollars in economic loss. On a daily basis, reconstructionists (non-patrol) visit our patrol posts to review the crashes that have been investigated."

Major Minter gave a brief bio for Captain Jeffrey R. Dickey.

### **Crash Reconstruction Unit.**

Captain Dickey gave a brief explanation of the Crash Reconstruction Unit. It is the process of investigating and analyzing the dynamics of a crash reconstruction. The result of this process is generally used for the criminal prosecution and/or civil litigation of the business of traffic records. Not every traffic crash is reconstructed. Not every criminal crash is reconstructed. There are certain parameters that will arise and bring about the reconstruction process. The Crash Reconstruction team that works out of Field Operations is the smallest section. There are three officers, a sergeant and two troopers. As you see in

the organizational chart there are troopers' names at the bottom. These troopers are not fulltime reconstructionists. They are troopers out doing their job. When the need is there, they will respond to a traffic crash scene for the Patrol or an outside agency and they will render their services. They will also be used in a criminal scene to map and document evidence of entry at the scene.

Captain Dickey went over the Power Point Presentation for Crash Reconstruction.

Mark Drum asked if these were applicable to all the training numbers they gave at the last meeting. Captain Dickey indicated yes they were.

John Peach asked what the benefit is for the citizens of the state of Ohio with the actual reconstruction. Captain Dickey stated that along with the civil litigation there is a criminal side very often. These numbers are used to substantiate and provide the prosecution with the tools to walk into court and gain acceptable criminal prosecution. Captain Dickey asked Sgt. Horvath to elaborate.

Sgt. Horvath stated that the other side of aspect is not necessarily for the insurance companies it's for civil litigation against the state of Ohio which also costs the taxpayers a sufficient portion of money. Captain Dickey also stated that if a law enforcement officer is involved in an accident, the insurance carrier and the jurisdiction are going to ask a lot of questions regarding the crash and what are all the facts. The Patrol comes in as an outside agency and provides an independent process of what happened. John Peach added that it has served as such a tremendous emotional support for families. As survivors of the accident find out if their loved ones died in the accident, if they were the cause of the accident, etc. It really puts peace in the hearts of lots of people and makes it more conclusive in the civil and criminal investigation and as well as the emotional support.

Major Minter stated that Criminal Patrol is the next section to be covered. In 2008 Criminal Patrol Officers' seizures totaled a street value in excess of \$53 million. For the first 10 months in 2009, Criminal Patrol Officers' seizures totaled a street value in excess of \$31.7 million. Lieutenant Scott Demmitt is the Patrol's statewide coordinator of Criminal Patrol operations.

Major Minter gave a brief bio on Lt. Scott Demmitt.

### **Criminal Patrol Unit**

Lt. Demmitt went over the Power Point Presentation for the Criminal Patrol Unit.

Brian Newbacher asked what the sniffs at the schools were for. Lt. Demmitt indicated it was for drugs in lockers and cars in the parking lot.

Mark Drum asked that on a previous slide about arrests if they were assists or all officer initiated stops. Lt. Demmitt indicated that number was for officer initiated stops. He also stated that the Patrol does assist with other agencies but the arrests are by the other agencies.

Major Minter wanted to point out there are two additional dogs and they are bomb dogs. They are trained bomb sniffing dogs. They are in Columbus. They fall under the umbrella of Capital Operations Section. They are used on request anywhere in the state of Ohio.

Major Minter continued regarding the MAPS details that Lt. Demmitt was talking about. The number one purpose for the details is traffic crash reduction program. As explained in 2008, it was a record year for safety on the streets in Ohio. It was the Patrol's joint efforts with the metropolitan agencies and sheriffs departments and the GIS mapping is where they found out this is the areas where the highest traffic crashes occurred and it coincided with metropolitan areas. The Police Chiefs and Sheriffs had come to the Patrol and stated they have a drug problem; they have a crime problem here, how can the Patrol help us.

Major Minter stated Captain Paul Pride, Jackson District Commander, is going to provide you with a representative example of Criminal Patrol Operations that occur throughout the state. He will be specifically addressing Criminal Patrol Operations in the Jackson District.

Major Minter gave a brief bio for Captain Paul Pride.

### **Criminal Patrol Operations**

Captain Pride went over the Power Point Presentation for Criminal Patrol Operations.

Brian Newbacher asked if the Patrol tracked the number of driving under suspensions. Captain Pride indicated yes they did but did not have the number in his head. He said it was phenomenal. South Central Ohio is one of the leading areas in the state of Ohio for driving under suspension.

Brian asked if the Patrol also tracked repeat OVI offenders. Captain Pride was not sure if they did track it for this purpose. Again Southeastern Ohio (his district) is the leading district in the state of Ohio for multiple offenders and his district leads the state in arrest in felony OVIs.

Mark Drums asked if the Highway Patrol's participation in MAPS was limited to state highways or do they go on the inner streets. Captain Pride stated they go on the inner streets. Mr. Drum asked where in the Ohio Revised Code the Patrol has the authority to do that. Captain Pride stated he could not quote an Ohio Revised Code Section but he knows when they, the Patrol, is going and participating in these MAPS efforts and the Patrol is participating with those other agencies the Patrol is acting under the umbrella of the agencies authority. The agency is asking the Patrol and the Patrol is participating in those ventures.

Mr. Drum stated again he could not find that authority in ORC section 5503.02. Lt. Colonel Costas stated that the Patrol does have the authority on public roadways. Mr. Drum stated the Patrol has authority on public roadways for traffic but not criminal activity. Captain Pride stated that traffic stops roll into criminal activity. Jim Foltz commented the Patrol makes the initial stop and then it is passed on to the jurisdiction. Captain Pride stated that everyone that has a part to play gets involved in it. Mr. Drum stated the Patrol just makes the stops. Captain Pride stated that if there was another resource available to the Patrol or the Patrol had to assist an agency (such as plain clothes people, aviation, etc.) the Patrol

would assist. The Patrol is not necessarily going in and doing the search warrants, that gets rolled to someone else.

Mark Drum stated inter-agency is important. The question is the role of what the Patrol does. Captain Pride stated that one of the things that hampers the Patrol the most is these things will generate so much activity that the Patrol does not have enough people to roll it over to.

John Peach commented about OSHP Procedures 203.03 (9/23/04) page 2 of 3, E, paragraph five, "In most cases, Division assistance will be on a "support" basis, rather than replacing persons with the duty and authority to act. However, Highway Patrol officers will have the same arrest authority as the law enforcement agency or officer being assisted. The intent is to have the law enforcement officer being assisted make any arrests at the scene. If necessary, Division officers may effect an arrest. Each case will be handled on its own merits." He stated that this is exactly what Mr. Drum is talking about. It is a major issue for the Ohio Chiefs' Association. It is one thing to call the state troopers to assist the Chiefs and it is great having them assist the Chiefs in arrests but it doesn't make much sense in the eyes of the Ohio Chiefs' Association to have troopers in full uniform not be able to assert themselves in an arrest if it is necessary when the Chiefs cannot be there with them. Under the condition of mutual aid-special requests it seems reasonable the Patrol would be able to perform the duties to assist law enforcement with the same authority as those requesting the Patrol for the short period of time the Patrol is under the emergency provision to help public safety, law enforcement and sheriffs out. Without that authority, it puts the Patrol in a very vulnerable position not to have the authority to arrest by them because they do not have a local officer next to them. It is very controversial with the Ohio Chiefs and it is one they hope gets fixed. The Ohio Chiefs need the assistance of the Patrol to be police officers assisting us under special conditions, under mutual aid, and under predefined ways.

Mr. Peach stated the question is there is real confusion among the troopers whether they are even able to effectively make an arrest during an emergency time that fits all the provisions of the policy or are they suppose to back away because they don't think they have the authority. That is the confusion that needs to be clarified because it is the Ohio Chiefs hope that the Patrol recognize they have the authority to take what action is necessary when necessary if they do not have the local officer that requested them to be with them at the time.

Captain Dickey commented about situations where a traffic crash has occurred on a state route. The drivers for good purposes pulled the vehicles off the road and pulled into a Wal-Mart parking lot. The driver who is at fault for the crash is intoxicated and he is now standing on private property but the crash occurred within the Patrol's jurisdiction. The trooper is left to wonder if he can arrest this individual. Captain Dickey asked the task force if the trooper could arrest in this situation. The crash is the Patrols and was within their jurisdiction but the individual stops off the road onto private property, can the Patrol arrest him. Do the other law enforcement agencies have time for the Patrol to call them and ask them to send an officer out to Wal-Mart to arrest a drunk driver? The Patrol will handle the crash. The law enforcement agency will say why don't you arrest him. Captain Dickey stated this task force is where to solve this issue.

Todd Dieffenderfer asked if OACP had a proposal or an agreement to work with the Patrol.

John Peach stated there are a number of mutual aid agreements that were made. Hopefully City Council and others can provide the code by which the authority is granted requesting jurisdiction authority. It is limited until that provision is over. Then they go back to the original authority, no authority to arrest in the pilot areas. There are several contracts available.

Lt. Colonel Costas stated this was discussion at the first meeting in regards to the Patrol's statutory authority versus statutory responsibility. Does the Patrol have or have not actual authority on private property with the incident. It appears to him take action. The training and with such we do expect our officers to take necessary or reasonable action in stopping criminal activity that jeopardizes safety in regard to other persons. Even though the Patrol may not have the authority to effectively make an arrest. They stabilize until such time another law enforcement agency comes. However, as stated, that puts the troopers in a very difficult situation. In effect, we do have an expectation as well as the public expectation of the Patrol. The officer will take the necessary and authoritative action.

Mark Drum stated he agreed all law enforcement agencies have jurisdiction issues. He continued stating that he had seen the same situation that Captain Dickey had presented the police have the same issue as the Patrol, same thing with the county sheriffs. But first the agencies need to know what the issue is and he is trying to find out.

Mike McCann asked Mr. Peach if he had a proposal. Mr. Peach stated the OACP would like to enable the troopers to have whatever authority is necessary to resolve a situation. An example, at a university there are special provisions by law ORC 3345.041 which enables the police department to enter into mutual aid with municipalities, sheriffs, townships and other universities. The provisions permit the requested agency the same authority for the duration of the emergency with the terms of the provisions made. It makes it very clear. The agency knows when they have the authority and when they do not. It has to be a formal request. The agency has to look at their assets to find out if they can provide the assistance. Once they do, there is a conversion that takes place in terms of authority and the agency now has authority as the university law enforcement agency. The agency understands they are there as support but if necessary they have the authority to do it. The Ohio Chiefs would like to be able to give some sense of support and understanding for each of the troopers that are providing the Ohio Chiefs support to and know what the limit of their authority is.

Mike McCann asked Mr. Peach if he could provide a draft proposal at the next meeting.

Major Minter gave a brief bio for S/Lt. Steven M. Rosta.

### **Special Response Team Unit**

S/Lt. Rosta gave a Power Point Presentation for the Special Response Team Unit.

Mr. Dieffenderfer asked the task force members to review the 2010 dates for the task force meetings and see if they will work with everyone's schedules.

Arnie Schropp commented the common theme in today's presentation and so far with the task force has been assistance and cooperation. He stated this is important to remember that this is what the meetings are about and to keep it in mind when the task force talks about jurisdictions. Back in World War II when troopers were called patrolmen they actually guarded the power plants in Ohio which probably never followed ORC 5503. He referenced ORC 754.40(B) which states the task force shall review the operations and functions of the State Highway Patrol to explore opportunities to improve operational efficiency, identify overlapping services, and consolidate current operations. He continued stating there was a quote from Director Collins-Taylor of the Department of Public Safety, "In fact, it is my understanding that the impression among some local law enforcement agencies is that the patrol may be operating outside their mission and authority, and is one of the reasons this task force was formulated." Mr. Schropp stated he thinks it is important for the task force to know who those folks are and what have they articulated. As to what they believe and how they believe the Patrol has operated outside their vision. So far he has not heard anyone bring it to the table. Mr. Peach stated that OACP would like to know who those agencies are also.

Todd Dieffenderfer stated that there was someone from the Highway Patrol Retirement System for testimony. Written testimony was provided to the task force. Richard Curtis, Executive Director, Highway Patrol Retirement System stated he was asked to submit information about a question that was raised in a previous meeting about a health and wellness issue. He continued that he had done that in writing and unless the Chairman wanted him to answer questions, he believes the written information was sufficient.

Meeting Adjourned.