

OSHP Mission Review Task Force
April 21, 2010
9:00 a.m. – 11:30 a.m.
Meeting Minutes

Attendance:

Task Force Members:

Peter Tobin, Superintendent, BCI & I
James Foltz, Trooper, Ohio State Troopers' Association
Michael McCann, Chief of Staff, Ohio Department of Public Safety
Senator Steve Buehrer, Ohio Senate
John Peach, Ohio Association of Chiefs of Police
Colonel Dave Dicken, Ohio State Highway Patrol
Tom Charles, Inspector General
Larry Long, County Commissioners' Association
Brian Newbacher, AAA
Larry Davis, Ohio Trucking Association
Robert Cornwell, Buckeye State Sheriffs' Association
Representative Bill Batchelder, Ohio House of Representatives
Representative Connie Pillich, Ohio House of Representatives
Mark Drum, Fraternal Order of Police

Tim Lynch for Senator Tom Patton
Josh Williams for Senator Jason Wilson
Noah Wolf for Representative Mark Schneider

Other Attendees:

Todd Dieffenderfer, Attorney General's Office
Jeff Clark, Attorney General's Office
Chief Keith C. Torbet, Wauseon Police Department
Eva Clarke, Representative Pillich's Office
Ivan Teets, OSHP Retired
Richard H. Collins, OSHP Retired
James Spurrier, OSHP Retired
Charles E. Linek, OSHP Retired
Lou Gliozzi, OSHP Retired
Debbie Gliozzi
Tom Rice, OSHP Retired
C. R. Auckerman, OSHP Retired
Ginny Fogt, OSHP Retired
Arnie Schropp, Inspector General's Office
McKenzie Davis, The Success Group
John Luetz, County Commissions' Association
Captain Paul Pride, OSHP
Timothy L. Rogers, Coshocton County Sheriff
Shel Senek, OSHP Retirees' Association

Nathan Slonaker, Representative Batchelder's Office
Bob Carson, OSHP Retired
Major Kevin Teaford, OSHP
Elizabeth Petro, OSHP
Ken Garloch, OSHP Retired
Chief Dave Bailey, Lancaster Police Department
Herschel Sigall, OSTA
Larry Phillips, OSTA
Michael Megison, OSHP Retired
Major Herb Homan, OSHP
Elaine Siweira, OSTA
S/Lt. Ken Kocab, OSHP
Sgt. Max Norris, OSHP
Jeff Grayson, OSHP
Major Dan Kolcum, OSHP
Lindsay Komlanc, OSHP
Michael Weinman, ODPS
Maria Clark, ODPS
Jeff Kasler, ODPS

Welcome and Introductions

Chairman Tobin welcomed everyone to the task force meeting. Chairman Tobin asked the task force members to introduce themselves.

Old Business

Chairman Tobin asked if there were any corrections to the meeting minutes from the last meeting. Mr. Cornwell stated he had two corrections. Mr. Long motioned to approve the minutes with corrections. Mr. Cornwell seconded. All task force members were in favor.

Chairman Tobin asked if there were any final questions submitted to the staff. No additional questions were submitted.

Mr. Cornwell stated he had some questions from the last meeting. Mr. Cornwell stated Senator Buehrer had asked Colonel Dicken about CALEA and the costs of CALEA. The fee was stated to be between \$4000 and \$6000 annually. Mr. Cornwell asked Colonel Dicken if he had any personnel assigned to the Accreditation section. Colonel Dicken stated he believed they did. Mr. Cornwell asked if there was a cost associated with this section. Colonel Dicken stated the membership is paid is for the agency. Colonel Dicken stated he did not understand what Mr. Cornwell meant by cost. Mr. Cornwell stated if the Patrol did not have CALEA would the Patrol have employees assigned to the Accreditation section. Colonel Dicken stated no not for CALEA accreditation. Mr. Cornwell stated there is a cost associated with those employees because the Patrol has the CALEA accreditation. Colonel Dicken stated the accurate answer would be some costs. These employees' duties are largely policy, procedural and risk management components and of course the accreditation. They have more than just the CALEA function under their umbrella. Mr. Cornwell stated it is more than the \$4000 - \$6000. Colonel Dicken stated if they look at the cost of the

personnel that would be accurate. He continued stating when he answered Senator Buehrer's question; he thought it related to what the annual association fee was in dues. Mr. Cornwell asked how long the accreditation was good for. Colonel Dicken stated it was for three years. Mr. Cornwell asked if there was a fee for people to come onsite for re-accreditation. Colonel Dicken stated he did not know. Mr. Cornwell asked if there was a fee for three people to come to your agency to review everything. There was a quick discussion among OSHP staff members and it was stated they did not believe so.

Mr. Cornwell stated Sheriff Thorpe in Licking County has accreditation from CALEA as well as do two other Sheriffs' Offices. The County Commissioners' Association insurance company pays Sheriff Thorpe's annual fee of \$4,300. Yet when Sheriff Thorpe gets accredited every three years for the onsite review he pays in excess of \$1800 for those assessors to come in. In addition to that he goes to CALEA's conference to receive their award. His understanding is for a sheriff's office there are associated costs to belong to CALEA. He also stated that maybe it is different for the Patrol since they are a Flagship.

Mr. Cornwell stated he is trying to put a number to it because he believes what the Senator was trying to get to was the return on value. Does having accreditation keep the Patrol from being sued? Mr. McCann stated it does not. Mr. Cornwell stated other than to say it is within the best practices and/or policies and procedures there is no economic benefit down the line. Mr. McCann stated the economic benefit is in the defense of lawsuits. It certainly can help with judgments when the Patrol can come back and say they are accredited and the Patrol adheres to certain standards. Mr. Cornwell asked in economic hardship times is that a place you would look to or not continuing it if the Patrol was in a position where costs had to be reduced. Colonel Dicken stated no to that. He believes the benefits outweigh the dollars that are spent. He continued stating the benefits of CALEA and understanding and identifying best practices and adopting the modern management principles are valuable to the Patrol. It does not stop the Patrol from being sued. The Patrol can be sued for anything, but it does mitigate long term consequences. He believes there is value to it. Mr. Cornwell stated he is not debating if there is value to CALEA, but there is a certain cost associated with doing those things. It does include personnel, the annual maintenance fee, the onsite visits and other things that are there. He believes it is more than \$4000 to \$6000 annually. Colonel Dicken stated if they look at the personnel involved with the administration that is a true statement, however, he does not know what that amount is.

Mr. Long stated the County Commissioners' Association insures 62 of the 88 counties in the self insured program authorized by state law. He states they encourage any County Sheriff Offices to obtain CALEA certification. In some areas the Association has not done a lot because there is a significant effort on the part of the Sheriff's Office staff and some just do not have the staff. The Association looks at CALEA as an investment not a cost. It certainly will not stop the Sheriffs from being sued, but the Association thinks it puts together procedures and protocols and is engaging on part of the officers and staff. Mr. Long thinks it is a good investment and does not think it is an area that should be cut. It is tough at the county level even when the Association is paying the \$4000 - \$6000 because we think it reduces the losses, and one of the biggest exposures is law enforcement liability. The Association is very supportive of the CALEA initiative.

Mr. Cornwell corrected an earlier statement regarding Sheriff Thorpe's onsite visit it was \$8188. The Sheriff's annual payment is \$4196 which is paid for by the County Commissioners' Association. He stated he is just trying to get a better understanding, and part of it is when those agencies want to go to CALEA and the County Commissioners' Association pays the \$10,000 up front fee. This is why they established the best practices panel which was put together so we could have best practices without having to complete certification and dedication for all these costs associated with CALEA.

Colonel Dicken stated he had the answers for Mr. Cornwell's questions about quantities and volumes of calls and crash reports that are investigated. A publication has been provided to all task force members and is broken down by districts and counties. Mr. Cornwell asked if it was a one year snapshot of 2009. Colonel Dicken stated yes it was. Mr. Cornwell stated his president was there, Sheriff Tim Rogers from Coshocton County, and they looked at Coshocton County's figures. The report states for OSHP six rural fatalities, 32 injury crashes and 39 property damage. The Sheriff's Office which has a contract with the City of Coshocton because they do not have a police department shows his totals as five rural fatalities, 0 urban fatalities, 0 injury crashes and 0 urban crashes. Mr. Cornwell asked Sheriff Rogers to check with his office and his office detailed that they had 687 injury accidents and 148 property damages. Colonel Dicken stated he is assuming these are the numbers that were available to the Patrol at the time of the publication, so if they do not have the data the numbers may be a bit askew. Further questions were raised regarding how complete the data was and if all local numbers were included. The report would not reflect data not submitted to the state.

Mr. Cornwell asked where emergency and support were defined in the code. Support is in the Patrol's policies and procedures but there is nothing contained within the statute. Colonel Dicken stated he has answered this to the best of his ability in past meetings. He continued stating retired Lt. Colonel Costas answered it at the best of his abilities and he does not know if the Patrol is capable of providing an answer to Mr. Cornwell's satisfaction.

Mr. Cornwell asked Colonel Dicken if he knew what the term "creature of statute" means. Colonel Dicken did not know the meaning. Mr. Cornwell stated what the legislature creates they can do away with it. The legislature prescribes the duties and responsibilities for all those that are created by statute. The Sheriffs are a "creature of statute," they were created by the statute, they are not constitutional. In the Ohio Revised Code, the legislature sets forth all the duties and responsibilities for various groups. This goes to Trooper Foltz's question regarding road patrol dealing with ORC 311.07. In ORC 5503.02 which defines the duties and responsibilities of the Patrol there is no support issue within the statute. So the Patrol can only do what the statute says. Mr. Cornwell added that is what he is trying to get to. The Chairman may have to request an opinion from the Attorney General's Office to find out what the authority is or is not. This may be one of the recommendations that comes from this task force. Chairman Tobin stated at the end of the agenda there will be some discussion about this issue.

Mr. Cornwell commented about question two. There is about 1623 in the Patrol's fleet and about 369 unmarked vehicles.

Mr. Cornwell asked about question six. Would there be a cost savings if more civilian employees were assigned to LEADS rather than troopers. The answer that was provided was no. Mr. Cornwell asked if civilians and troopers are paid the same. Colonel Dicken stated there are no troopers or sworn officers assigned to LEADS. There are some sworn officers within the office that has oversight of the program. He asked Mr. Cornwell what he meant by assigned. Is Mr. Cornwell referring to assigned as a point of funding within the LEADS fund? Colonel Dicken stated how they answered the question was typically the sworn make much less than the professional staff in the IT function. Programmers, analysts, network administrators and alike are highly paid people. So there would not be any more savings if the Patrol put more professionals in those positions because they earn a higher income. Mr. Cornwell asked if there were troopers in supervisory positions for oversight. Colonel Dicken stated there is a sworn officer to manage the system. There is a Staff Lieutenant who is in charge. He is the commander of LEADS. Mr. Cornwell asked if there was only one sworn individual in LEADS. Colonel Dicken stated there are two: a Sergeant who takes care of auditing and enforcement and a Staff Lieutenant who manages the entire operation. Mr. Cornwell stated there are only two positions where civilians could occupy at a minimal cost savings. Colonel Dicken stated it would depend on the types of individuals that were hired. Mr. Cornwell stated the Patrol would not put a programmer in a supervisory capacity. Colonel Dicken stated probably not. Mr. Cornwell stated it would be equal to or less than with a civilian occupying that position. Colonel Dicken stated he did not know. It is going to depend on the position. He added he believes LEADS runs well with the composition it has now. The LEADS Steering Committee has certain measure of oversight and at the end of the day they have the final say on how things are managed. That fund is sound, the management of that product is very sound and he is very content with the composition of bodies that are running it.

Mr. Cornwell asked about question 11. Are the members of the SRT performing regular trooper tasks until dispatched for a mission? He stated he understood the answer they are performing routine tasks, but when they leave that place to go on a response as a SRT member, does the Patrol have backfill for those positions or are other law enforcement agencies expected to pick up the calls that are normally handled by those individuals. Colonel Dicken stated it is in their policy about other agencies supporting our mission. The SRT team is a part time team. They are not dedicated fully for that function. So when they are dispatched it would be to one of two things, a training event or call for service. He added the Patrol backfills those positions with their own people. He continued stating that if someone is off their shift because of an SRT event, other troopers would cover for them. Mr. Cornwell asked if there was a call in for a crash on a highway that the Patrol would not provide a response saying there is no one available to take it. Colonel Dicken stated that would happen time from time. He did not think that response would be unique to the SRT function. There are many times when there are no deputies or troopers available because they are already on a call for service. He added they see this quite frequently. It is due in part, to the fact that many Sheriffs' Offices, as the Sheriffs have testified to are understaffed and under funded. The Patrol is in that same boat. The Patrol typically has one officer for one county or for several counties. The Patrol is very low on their staffing and is sensitive to the Sheriffs' problems. Mr. Cornwell stated if the Patrol is not available to take the crash, the sheriffs are expected to take the crash and not leave the citizens out there waiting until the trooper is available. Colonel Dicken stated if Mr. Cornwell is indicating that it is the Patrol's business premise or model that the Patrol will engage in this programming because

the sheriff's office can handle the work, that is not the Patrol's business model not by any stretch. The Patrol is under funded and understaffed and in turn uses resources where the Patrol will get maximum benefit. Mr. Cornwell stated that the Sheriffs do the best they can do as well.

Mr. Cornwell asked about question 15. What is the cost of a new fully equipped OSHP marked vehicle. The answer was \$59,125.41. Mr. Cornwell asked if that was all new equipment that goes into the vehicle. Colonel Dicken stated it is the cost of the vehicle and the price is \$23, 500 or so on a state term contract. The additional amount to get to the \$60,000 is every other piece of equipment that the Patrol has to outfit the vehicle with the cages, the sirens, and the equipment that is needed to do the job. He added that this equipment is bought one time and it has a pretty long life span, maybe 10 years or more. Colonel Dicken stated they may have answered the question a little more than they needed to, but wanted to make a point that the vehicles last three to four years and the other equipment costs in excess of \$30,000 and can last 10 – 12 years. Mr. Cornwell stated the sheriffs recycle and asked why there is a \$30,000 difference between what 82 of 88 sheriffs have with the same police package vehicle and the Patrol's is almost \$60,000. Colonel Dicken stated that a large portion of that would be the MARCS function, the MCT's, the computers, the radios, the mobiles, that is a big piece of the cost. Mr. Cornwell stated that MARCS is causing the state to spend an additional \$30,000 just for the vehicles. Colonel Dicken stated he did not say \$30,000 but a big piece of the additional cost. Mr. Cornwell stated that is a big chunk of money that is spent on MARCS especially when you look at the fees the Patrol has to pay monthly. Colonel Dicken stated yes it is.

Mr. Cornwell stated he is trying to get some information out there because his Sheriffs want to migrate towards MARCS as a platform. The conversations they are having now and with funding sources from the County Commissioners' Association he is trying to lay these out, so that they have a better understanding because these are things he has asked questions about from the MARCS side and he is not getting the same answers. It puzzles him.

He continued stating they have 10 counties in Northwest Ohio going to MARCS and although they want to do away with fees they are not talking about this kind of price of \$20,000 to \$30,000 increase in cost of a vehicle. If they have, the Sheriffs do not know it is there. Mr. Long stated he is pretty sure his members have not been told if the Sheriffs go to the MARCS system then they will have an additional cost per unit. Mr. Cornwell stated he is trying to bring these issues out so we have a wide open discussion about these issues. So if those costs intrinsic to a MARCS appropriation, the Patrol's funding sources and the state legislature needs to understand that, as well as the county level and city level if they migrate that way.

Mr. Foltz asked Mr. Cornwell if all the County Sheriffs had computers in their cars. Mr. Cornwell stated not all of them. Mr. Foltz stated a fair comparison would be a County Sheriff car that is completely marked with all the equipment that is put in a Patrol car. He added the numbers that are askew are because some of the Sheriffs vehicles do not have all the equipment and it would make the numbers lower. Mr. Cornwell stated that 82 of the 88 sheriffs are \$30,000 and lower. He continued stating he could not believe that at least one or two of the 82 sheriffs had a computer in their car.

Mr. Peach commented that he hoped he understood the Colonel's response correctly and he wanted to put it in different terms so his colleague would understand it better. A new vehicle with all brand new equipment is approximately \$59,000 but much of that equipment beyond the \$23,500 or \$24,000 last 10 – 12 years. So if it is prorated for three or four years (the life of the vehicle) the additional costs are really less than \$10,000 on top of the \$23,000. So a fully equipped vehicle is really \$33,000 as the equipment will be used on other vehicles as needed. So in terms of vehicles and equipment this is pretty consistent to what everyone is paying. He stated he does not understand the questioning on the price when it is prorated to the same price for all other law enforcement.

Mr. Cornwell stated he asked the Colonel if that was for all new equipment and the Colonel said no he recycles it. He added he understood if there is an initial capital outlay which is \$60,000 which is the car and all the new equipment and the equipment is amortized over a certain period of time, but he asked the question is this all new equipment and he was told he thought no and was told the Patrol recycled.

Mr. Cornwell continued stating he is trying to get to the MARCS issue. He knows the car cost is \$23,500 and knows not every Sheriff's Office or Police Department has laptops, the fire suppression system and all the equipment that goes into a vehicle. So the difference between \$30,000 is \$6,500 over the vehicle price when you amortize everything out and \$60,000 for a Patrol car is a \$30,000 difference. Is MARCS really costing that much in a car? That is what he has been trying to ask.

Mr. Peach stated he thought it was already answered. MARCS is not the reason for the \$30,000, it is part of the overall increase. It is a large part according to the Colonel. Colonel Dicken stated yes it is a large part. Colonel Dicken added when the Patrol purchases cars they are \$23,500 and they take out all the equipment from the old vehicle and put it in the new vehicle. The Patrol has not purchased anything new for many a year. Most of the equipment in the vehicles is around 10 years old. The fire panel is relatively a new expenditure in addition to the vehicle. The fire panels were implemented around two years ago and a new lug wrench four or five years ago. So to answer the question more specifically, he thinks the answer is in the neighborhood of \$23,500 that is spent on outfitting. He also added that he thinks he needs to share in the interest of full disclosure that the Patrol does have additional costs with putting the vehicle on the street. While they are cyclical in nature they do occur and MARCS is expensive.

Mr. Cornwell asked Colonel Dicken if every car the Patrol puts on the street does not cost \$60,000 every year for the car. Colonel Dicken stated absolutely not. Mr. Cornwell stated that the average cost of the Sheriff's car is \$30,000 over a year they are put out and that the Patrol's cars are probably around that cost also. Colonel Dicken stated probably in that zone.

New Business

Chairman Tobin introduced Chief Dave Bailey from the Lancaster Police Department.

Chief Bailey gave remarks. Attached is copy of Chief Bailey's remarks.

Chairman Tobin introduced Larry Davis from the Ohio Trucking Association.

Mr. Davis gave remarks. Attached is a copy of Mr. Davis' remarks

Mr. Drum mentioned to Mr. Davis about a letter from Senator Wagoner pertaining to motor vehicle enforcement. He asked Mr. Davis if he agrees with Senator Wagoner's position to expand it so other agencies can also enforce those laws. Mr. Davis stated he doesn't have a problem with other agencies getting authority to enforce those laws as long as they meet the same training. A Motor Carrier Enforcement officer attends specialized training. To maintain that training the MCE officer must meet certain standards. As long as the others can meet the standards and they get cited in to the Public Utilities Commission under the Civil Forfeiture System he has no problem. Because a trucking company's whole safety rating is based on these inspections. CSA 2010 kicks off this year. Today if a trucking company goes to hire a driver, they will run a background check and get a driving record, but the company does not know what the driver did out on the road when they were stopped for inspections. The CSA 2010 is going to provide that information at the federal level. Not only will it stay with the company, but it will go with the driver wherever he goes, so companies will be able to pull it up and see his inspections. He added as long as everything is going into the systems and they meet the same training criteria, he sees no problem, but he does not want to see the funding cut from one agency and given to someone else to train people that will only be able to do it once a week. The Ohio Trucking Association wants inspections; they want safety on the highways. The trucking companies spend millions of dollars a year on safety.

Mr. Drum stated in both Franklin and Delaware counties and Delaware City have weight enforcement and the Delaware City guy was at one time fully trained, but could not enforce the law. Richland County was the same, but he doubted they were now. The short version is absolutely organizations support it if they get the same training.

Mr. Davis stated if they get training and are required to do updated training on a constant basis he has no problem with it. He added he knew there was testimony that the Sheriffs are required to enforce weight regulations and he has no problem with that as long as they do that job. There are a lot of Sheriffs' Offices that will not be able to do that. So instead of the law saying the Sheriffs have to do it, it should say they may do the weight regulations. Instead of every Sheriff's Office trying to start a scale team and pay for all the equipment and the training, let the Patrol contract with the County Commissioners and if the Commissioners choose to pay for it then the Patrol comes in to the Commissioner's county and enforces whatever regulation the Commissioner wants short of paying for 88 different teams.

Mr. Cornwell stated along the same lines, this would require a legislative change. Mr. Davis agreed. He added he thinks the task force will see some recommendations to make some changes in the legislature. Mr. Cornwell stated he wanted to make sure Mr. Davis was on board with the legislative change to allow it to occur. Mr. Davis stated he is on board as long as we are going to train someone and that is what he is going to do. His biggest issue is dealing with people who do not know the law. He deals with it everyday. He agrees change the law and make it so it works.

Chairman Tobin asked Trooper Jim Foltz to give his testimony.

Trooper Foltz gave his remarks. Attached are his remarks.

Mr. Drum stated Trooper Foltz stated the Patrol's jurisdiction is the state of Ohio. That is a little broad. He added the Patrol's jurisdiction is the highways, roads and state property and asked to be corrected if he was wrong. Mr. Foltz stated the highways run through the state. Mr. Drum asked Mr. Foltz that once he is off the highways does the Patrol have jurisdiction. Mr. Drum stated the jurisdiction of the Patrol is parts of the state of Ohio, not the entire state. County Sheriffs only have jurisdiction in their county. Mr. Foltz stated the Patrol can run county to county to write tickets. Mr. Drum asked again if the jurisdiction of the Patrol is highways in the state of Ohio. Mr. Foltz stated yes.

Mr. Drum stated Mr. Foltz talked about expanding the jurisdiction of the Patrol. He asked Mr. Foltz if he supported jurisdictional expansion for all law enforcement agencies. Mr. Foltz stated the Patrol is the one under the microscope. If the other law enforcement agencies want to get under the microscope then they can look at that.

Mr. Cornwell asked a question on what Mr. Foltz had stated in his remarks about where there was a situation where a Sheriff's Office sent a Police Officer well outside of his jurisdiction to handle a situation. Mr. Foltz stated what he can tell Mr. Cornwell about that situation was a particular trooper had a situation come up where the Sheriff's Office sent a local police officer out to hold a scene for them instead of calling the Patrol Post. Mr. Cornwell stated he was misunderstanding the statement because he did not know he was talking about a local police officer. Mr. Cornwell just wanted to make sure he understood the statement. He added that this may be a preference the Sheriff's Office has to use the local police agency in a mutual aid situation to go out and hold the scene rather than a trooper. Mr. Foltz stated it was five to seven miles outside the city. Mr. Cornwell stated with mutual aid the Sheriffs have the ability to do that. Mr. Foltz stated that may need to be changed so they have to stick to the mutual aid agreement. Mr. Cornwell stated the Sheriffs do not have to have a mutual aid agreement. The Sheriffs' have carte blanche authority to call anyone to their assistance without an agreement and they can do so and the agency would have the same power as the Sheriff. Mr. Foltz asked if a trooper was called out he would have the same power as the Sheriff had and Mr. Cornwell stated yes.

Mr. Long asked about the jurisdictional issue in terms of the potential impact on local funding authorities. Colonel Dicken stated without knowing the precise extent of the request it would seem to him to be a burden on the Patrol. The Patrol's resources are stretched as the way they are. Plus to take on more and more population, more and more geography it is unrealistic to think the Patrol can do it with the present set of parameters.

Mr. Long asked what is the relative degree of difference among Franklin County to Paulding County in terms of the prevalence for certain types of incidents (so many per thousand people, so many per square mile, etc) in terms of benchmarks and comparing County A and County B. Is there a way to do that and if the Patrol can do that, how is that data used in terms of making decisions and making allocations of troopers among the various districts. Colonel Dicken stated the Patrol looks at the vast in the demographic regions. For example a rural area, like District 2 which is north central Ohio, the staff is significantly different than

District 8 which is southwestern Ohio (Cincinnati area). The Patrol is looking at it more now and they are streamlining some operations. They are looking at the composition of the management teams, district teams and post teams. The Patrol is trying to do better in that regard. Mr. Long thinks there is some great data to use from a benchmarking standpoint.

Mr. Long asked how does the Patrol react from the standpoint of a backup role or acknowledge there are issues in areas with lack of staff due to the economic times in terms of backup or help in those areas. Colonel Dicken stated the Patrol is trying to do that better. That is part of the challenge of this task force. The Meigs County Sheriff's Office has a high regard and appreciation for the Patrol in that area. Franklin County and Hamilton County are perhaps better off with staff and money and they are not using the Patrol like Meigs County does. The Patrol is trying to manage their resources appropriately. The Patrol is here to complement and cooperate. There are three arms of law enforcement in Ohio and we need to complement and cooperate and not compete. That is the Patrol's goal. To ensure the byproduct is the blanket of public safety. It is that fundamental from the Patrol's point of view.

Mr. Cornwell commented on Trooper Foltz talking about the traffic ticket money and the majority of the money going to the County. Can Mr. Long describe how the 55 percent gets apportioned from the Patrol's traffic tickets to the general fund? Mr. Long stated it is a complicated table and he thinks about five percent goes to the general fund. Everybody gets a piece of that money. The fines and the charging of the municipal ordinance versus state law is a very difficult issue and it varies from county to county. Mr. Cornwell stated it is a very expensive proposition for the Commissioners to fund the Sheriffs' Offices and the housing of the individuals even if it is OVI charge for a short period of time until they can go to court the next morning. Those four, six, eight, ten hours are very costly. One of the recommendations that comes from this may be a recommendation to change the funding formula on fine distribution.

Mr. Foltz asked Mr. Long if the county pays the state when prisoners are housed in prisons. Mr. Long stated those are state felony offenses so they do not look at that. There are cases where they have probation, parole violators and various forms of sentencing reform, even some of the lesser felonies. Mr. Long added they look at it as a felony versus a misdemeanor type of thing. Mr. Cornwell stated that counties, cities, villages and townships are political subdivisions of the state of Ohio. The state of Ohio passes their laws and they are implemented by the locals. So it is the locals doing the duty of the state in this capacity and in Senate Bill 2 it was passed. Truth in sentencing is what it is called. A lot of people with non violent felonies got kicked back to the local county jails rather than shipping them to the state institutions which was a tremendous burden on the county jails and an unfunded mandate if we may, not on the Sheriffs' Office but on the County Commissioners because they are the ones that have to foot the bill. Mr. Long stated it is not the county up against the individual it is the state of Ohio. We are an agent in that process. Chairman Tobin asked where the funding for a six month sentence comes from. Mr. Cornwell stated out of the county general fund. Mr. Long stated it used to be six months but now they house any sentences up to a year. Mr. Cornwell stated the whole criminal justice process is taxed with it. It is not just the Sheriff's Office in housing the prisoners, serving the subpoenas, the jury polling and so on. All those costs are absorbed by the county not by the state. He

continued stating the state says we give you local government funds, but those funds certainly do not cover the costs of doing all of these things.

Chairman Tobin asked for Larry Phillips, President of the Ohio State Troopers' Association to give his testimony.

Mr. Phillips gave his remarks. Attached are his remarks.

Mr. Drum asked Mr. Phillips if any law enforcement agency should have jurisdictional issues. Mr. Phillips stated he did not know what jurisdictional authority is for city and county. Mr. Drum stated that if the police officer is outside the city he does not have law enforcement authority and if you are a deputy sheriff outside the county you do not have arrest authority and if you are a trooper and off the state highways you do not have arrest authority. Should we eliminate that for all law enforcement because all agencies are under the same microscope? Mr. Phillips thinks it should be looked at and would expect a law enforcement officer if he saw something occurring and it is across some line he would take appropriate action.

Mr. Drum stated he agrees with Mr. Phillips. He asked Mr. Phillips why the troopers do not take all of the accidents. Even if a deputy sheriff is there, the troopers are supposed to take control from the way he reads the statute. He stated he could be wrong. Mr. Drum asked the Colonel the same question. Colonel Dicken stated he could not speak if they had the ability. He stated he did not know the answer to that question. He stated he did not know why the Patrol is being raced to these calls. It has occurred in his 20 years. There are certain counties that want to handle the calls and will race the Patrol. He stated he did not understand it.

Mr. Cornwell stated he did not agree with the racing for the crash incident either. That is putting everybody in jeopardy. Not only the deputies, but also the rest of the motoring public that may be going there. He also stated he has also heard it the opposite way in his 27 years that the Patrol will race to the scene. It is a two way street that he has heard it both ways. The Patrol has the jurisdiction to take the crash. If the deputy is on scene and already processing the crash should he surrender that to the trooper? Is that Mr. Phillips suggestion. Mr. Phillips stated he thought there was enough to go around. If a deputy is at the scene, he does not think a trooper should come up and say I am taking it over.

Mr. Cornwell asked if the troopers come upon the scene and the deputy states they are processing it, and the trooper says do you need some help and the deputy says yes is that considered an assist to local agency for statistical purposes. Mr. Phillips stated he did not know.

Mr. Long went back to the two officers performing bus inspections, etc. How many counties do they cover? Mr. Phillips stated the example he used was District 7 which includes Guernsey County. Mr. Long asked if they were sworn officers. Mr. Phillips stated there are two sworn officers and usually one or two civilians. They have other duties they do and they are school buses, church buses, drivers exam schools and time permitting they do roadside inspections. Mr. Long stated school buses are not all they do. Mr. Phillips stated they do it most of the time because school buses are inspected twice a year.

Mr. Long stated that even if this would become under the jurisdiction of Sheriffs, he would not have people doing it full time in each county. Mr. Cornwell stated if there are only two troopers for 12 counties that would apportion out so that they had so many in each county. He added that he thinks Senator Buehrer's suggestion was if the money followed the transitions in duties from the Patrol to the Sheriffs then they could do it. They could not do it without the money. If you take 12 counties and divide up the number of school buses within those counties and apportion it to each one of the Sheriff's Offices in those counties, it will keep them busy but they will have other things to do. Mr. Phillips stated he still does not think it would be cheaper.

Mr. Drum stated he hears Mr. Phillips comparing the Patrol to Columbus City and Cleveland. Are those the comparisons you use when you are actually in negotiations or are you using the comparison numbers from other states. Mr. Drum asked if state patrol and state police are generally paid less than the larger municipal police agencies. Is that correct? Mr. Phillips stated that some are and some are not. Mr. Drum asked if the troopers had all the same training in regards to domestics or issues with sexual predators that all the police agencies have. Mr. Phillips stated he was not sure what all the training requirements are. Mr. Drum stated he disagreed with the comparisons Mr. Phillip used. It would be no different then if he compared a city officer to a county deputy. Mr. Drum stated he would be surprised if the unions would let him do it because it is the like functions and they have different duties. Making a comparison of a trooper to a city officer is typically not used in the labor arena. Typically in the labor arena that type of comparison would not be well accepted. Mr. Drum asked Mr. Phillip if he agreed. Mr. Phillips stated it would depend on what type of situations. He added they use the departments within the state as far as comparisons with state troopers around the state. Mr. Drum asked if they use highway patrol or state police. Mr. Phillips stated that every state around the state of Ohio is state police.

Mr. Cornwell asked a follow up question to the pay issue. What Sheriff McCauley testified to at the last meeting was 44 of 88 County Sheriffs make less than \$60,000. The deputies make even less than that. Major metros make a lot more. The Sheriff of Franklin County makes \$103,000, the Colonel makes in excess of that, the Chief of Police in Columbus makes in excess of what the Colonel makes. So when we compare apples to apples, if you take a deputy in Guernsey County whose top pay is \$38,000 and a trooper who makes \$60,000. It is an automatic savings of \$20,000. He thinks this is where the comparison is coming from. It wasn't that the Sheriffs are trying to take over the job of the troopers; it was if you look at apples to apples, you are looking at a cost savings and providing the same kind of service. He added not that the Sheriffs can do it better. He thinks they have very qualified individuals who can do it as well as troopers. Mr. Phillips stated his comparisons were never meant to demean any deputies. He has worked with deputies in Scioto County. It was based on a comparison of one per county versus two per 12 counties.

Mr. Drum asked about the cost of pensions. What is the state's cost for the troopers' pension. What amount do they pay? He added that the state pays 26.5 percent of the troopers wages to the pension system. The county pays 17 percent of the deputy sheriffs and the city is 19.5 percent. Was that cost factor figured into any of your numbers? We are

already looking at almost 10 percent difference in that cost. Mr. Drum asked if that was calculated into Mr. Phillips costs and Mr. Phillips indicated no it was not.

Mr. Cornwell stated that he thought Mr. Drum was looking at total package and they were looking at base salary. If you pay a deputy a \$40,000 salary it is about \$10,000 or 25% is what the fringe benefit package amounts to so you are looking at \$50,000. If you take a trooper at \$60,000 with 30 percent in benefits it is \$78,000 so you would be looking at \$78,000 versus \$50,000.

Mr. Davis stated if you are going to look at it that way, you must look at each system. The City of Columbus pays the 10 percent employee contribution instead of the police officer. Mr. Drum stated no you do not add that on because that is a contractual issue. It is a separate wage issue. Mr. Davis stated it is the cost of the employee. We have to compare apples to apples.

Chairman Tobin introduced Herschel Siegel, Ohio State Troopers' Association.

Mr. Siegel stated he first began representing public employees in 1965 and negotiated some of the first contracts in the state of Ohio for that department and subsequently collective bargaining. He added that for the last 15 years he has been the general counsel for the Ohio State Troopers' Association exclusively.

Mr. Siegel stated he proposed to give the task force some observations and premises on his perceptions based on interactions with the Patrol and government over the past 15 years. He stated it might be interesting because many of his interactions with the Patrol have been pretentious. He stated he is not here as a member of the Patrol or one that is smiled upon by the command staff of the Patrol. He added he may hold the distinction of having worked with six Colonels/Superintendents of the Patrol. One who managed to spend his entire term without saying a word to him or avoiding a handshake. He also stated he knows of some Colonels who have been warm, gracious, commutative and helpful, and realizing there are many issues that the OSTA will not share. Some officer safety issues have not been shared historically. The mission of the Union is to advance the wages, hours and working conditions of the troopers. The mission of the Patrol is to enhance the safety on the highways to protect our citizens in driving, protect state owned property and do so economically and at the best advantage for all concerned.

Mr. Siegel stated it is his judgment that the Patrol in comparison to other organizations he has encountered, has represented, has opposed and collective bargaining is an extremely fine organization. The Patrol takes their core values seriously. The core values are taken seriously by the command staff. There is no greater law enforcement agency that he has observed in his 40 years than the Patrol. From the cadets to until they get their uniforms to being out in the field, they are professionals. When there is an automobile accident he has seen many times that the normal inclination for the normal trooper is to race to the scene. He added if he was involved in an accident and trapped in a vehicle he would feel best seeing a Patrolman. They are career people. Mr. Siegel stated it is also an imperfect organization. The imperfections are what drive some public exposure and some media interest. There are imperfections; there are politics within the Patrol. There are politics with the school board, there are politics in the cafeteria, and there are politics in the labor unions. He stated we know for sure there are politics. The Patrol is not immune to it; they do not do it as well as

seasoned politicians. The Patrol is out there in 88 counties. They are not elected in 88 counties. They do not have fundraisers in 88 counties. They do not put the arm on people for contributions in 88 counties. They do not have to measure and weigh whether their response to a particular act, action, or school bus, or school bus driver with a large family will impact their continuance in office. He added he thinks it is a blessing that there is an organization that is not immediately responsive to an electoral basis to where they serve.

Mr. Siegel stated the Patrol is not that well paid. He has negotiated five collective bargaining unit agreements for the troopers, sergeants and uniformed communications officers. There are cities that pay quite well and the officers in the cities do function differently but not necessarily on a financial qualitative basis. He stated he always felt that the state could not pay him \$44,000 or \$56,000 or \$60,000 to walk up to a vehicle and not being able to see through the windows as to who is in it and knowing we currently have a concealed carry law which permits whoever is in it to be packing and not knowing whether or not who is in it may be inebriated to the point of not wanting to respond properly. He stated you could not pay him enough. The troopers get out there and do it and do it well. Why would they want to change their duties and responsibilities? Why would you want to change their presence in Ohio? Why would you make the argument that somehow contracting it out to China makes more sense? It only makes more sense in dollars. Why fix it if it isn't broken. The Patrol has an incredible image and that image comes close to meeting reality. Mr. Siegel stated from his perception the only problem is they see perfection as a standard not as a goal. Because the Patrol sees it as a standard other things evolve. But by command, by training, by commitment, by professionalism, by the nature of the work they do, they do it well, they do it fairly and they are not overpaid. He stated we are very lucky to have the Patrol. He added he is very proud to have spent 15 years with them.

Mr. Drum stated he has never stated the Patrol is overpaid. His question is the comparison. Certainly safety is an issue with the Patrol and certainly is something that comes up in labor arena negotiations. He stated Mr. Siegel had discussed the carry concealed weapon and carrying weapons in the car. Now the legislature is even looking at expanding the carry concealed law. Do you anticipate the organization having concerns about that? Certainly increasing officer safety concerns. Mr. Siegel stated yes. He added as one that has great concern personally as well as by virtue for the safety of officers in the field. Mr. Siegel stated that we already have all that and then mix it potentially with alcohol or some kind of warrant or some kind of reason the person does not want to be taken into custody.

Mr. Siegel stated that in his early career he spoke a lot in front of legislative committees. He added he has managed to avoid that for the last 20 years. This is the first time in 20 years that he has asked for the opportunity to speak. He wants the task force to believe he did so out of a fear that an organization that has earned its respect over a long course of time and through merit might set upon for all the wrong reasons.

Mr. Cornwell asked Mr. Siegel about a comment he made about fundraisers and arm twisting. Mr. Cornwell asked if he was referring to any certain elected officials. Mr. Siegel stated all of them. Mr. Cornwell stated he is glad Mr. Siegel spread it around.

Chairman Tobin asked Colonel Dicken to give his testimony.

Colonel Dicken gave remarks. He stated he had provided a letter for the task forces consideration. He stated he is not going to read it but wanted to underscore three points that he thinks are important for the task force's consideration. Attached is a copy of the letter.

Mr. Long asked Colonel Dicken if he had any thoughts on consolidation of the Patrol. Colonel Dicken stated they have been doing that. Beginning January 1, 2010, the senior staff, command staff and himself have consolidated some of the offices within general headquarters. He stated he did not know the count. The staff likes it for two reasons. 1) More efficient in how they manage the agency. They are doing things that are more sensible and meet the needs of 21st century law enforcement. The big byproduct is less. 2) They are doing it by attrition. He believes they are down by 12 sworn officers at headquarters. One big benefit is they have hubbed all their administrative services under one commander and he doing a terrific job and re-evaluating work projects and/or tasks.

Mr. Drum stated Colonel Dicken had mentioned to him in a previous conversation about reducing staff at the turnpike. Colonel Dicken stated he had mentioned earlier about looking at the Patrol's business models and they are trying to do it with a little more science behind it. He added they are doing that. He has started in the Superintendent's office and it is trickling down to the field. They are looking at management teams. The Patrol has 10 Districts and 55 Patrol Posts roughly. Every management team is staffed identically. He added they know that is not probably a good move for the 21st century. He assured the task force members that the needs of a rural, relatively low populated county are completely different than what a large county post may need. He stated they are looking at that today and one move the Patrol recently made was with District 10 (turnpike). The management team was a Captain and two Lieutenants. The staff took a hard look at that District and eliminated one of the Lieutenants and has provided the turnpike with a K9 which can help with the road work and a dispatcher supervisor to help with the consolidation of the dispatch function. Basically they have put the resources where they really needed to be. The Patrol likes it because it has put more people on the street and the Turnpike Commission likes it because it has reduced their bill about \$40,000 to \$50,000 a year. It is a winning combination if they take the time and take a critical look at staffing. These are the things that have been occurring with this senior staff. They want more resources on the road.

Chairman Tobin stated Jeff Clark, Attorney General's office has been looking at the statutes in terms of police powers that all agencies face.

Mr. Clark stated there is a memo in the packet of information the task force members received. It is titled OSHP Authority to Assist Other Jurisdictions. It is possibly a little misnamed because it is narrower than that and it addresses the questions that arose about what the emergency authority means in OSHP's statute. Frankly, the overriding conclusion after reviewing that statute, and what little case law ever refers to it, or touches on it is that it is vague. There is no specific definition for instance of emergency. So in reviewing what is available, it appears for instance the responding police officer's judgment is entitled to deference and construing as a matter of fact what constitutes an emergency in any given situation. All dictionaries have a number of definitions of emergency that all have in common the perceived need for immediate action and a serious situation. The statute itself adds serious in front of emergency. So the purpose of the statute was to get it on paper on

what many of you already know through dealing with this as officers and other capacities and lay the ground work for any proposed changes. There is a legislative option to the extent that further clarity is desired or changed in the jurisdiction of the Patrol to assist is an available avenue. It is not in the memo but he stated he would note that while researching this he ran across statutes in the Ohio Revised Code where the Metropolitan Housing Authorities has language that provides for agreements with other law enforcement so that mutual aid is provided. The Sheriff's statute has provisions for inter sheriff cooperation without any particular written agreements. So all of these things are available in the "sausage making business" and that is how he understands it is part of what this body is gathered to consider. Mr. Clark added there is nothing much behind this that has not been put in the memo. It is at the edges and is going to remain unclear under the current language.

Mr. Drum asked from an attorney's view point what is the easiest way to put the definition for emergency in there. Mr. Clark stated part of what he did was to look around at other definitions of emergency if there were any in the Ohio Revised Code and it appears even in other context such as the criminal definition of interference as an emergency, the General Assembly chose not to. It is possibly one of those terms that is intently non specific. It would be possible to define emergency, it would be possible to use terms other than emergency such as simply request for assistance. Mr. Clark added his opinion it puts it on a clearer level in terms of when assistance is rendered.

Chairman Tobin commented on the example that Trooper Foltz brought up where a trooper was watching a domestic in progress for an extended length of time. So that trooper was acting properly with the current statute. Is that safe to say? Mr. Clark stated based on the emergency assistance statute one of the requirements in order to trigger that is a request for assistance. The description of the incident indicated there was no request for assistance he believes, but it may have been implicit or there may have been one in the background. That is why it is dangerous to try and address these specific situations in the abstract. Yes, there first has to be a request for assistance and if there is not one, then that section is not triggered. As was also noted as a non desirable back up of one the courts employed when they are addressing these cases (someone is seeking to impose liability on an officer or to challenge an arrest or search or any other exercise of the officers authority). The courts look at back up authority including citizens' arrest. So in part he thinks he senses from the task force that it may not be desirable to have an officer have the task of determining not only whether there is statute that they are familiar with authorizing assistance but whether these other legal principles may justify it but are not necessarily. It is not something they learn at the academy or elsewhere.

Chairman Tobin stated two of the most horrific failures to law enforcement were the incidents at McDonalds out in Los Angeles where 26 people were slaughtered and the officers were asking for permission to go in and the SWAT commander who was stuck in traffic told the officers no and wait until SWAT gets there. The other was the Columbine massacre. We all saw on the evening news scores of officers standing outside the school during the actual shooting of numerous students and faculty. It may take some time before some legislation is written to help us to do our jobs better. In the meantime, we fall back on the right of the citizen to arrest if there are charges brought by supervisors and Sheriff's Offices, Police Departments and the Patrol because an officer in the field took action when it was the right thing to do. He added he would feel very badly about it. For the most part

all of the law enforcement people in the field know what the right thing to do is and hope that is carried through until we can something a little better in terms of clarification is in the law.

Senator Buehrer asked Mr. Clark about the liability cases he reviewed in Ohio. Are they failing to add the cases or are they acting above the jurisdiction cases and how did they come out. Mr. Clark stated everything that came up in a search of the statute itself for the Patrol had to do with challenges on whether the authority existed when the officer did act. He added he was sure there were plenty of failure to act actions out there but none that he had found were Patrol. That was what he was specifically searching. There are statutes and even criminal statutes that have to do with the failure to assist at the request of the police officer. There are Good Samaritan statutes and other means by which the General Assembly has addressed those emergencies. There are common law principles of emergency employment and emergency doctrine that the courts tend to employ. Without trying to make this a treatise when you read those cases the courts tend to try to uphold doing the right thing as he knows the General Assembly does and the testimony of all the law enforcement agencies has been. The reason that the legislative option is mentioned in here is that is the arena in which it can be most directly clarified. He added he didn't believe from the research he has done that there is the kind of clarity the task force and the witnesses have asked for. One thing that has been mentioned a couple of times is for a formal Attorney General's Opinion. It is an avenue that has a better chance of doing more than one he had done. Which is to identify what can be found out there and to do things that require more time and analysis such as trying to prove a negative. There is no way to uphold the actions that have been described here in different situations using current law? That is much more difficult proposition. If anyone here who has been on the requesting end of a Attorney General's Opinion knows they have to wait at least sometime for it while very experienced attorneys are dedicated to it for weeks or months at a time doing very extensive research which is not what is behind his short memorandum. For what it is worth, there is that avenue as well.

Chairman Tobin stated the task force will take that under advisement and come forth before this task force is adjourned. He added that Mr. Clark may be hearing from the task force to do that.

Chairman Tobin announced that Todd Dieffenderfer will be talking about how the task force can move forward in terms of the findings of the task force. He added that he had mentioned before it will be a little bit tricky. But we will build consensus in many areas and will do some good here.

Mr. Dieffenderfer stated the Chairman had him get started in putting together a draft of a report. At this point he has just been trying to focus on the factual information the task force has heard during all these presentations and boil it down in some way that it is educational to whoever our readers may be. He was thinking maybe at the next meeting, it might be far enough along that he can provide it to the task force and start looking at that half of it. He added that he knows from what he has done that there are questions that he may not be interpreting and/or not remembering something correctly from the presentation or other questions have come up. He wanted to see if the task force would be ok with him working with the Colonel or someone at the Patrol to get things in order before sending out a document to everyone to read that could have some factual errors in it. Mr. Cornwell

stated he thought it was ok and with the taping of the meetings it may be good to review those too. He added that the minutes may have some clarification of what is going on. The minutes are summarized versions of what is going on. He also added that he really did appreciate them because it allowed him to go back and look at some things that were discussed.

Mr. Dieffenderfer asked Colonel Dicken who he should contact. Colonel Dicken stated it would be Major Homan.

Mr. Dieffenderfer stated he will work on that path towards getting the factual information. He outlined the report will likely have an introductory letter and some background on why the task force is here and some information on what we learned. Potentially include the fact sheet for the different units that were submitted to the task force and an overview of the discussion the task force has had. Recommendations would focus on the three areas the legislature asked the task force to look at which are:

1. Operational Efficiency
2. Overlapping Services
3. Consolidation of Current Operations

Mr. Dieffenderfer asked for clarification from the group on a few points. Does the group believe the report should be focused on the short term or should the finding look ahead to the next century for the Patrol? Mr. Dieffenderfer asked Senator Buehrer if he had a sense on what the legislature might have been looking for. Senator Buehrer stated any answer he would give would be his personal feelings, but he thinks it is to be longer than the next budget cycle. He stated he is not sure if it is meant to be until the time the Patrol is in spacecraft patrolling the state. It could be somewhere in between those two goals.

Mr. Dieffenderfer asked if the group should be looking at funding issues, does that fit within our mandate. Mr. Peach and Mr. Cornwell both stated they thought it does. Mr. Peach stated it takes the overall efficiency of the organization to have a lack of state funding and is very disruptive operationally for the unit itself and all the related political subdivisions that rely on the systems and so forth. So more certainty, more stability of funding has everything to do with the task force's objective. Mr. Peach stated the task force should come up with general conceptualizations of some of these things which would in some cases require more specificity or focus but he thinks in terms of the general conception is whether it is 10 years or 20 years, that is the main frame work by which the recommendations should be given and it could be the fact that the legislature determines the specifics beyond that if they accept the recommendations but it certainly should not be the task force's primary charge to achieve what the task force is trying to achieve. Mr. Cornwell stated he agreed with Mr. Peach because if it is not put in some kind of recommended funding sources it would be a disservice to any of the groups represented here. Whether it is the founding fathers of the cities, the county commissioners or the legislatures which funds those various groups identification of where money can come from and made available for earmarks for those functions is necessary. Because that is what you need to know that you have available to you. It is one thing to get an appropriation by your appropriating authority and then working within the confines of doing so. It is another thing to have knowledge of what the potential is available for you to get to and to be able to secure more forward through that.

The Patrol used to put together a five year plan where they looked five years out as to what they were going to do down the road. Those are the kinds of things you need to look at.

Colonel Dicken stated he does not know if he agrees with looking at the funding. While that is a significant issue for all three bodies of law enforcement, the committee is winding down and he does not know if there is time to do justice to this question. He added he thinks it is an enormous question and he thinks in the task force's haste they could make decisions that are not beneficial for any entity. He stated he did not know how he feels about this. It further may place us outside the task force. These are big questions that may require time and deliberations than what we have to offer in the next few months. It may be counter productive.

Mr. Long stated he has one thing he would like to see is a list of various recommendations even if they are outside the charge. The various individuals who have taken their time to testify he thinks the task force has an obligation to at least look and review those items and the task force makes a determination as to whether it becomes certain. He would like to see an entire list of what the individuals have recommended. Then it is the task force's responsibility to weed through those. He stated he is not sure where he is on the funding issue yet. He thinks the task force should make the conscious decision after reviewing the laundry list.

Mr. Charles stated he is a supporter of the funding issue also. He added that three quarters of the testimony has been about funding and probably the task force would not be here if the Patrol had not lost the gas tax. Being in the GRF and competing with everybody that does not work well and trying to have fees off of licenses and all has caused some of the problems. He thinks funding fits in all of this and he does not know of any way around it. He added that the task force cannot get into finite detail or those kinds of things. He stated again that he thought the funding should be part of it.

Mr. Newbacher stated there were a number of the people that were on the funding task force as it was referenced. The premise of that task force was to identify a stable source of funding to the extent that a number of ways to fund the Patrol were identified. Some were increases in vehicle registrations and commercial trucks as well as people failing to renew their registrations on time which kind of took a beating in the public eye. He thinks it would be helpful to have a summary of those items and then an analysis on how those measures were effective. He is getting the sense that the Patrol has funding issues as well as the Sheriffs and the municipalities. He added, was the funding truly stable, was it enough, he believes those measures were enacted in the last Transportation Budget. Colonel Dicken stated as a point of clarification on the funding task force that convened in 2007 those recommendations were not adopted. The totality of the report to come up with a dedicated, long term funding stream as presented in the document was not adopted. The legislature did give the Patrol an increase in the late fee which is \$20. The Patrol gets \$19.50 and they reverted back to the evaporation credit for \$38 million dollars for the biennium. The core of the report was not adopted. It was essentially tabled. Mr. Newbacher stated it would be helpful to include that because obviously a number of recommendations were not included.

Chairman Tobin stated that if any of the task force members had specific issues they want put in the report, please email Maria Clark, Todd Dieffenderfer and himself. Mr.

Dieffenderfer will put together a rough draft and see where the majority comes from in each of those topics.

Mr. Cornwell asked Mr. Dieffenderfer if the task force should hold off on giving their recommendations until after the May 5, 2010 meeting. Mr. Dieffenderfer stated they could be sent at anytime.

Mr. Long stated he could think of a couple right now. The whole broad issue with the authority issue in terms of the relationships between the agencies. Another one is the weight enforcement issue giving the Attorney General's Opinion and those issues with the counties and the relationship with the Patrol. One other is can it be done better. Should they look at reorganization of the system? That is an issue that pervades.

Senator Buehrer asked Mr. Dieffenderfer if he was going to go through the witnesses suggestions and consider their recommendations. Senator Buehrer thought it would be more helpful for the task force members. He added that he believes if someone is suggesting something they should get their moment. Mr. Dieffenderfer stated he will do that and provide it.

Meeting adjourned.