

OSHP Mission Review Task Force
May 19, 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
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
Robert Cornwell, Buckeye State Sheriffs' Association
Representative Connie Pillich, Ohio House of Representatives
Larry Davis, Ohio Trucking Association
Senator Tom Patton, Ohio Senate
Senator Steve Buehrer, Ohio Senate

Nathan Slonaker for Representative Batchelder
Kimberly Wheeler for Senator Buehrer
Noah Wolf for Representative Schneider
Josh Williams for Senator Wilson
George Maier for Mike McCann
Jason Pappas for Mark Drum, FOP

Other Attendees:

Todd Dieffenderfer, Attorney General's Office
Jeff Clark, Attorney General's Office
Tim Lynch, Senator Patton's Office
Eva Clarke, Representative Pillich's Office
Chief Keith C. Torbet, Wauseon Police Department
Ivan Teets, OSHP Retired
Richard H. Collins, OSHP Retired
James Spurrier, OSHP Retired
Charles E. Linek, OSHP Retired
Lou Gliozzi, OSHP Retired
Debbie Gliozzi
Arnie Schropp, Inspector General's Office
Shel Senek, OSHP Retirees' Association
Major Kevin Teaford, OSHP
Ken Garloch, OSHP Retired
Major Herb Homan, OSHP
Sgt. Max Norris, OSHP
Jeff Grayson, OSHP

Dick Curtis, OSHP Retired
Clarence Auckerman, OSHP Retired
Howard Shearer, OSHP Retired
William Costas, OSHP Retired
Don Slemmer, OSHP Retired
Mike Megison, OSHP Retired
Tom Rice, OSHP Retired
George Barton, OSHP Retired
Captain Carl Roark, OSHP
Major Dan Kolcum, OSHP
Michael Weinman, ODPS
Maria Clark, ODPS
Justin Long, ODPS

Welcome and Introductions

Chairman Tobin stated there would be some missing members of the task force and because of that there will not be any voting on recommendations. The voting will take place at the next meeting. Chairman Tobin stated he was glad to see Senator Patton back. Chairman Tobin asked the task force members to introduce themselves.

Old Business

Chairman Tobin asked if there were any changes to the minutes. Mr. Cornwell motioned to approve and Mr. Charles seconded. All task force members were in favor.

Chairman Tobin stated Mr. Dieffenderfer would discuss the corrections he made to the Final Report. Mr. Dieffenderfer stated he worked through the document and used track changes. From the responses to the comments from the last meeting, all the new items that were added are underlined. Also, the task force can see what was deleted from the document.

- Page One

- Law Enforcement In Ohio Section

Mr. Dieffenderfer added a reference to specialty law enforcement agencies in response to Mr. Drum's question.

Mr. Dieffenderfer added some additional information from the OACP. It is a quick summary. Mr. Dieffenderfer asked Chief Peach if it met to his approval. Chief Peach indicated yes.

- Page Two

- Table One

Mr. Dieffenderfer stated he had obtained a better number for the Sheriffs' Offices from the Ohio Public Employees Retirement System.

- Authority Section

Mr. Dieffenderfer stated he went back and tried to clean up this section. It was shared with the Patrol and they looked through it and he hoped it was now correct.

- Page Six

- Technology Services Section

Mr. Dieffenderfer indicated there was an error in terms of the number of civilian staff.

- Page Eight

- Special Response Team Unit Section

Mr. Dieffenderfer stated on the previous version of the report there was not clarification of the different ranks of the individuals involved in the SRT team. Added was one full-time and 27 part-time troopers.

- Page 10

- Recent Organizational Changes

Mr. Dieffenderfer added a section based on Colonel Dicken's letter regarding changes made to the organization. Saying in summary that: Eastern and Western Commands were created to improve the link between the field and General Headquarters, changes to the inspection process to lessen the load on the Post Commanders and changes to the Office of Business Services to put like functions together to more quickly identify problems and correct those functions.

Mr. Dieffenderfer added he used what was currently on the Patrol's web site to indicate what the offices were and the units that report to them and put it in Appendix D.

- Page 12

- Table Five

Mr. Dieffenderfer indicated there was a question raised at the last meeting about the recommendations made by the Highway Patrol Funding Task Force. In the previous report he included all the recommendations that were made by the task

force that were given to the legislature. The legislature did not approve all the recommendations so a new table was added. Mr. Dieffenderfer stated he got the information from a Legislative Service Commission document that indicated what was actually done in the Transportation budget.

- Page 14

- Table Seven

Mr. Dieffenderfer stated the Patrol is not seeking funds for the 2011/12 biennium because of concerns of the Highway Safety Fund and the ability to support debt service on any new bonds that would be issued. One additional line has been added to Table Seven referencing the above.

- Overview of Task Force Process and Discussions

Mr. Dieffenderfer stated there was discussion on how much should be included from outside groups. What was included briefly shows what was heard by the task force and an appendix was added with all that testified and their affiliation. Mr. Dieffenderfer encouraged all task force members to review these paragraphs and let him know if they have any questions or concerns.

Mr. Dieffenderfer stated these are all the changes that were discussed at the last meeting. He asked the task force members to review and let him know if they have any other questions or concerns.

New Business

Chairman Tobin stated the task force was provided at the last meeting with a list of recommendations. A couple of recommendations were submitted by someone who does not sit on the task force; however, the recommendations were made on behalf of a task force member.

Chairman Tobin stated as the task force goes through the recommendations if the members have any questions, please let the task force hear about it. If someone has submitted a recommendation and they feel at this point it is no longer appropriate, it will be deleted.

- Operational Efficiency

Colonel Dicken stated the Patrol is in the process of digesting the recommendations which were presented two weeks ago. The Patrol will have positions on the recommendations and they will be presented next week. He stated he assumed the task force would be embarking on voting on the recommendations.

Colonel Dicken stated he would like to make a point of clarification. Colonel Dicken stated at the previous meeting there was much discussion towards the end of the meeting in regards to funding or budgeting. He suggested he was opposed to a funding

recommendation in the report. He is not opposed to recommendations that tend to solve the solvency issue of the Highway Safety Fund. He is supportive of them. He is supportive of remaining in the Transportation Budget. He is supportive of consideration of being funded by the fuel tax. He is not supportive of a line item or detailed investigation of the Patrol's budget. He does not think the task force has time to do that and it would be inappropriate. But as a conceptual umbrella of funding to aid the Patrol, he does support that recommendation whole heartedly.

Chairman Tobin stated at the last meeting, he asked Mr. Clark to help determine if the task force could make recommendations on subjects outside of the original basis for the task force. Mr. Clark did feel it was appropriate if the task force wanted to comment on general consensus that the task force does or does not support returning to the gas tax for funding. Chairman Tobin stated the task force can make recommendations on that and can show the number in favor and the number of dissension. In a like matter, the task force can talk about the deplorable funding of some law enforcement agencies in the state because they are dirt poor. Chairman Tobin asked if task force members had other recommendations that they wanted to be brought forward and looked at by the task force to please feel free to do that.

- o Recommendation Three

Chairman Tobin read recommendation number three. He asked for any comments on this recommendation.

Mr. Cornwell asked if something like this was being done already. He asked if there was a traffic ticket committee at the state level. He added imposing that on the Colonel is one thing, but listing these kinds of things in the recommendations are internal processes or are already being handled by committees. Directing the Colonel to do the same thing is kind of counterproductive. Those groups are already working with those kinds of issues.

Chairman Tobin stated if there is a recommendation that is already being addressed, we can delete it.

Colonel Dicken stated he did not disagree with the recommendations. The senior staff of the Patrol looked at recommendations two weeks ago and many of these recommendations are already being done. He added there is some redundancy. He believes Clermont County Commissioners are looking at the automated flow of how traffic citations are written to be produced electronically from the Patrol vehicles and transmitted to the Courts. There are programs out there like that and the Patrol certainly does not want to compete with those programs. The Patrol would like to be part of the program if appropriate. The senior staff did not see anything in the recommendations that were inappropriate or defensive. There were some recommendations that the Patrol has clear opinions on and do not advocate. He stated the Patrol thought that many of the recommendations were sound business premises and are already engaged in.

- o Recommendation Five

Colonel Dicken stated the Patrol constantly reviews programming whether it is an operational initiative or administrative program. From an internal prospective the Patrol maximizes their resources whenever they can. The Patrol is big on partnership and has been for nearly a generation. The Patrol wants to multiply our courses and maximize resources with other state, local and federal law enforcement partners. This is already occurring he believes for the most part. If advocating, combining services or taking programming from the Patrol and sending it to another agency he does not advocate that. There needs to be a certain amount of redundancy and back up planning in the criminal justice community. On the surface of the file he has no problem with it.

Chairman Tobin asked Colonel Dicken about the cruisers having a longer life on the road. Colonel Dicken stated they have already done that. They continually monitor the equipment the Patrol has in term of life expectancy and costs. They are constantly projecting and maximizing those resources. This is an ongoing process.

- Recommendation Seven

Mr. Foltz stated he thought the Patrol was doing it already. He thinks the Patrol is taking every step necessary to work and cooperate with sheriffs and local police departments. Mr. Cornwell stated he thinks there is a lot cooperation out there.

- Recommendation Eight

Mr. Cornwell stated the questionnaire should be focused on all law enforcement opinions not just the sheriffs, patrol and chiefs.

Mr. Peach stated he was the one who offered this recommendation. He did it with the background from the OACP's survey which included some sheriffs who were willing to participate. It primarily handled local law enforcement and not Sheriffs' Offices. It seems to him with the experience he obtained in committee and interfacing with both sheriffs and local police chiefs, there seems to be a potential for greater efficiency of the Patrol with improved relationships. Many times it appears it's a one on one relationship it is and is not an organization versus an organization. So the premise he is offering is if it can be determined what the issues are within the 88 county Sheriffs' Offices about the patrol, then the Colonel can review those issues and address them in a relationship that would in most part improve the relations and, therefore, overall efficiencies of the Patrol working with Sheriffs' Offices.

Colonel Dicken stated he did not have any issues with BSSA taking surveys. He would like to be involved in it and understand the sheriff's unique needs. The only caution he would throw out is to be careful about generalities because counties are different just like the local post areas are different. He stated that many of his Post Commanders work with the metropolitan police agencies and the local Sheriffs' Offices based on programming needs and based on demographic needs. He stated he would be very cautious about some sweeping reform that would be perhaps offensive that would say you will or you will not. One of the beauties of Ohio is

there are the three tiers of law enforcement: the police, the sheriffs and the patrol. It is very important that we blend and balance those agencies to meet the needs of the constituents. This would be his only caution or fear. If we do something unwittingly it would have an unintended consequence.

Chief Peach stated this was not the overall content, but it appears after consulting with many of his fellow police chiefs around the state, there are only a handful of sheriffs that have a real grudge with the patrol. It is a variety of issues that he believes are not reflected by all 88 counties. They are reflections of issues for that unique county and therefore, the survey could be tooled by which they can voice their real irritation relative to those working relationships and therefore, the Colonel and/or staff can address those specific issues in those specific counties and attempt to improve the relationship.

Mr. Cornwell stated he is going to take exception to the statement. He does not know if it is necessarily a grudge that is out there. He thinks it is this is our duty, this is our responsibility, this is our job and this is the Patrols. The sheriffs will do theirs and the Patrol does theirs. There is a more spirited cooperation between the sheriffs and chiefs and the patrol. It is inter-dependent upon each other. To hold grudges, really are not there any longer that he knows of. The sheriffs would readily admit the patrol is very professional at what they do. But the attitude is they need to do what they do. Some of the things they have expanded in doing have left what they are suppose to do and what they are doing and are not covered within the statute. On pages four and five are recommendations received by his members. This is the position his members have taken. It is not a grudge, it is that the patrol is not supposed to do these things, but they are doing them.

Mr. Foltz stated he disagreed with Mr. Cornwell. He thinks it is still out there. Maybe not to as a great extent but it is still there.

Chairman Tobin asked Mr. Cornwell if they could do a questionnaire to be sent out. What is available? Will the results show how much a problem there is? Mr. Cornwell stated the Chairman can see what the concerns of the sheriffs are in the recommendations he has made. If the surveys go out they will pretty much be the same answers.

Colonel Dicken asked if there is a reason why the surveys have not been permitted during the time frame of this task force. The task force has had 10 or 11 months. Is there a reason BSSA has produced these concerns?

Mr. Cornwell stated until he had seen all the presentations and all the information was garnered and getting the information and separating it out into a context to keep the sheriffs on focus could they make recommended changes. What the task force is to do is to look at issues with operations, to look at duplications and overlaps. The task force is not looking at all these other things. The task force should focus on ORC 5503.02 and see if it is within that context and then say what are they doing that are not in there. The sheriffs continually ask about this and that. This is a lot of information to document and digest and go through. The sheriffs have done so and

these recommendations are what they have come back with. These are what the sheriffs think are duplications and/or overlaps that are performed by other agencies. The sheriffs are trying to stay within the context of what they believe to be the task force duties and to look at what the patrol is doing that overlaps. That is what was prepared and provided to the Chairman.

- Recommendation Nine

Chairman Tobin stated there were a number of suggestions made on funding.

- Recommendation Nine - A

Mr. Long stated his personal view is unless the task force is very specific on exactly what they are talking about; the recommendation should not be included. If the task force wants to impose an additional gas tax for the patrol on top of what is now in place or revert to a certain number of cents, he would think that would be appropriate. He added to make a general statement about the funding by the gas tax without being very specific would not do much good.

Mr. Pappas stated the FOP's position is the task force is not charged with finding funding for the Patrol.

Mr. Davis stated the task force is looking at what the Patrol does and how they do it and it all boils down to funding. He stated we know there will be a tremendous shortfall next year. He thinks the task force has to talk about the funding at some point. A task force was formed, recommendations were made and some of those were taken two years ago and some were not. This is a new task force so they are looking at the whole package. He does not think the task force can ignore funding totally. The task force is not saying what should be done, but we are saying overall the Patrol needs to go back to the gas tax. He does not think the task force can report and not talk about funding at some point.

Mr. Clark wanted to clarify what he said at the last meeting. This is not expressly a funding task force. What he said last week was that the language of the charge to this task force neither requires nor prohibits considering issues that are intertwined with the issues the task force is expressly charged with. It is probably an appropriate statement where the funding is integral and considering an issue that seems authorized by the charge of the task force but is not charged with overall general funding recommendations.

Mr. Peach stated that is why he concurred that the task force should address the funding issue in a matter in which the task force thinks it is appropriate. He stated he disagreed with his colleague relative to being overly specific. He thinks it has to be conceptual. The task force is not going to anticipate or know exactly how the legislature feels about the formulas and so forth. The last thing he believes the task force would want to do is to tell them this is the formula that

solves the world's problems relative to the funding of the Patrol. Conceptually, the task force has looked at all the issues they could that time allocated and conceptually the task force is saying some strong statements that the legislature really needs to deal with it. If it's the fuel tax then so be it. Let the legislature determine what the formula or percentage would be. It would be better in the legislature's venue to determine those facts.

Mr. Cornwell stated looking at the funding mechanism for the Patrol to say how much money they are going to get and they will spend it is what they should do versus here are the efficiencies and operations and all these kind of things and the task force has been charged to do. At the sheriffs' level it is based on how much money they get and they make the programs work within it. The sheriffs do not go to the commissioners and say we propose a budget and say here is what we want to do. The commissioners would say that is nice, but here is what you are going to do. This is the same position at the state level, the Patrol says here is what we want to do through the funding task force, but the legislature says that is fine, but this is all we are going to give you to do it. It is within those kinds of confines you work. It is one thing to suggest broadly there needs to be a new funding mechanism for the patrol. That is one issue. The other issue is to say it needs to be gas tax; it needs to be of this or that, etc. That is not in the task force's purview and they do not have the time to do it. The funding task force was two years ago and if the task force is going to do that, the sheriffs are going to say if you are going to fund the patrol in this then the sheriffs are going to fight for funding too. Most of the counties are tapped out at their sales tax level that they can use. The only other option is property tax and four of those went down two weeks ago. The mood of the citizens is no new taxes. If you are going to fund one, you are going to fund them all. If the task force wants to make an overly broad statement, we need to develop a recommendation to look at funding mechanisms of the patrol and then it is up to the legislature.

Mr. Charles stated Recommendation Three - A was his recommendation and he thinks it is pretty general. If you look at some of the others they also are funding with gas tax recommendations. The MARCS system is something for everybody which includes the sheriffs and the police. He understands there is another task force for MARCS. He stated he thought the task force should include MARCS in their statement and be somewhat general. He concludes putting something in on funding.

Mr. Cornwell stated if Mr. Charles wants to put MARCS in the report than put LEADS in there too. The radio system, the MARCS system and the statewide system if you are going to fund it then fund these. These are what the locals are paying for and the local police departments come to sheriffs more often than not and the sheriffs are the ones with LEADS. Mr. Cornwell asked if it would be an ever ending exercise that the task force would look at and try and do.

Mr. Pappas stated he did not know the position of the FOP for the MARCS radio system, but he does know the board did have a discussion about the MARCS system and he does not believe that all of the FOP members are on

board with operating under the MARCS system. Additionally, the numbers in Franklin County are not overly impressed with the LEADS programs itself. He added if there is funding about these there may be some issues about what mechanisms should be addressed or used.

Chairman Tobin stated he would need to see these issues in the form of recommendations if the FOP chooses to do them.

Mr. Cornwell asked Chairman Tobin if there would be a recommendation for LEADS, OHLEG, funding, etc as a package.

Chairman Tobin stated if it is not appropriate, the task force can vote it out.

- Recommendation Nine - B

Mr. Peach asked about recommendation 9B. What is this recommendation referring to? Is that the type of services that are offered to local law enforcement during emergencies? He is not sure what kinds of services are looked at to be charged back for uses.

Mr. Dieffenderfer stated this is one where he went through the discussions at the meetings and drew from the discussion regarding the wide range of services (bus inspections, etc.) they do for other users and there is either minimal or no charge. There was some discussion that the Patrol should revisit those fees.

Mr. Peach stated more specificity in terms of what fees are being referred to would be appreciated or the recommendation should be eliminated.

- Recommendation Nine – C

Mr. Cornwell stated this recommendation should be included in the recommendation which includes MARCS funding, OHLEG, etc.

Mr. Long stated the issue is funding county government. The more the task force talks about individual earmarks for various purposes in county government the more difficult it becomes for all county government. He is not sure if this is within the charge of the task force. He thinks it gets into the whole thing. If the task force is going to address the state funding particularly address the gas tax, that is probably not inappropriate to talk about. Again, the whole idea here is the fact of the matter is if the counties are not funding sheriffs because county government is not adequately funded or do not have the authority at the local level to increase taxes. As Mr. Cornwell stated, they have over half the counties that cannot go back to the ballot and ask their residences to increase the sales tax. Property tax levies for the sheriffs have gone down. He thinks it is a broader issue in terms of what the task force puts out on all these funding issues as to whether it is appropriate. The more we provide funding directly from the legislature, specifically for law enforcement, the practical reality in county

government is they will have to look for funding for job and family services, for developmental disabilities and a variety of things and those priorities he is not sure at the local level should necessary descend. That is why we elect local officials at the county and municipal level.

Chairman Tobin stated this task force is about law enforcement in general to be fair. What some of the county sheriffs have brought to us, there should be some additional funding which falls outside county government to help them out and to at least have a safe contingent of deputies on the road. Chairman Tobin understands where Mr. Long is coming from because that is what he does.

Mr. Long stated his standpoint is platitudes and general statements are not as helpful as specific recommendations. If you are going to talk about allocating the gas tax, he thinks the task force has an obligation to be specific on whose “ox is going to be gourd” in terms of the road builders, consulting engineers, bridge programs and those types of things. It seems to him if the task force is going to address it, at least have the courage or at least put it out there that we are going to take something from someone else or rethink the legislature should increase the tax to include those types of services. He thinks to make platitudes about the gas tax without saying one thing or another is going to be a disservice.

Senator Buehrer stated he is a little torn today as the task force gets to the end on voting on these recommendations and where he should be. He always questions legislators on these type of task forces should they vote here as they would on the floor or do they vote as a group sitting on this task force. There is a difference. He stated he wanted to echo Mr. Long’s comments on this. He thinks C is what it is, but if he looks at A and B unless the task force is specifically recommending this pie gets larger, these recommendations as they are written will not be as helpful. Mr. Long is absolutely right somebody’s “ox is going to get gourd” here. Let’s not forget when the legislature took the patrol off the fuel tax; the beneficiaries in large part were in local government, at the municipal, the township and the county levels. They picked up big increases because the complaint those days was there was not enough money to do guardrails, edges, etc. He rode around for endless days with the engineers taking a look. That is why the legislature did what they did. It is easy to say lets just put the patrol back on, but that means less lane miles somewhere will not get built. Maybe this group does not care whose “ox gets gourd” and leave it to the legislature. That’s why they get the big bucks (laughs). He is really torn about this, but if the recommendations are going to be as helpful as the task force hopes they will be given the effort everyone has put into this task force the task force almost needs to go all the way with Mr. Long’s suggestion.

Mr. Cornwell asked if it was possible to merge some of these recommendations under funding into one meaningful recommendation.

Mr. Dieffenderfer stated he would do his best to take what the task force has been talking about and put something together.

Mr. Cornwell stated first of all the fuel tax at county levels was to aid townships and it went to the engineers. It was not more money for the commissioners to divvy up.

Mr. Davis commented on putting many law enforcement functions under the gas tax. He is concerned about that because he would certainly support the MARCS or LEADS coming out of the gas tax, but to roll in the funding for the sheriffs' offices, he will not support funding coming out to support them, for patrol yes. He thinks it has to be individual items because someone may not like certain parts of the recommendations. As Senator Buehrer stated, if you are going to get more fuel tax are you going to take it from someone or is the recommendation going to say increase the fuel tax by two cents a gallon. Two cents a gallon new money would go to funding of the patrol or these functions. He thinks LEADS is run by the patrol. Does the patrol pay for MARCS or does it come out of Administrative Services (DAS)?

Mr. Cornwell stated that DAS pays for MARCS. Everyone pays a fee to use MARCS.

Mr. Davis asked who everyone pays and Mr. Cornwell stated DAS. Chairman Tobin stated some can afford it and some cannot. He does not think there is any mention in all of the testimony that money be taken from one entity to be given to another.

Mr. Davis stated that was implied when there was testimony to move the driver license examiners and commercial vehicle inspectors to the sheriffs' offices where they could do it cheaper. He thought that was the implication in moving it.

Mr. Cornwell stated he is afraid this conversation the task force is having right now about funding is exactly what is going to happen to the report. It will be bogged down with this type of conversation. It is going to play into the effectiveness of the report in his opinion.

Mr. Peach stated that could very well be, but the charge to vote on the recommendations and the job is to consolidate them and make sense of them. Maybe there are some that need mass clarification of them and observations of them, but it is a vote. The task force does not have to have the specificity that we would like for a committee that could be replaced in three years. But it is certainly a broader conceptual approach. The ability within the amount of time in which the Colonel reiterated to try and figure how much and what fines and so forth to set in the fuel tax to be made as one of the recommendations is a yes or no and let the able legislature make the decision. He thinks the task force has done in good faith what the task force believes is charged with.

- Recommendation Nine - F

Mr. Cornwell stated he was concerned with the sentence of ...overwhelming testimony and support for the continuation and expansion of the patrol... He asked what the task force was expanding the patrol to. He does not remember seeing an expansion of the patrol in any of the documentation provided by the patrol.

Chairman Tobin asked if that was Tom Rice when he was sitting in for Mr. Davis. Mr. Davis stated he did not recall expansion of the patrol. The way he read it he thought it was about the fees that are charged for services, such as the lab work, etc. It should be saying the same fee that it costs the patrol to provide the services.

Mr. Cornwell stated you cannot get much cheaper than from BCI & I. It is free. He was concerned about it. Maybe someone can deal with it in a recommendation. Mr. Cornwell stated his recommendation is that all these collective ideas should be together not individualized. That is what he is suggesting.

Chairman Tobin wanted to go back to letter E regarding apolitical fund source. That is something he is struggling with. What are we talking about here? Is the gas tax considered less political than tax for license plates, etc?

Mr. Senek stated what he meant by apolitical is once the General Assembly process is over that is the political part. The apolitical part of it is that there is no politics in that funding stream whatsoever like the general revenue fund source. That fund becomes the funding of the patrol and is paid by a dedicated money source through visitors and residents to help the state of Ohio. It is not politics, it is already set meaning it does not have any politics attached to it.

- Recommendation 10

Mr. Cornwell stated isn't it always contracted with BCI & I and they contract it out including the patrol.

Chairman Tobin stated that drug interdiction programs are pretty much done by 30 local task forces in the drug enforcement administration. He thinks the patrol has their group of canines/troopers that look at people going by, license plates, etc. They have their own drug interdiction.

Mr. Cornwell asked if the patrol was one of those 30 task forces. Chairman Tobin stated they participate in many of them. Mr. Foltz stated they are called criminal patrol teams. Chairman Tobin stated they can strike this recommendation. Chairman Tobin asked Mr. Foltz if it was ok with striking this recommendation. He indicated yes.

- Recommendation 11

Chairman Tobin stated he did not know the coordination between the Patrol Academy and the Peace Officer Training Academy. The Peace Officer Training Academy updates their educational program routinely. He knows that casino tax revenue is coming for training of law enforcement. Should we leave this here in and specifically recommend that or not to recommend however the vote goes that the patrol receives a portion of this money from the casino tax.

Mr. Cornwell stated that the patrol by statute is a member of the Peace Officer Training Commission. So there is already their input into the Commission as to what training should be offered up. He is concerned that this casino tax revenue should be provided to the patrol to help provide services. What services?

Mr. Charles stated he believes in the constitutional amendment there is some language about training including the patrol and he did not bring it with him but he knows it is in there. Mr. Charles stated he is the one who put this recommendation in.

Chairman Tobin stated the task force should not include it because it is already spoken for.

Mr. Charles stated the coordination between OPOTA and the patrol in training and not duplicating training. He knows there is some language in the constitutional amendment but he just does not have it there.

Mr. Long asked Mr. Charles if he was talking about all the money. Mr. Charles stated yes.

Mr. Peach stated he agrees with his colleague Mr. Cornwell. He is a former member of the OPOTA Commission. The patrol is a member and has been. They have a say relative to what direction training goes. He thinks the patrol has great influence in terms in helping shape training. They are the ones that legitimize and certify the courses for the patrol that are needed. He really thinks this is a moot issue at least the first sentence. In terms of the casino tax he would defer to his more knowledgeable colleagues here.

Mr. Pappas stated the FOP has some concerning objections on that aspect of it. There was a percentage put into the constitutional amendment and that money is geared toward all law enforcement across the state. It is not for any one particular agency, county, etc. It goes to all law enforcement.

Chairman Tobin stated everything has been covered on this recommendation and he will strike it.

- Recommendation 12

Mr. Davis stated this was his recommendation. The question about the Personnel Office has how many people working in it and they handle all of Public Safety. So they are not handling just patrol, but the functions they do cover the whole department. Why is the patrol paying for it? He did not hear anything in the

presentation and he would like to know if that is the only place they are doing it. Is that the only part of Public Safety that does that? He would like to hear if there are anymore.

Mr. Cornwell stated Fleet Management. This area includes all vehicles for all of Public Safety. Mr. Davis stated if there is anything like that and how efficient is it. Chairman Tobin asked Mr. Maier to look in to it.

- Overlapping Services
 - Recommendation One

Chairman Tobin asked if this was done already.

Mr. Cornwell stated there is a statutory requirement that sheriffs do this type of training. There is a federal program that cannot be used by sheriffs unless they get specific training.

Mr. Davis stated his concern is that part of the recommendation was that they cite to the local courts. Ohio changed the law in 1993-1994 where Ohio went to civil forfeiture system on all commercial vehicle violations for the Federal Motor Carrier Safety regulations. These violations are kept by PUCO to track that system. If you run a driving record you will find a guy was stopped and has five traffic tickets. The law enforcement officer would have no idea how many times he was stopped and no one kept track of it. It was not reported anyplace until he believes in 1994 when they changed the law and brought everything into a civil forfeiture system at the PUCO.

The Commission sits down and looks at it and the driver works for ABC Trucking Company and the first time, they will assess a fine whatever it might be. The next time the Commission has ABC Trucking in here again, and a third or fourth time they raise the fine. They can fine the company, they can fine the driver or they can fine the shipper. So whoever is in the wrong here could be assessed a fee. They keep a record. That record now gets uploaded into FMCA's system and coming in November, there will be a new system called CSA2010 which you can actually go in and check the record of a driver and it will tell you he was stopped 10 times last year and six times he was put out of service. That information has never been available to companies before. Now it is going to be. It is a determining factor when an inspector stops someone out on the highway. Should the inspector inspect this truck or not. Well if he has a CSA score of over 75 yes he gets inspected. The lower the score the better he drives. But the only way that works is if every inspection is loaded into the system. Good and bad. You have to have them both loaded in. The OTA's concern is if you go to the local level and you put it back into the local courts all those inspections are lost. There will be no follow up or anything. There has been court in Cuyahoga County that required a driver to come back to court and appear because he was missing a mud flap. There is a court down in Portsmouth who had a driver who had no brakes on the vehicle and he got a \$50 fine. It was all across the board. He stated he will contact PUCO before the next meeting and ask

them to come in and give the task force a little history on that program because it is what makes the whole system work for commercial vehicle inspections and the enforcement of it. He has no problem with sheriffs being able to enforce it as long as they attend the five week training, do the updates and do the training that is required. He has no problem with anyone else doing the inspections. There are federal funds about \$4 million a year and the Patrol puts about another \$10 million into that program. If you start dividing that money up, you will have a deputy or a police officer who can do it, but he only has an hour or two a day to do it versus a fulltime person doing it all day everyday. Those inspectors prior to 1994 worked for PUCO. They work for the patrol now; it is managed through that system. They have their own supervisors. They are civilian employees and they have a statewide supervisor to run the program. It is a civilian model position that is working very well. Ohio just received an award for one of the top systems in the country. He has no problem with officers being trained and they cite into the PUCO violations. Before this program was set up, the inspectors worked for PUCO. They would cite people to court, but there was never any follow up. Now the system is there and they track each case and the people can handle their court case by phone.

Mr. Long asked if there was a fee associated with inspections. Is there an income or revenue source? What if he needs the funding?

Chairman Tobin asked where the money goes. Mr. Davis stated the general revenue fund. PUCO pays their expenses to run the system and their people and what ever is left goes to the general revenue fund. He thinks it was about \$2.3 million last year.

Mr. Cornwell asked about the \$4 million federal money. Where does that come in? Mr. Davis states it goes to PUCO who takes out a portion to run the hazardous material program and then whatever is left they send over to the patrol to run the motor carrier program. Mr. Cornwell stated there may be some funding for the local police departments and sheriffs' offices that would want to do this program. The training would be all that they would need to do at that level. Is that correct? Mr. Davis stated if it is taken away from the patrol yes. The money goes to the patrol. They have full time employees that do nothing but those inspections and they have to supplement that with \$10 or \$11 million now. To meet what they have out there right now.

Mr. Long asked Mr. Davis from a service standpoint does this make sense for the industry. Would it be easier for his members? Is it helpful that local law enforcement can do it from a trucker's perspective or not? Mr. Davis stated it is helpful if they load all the inspections. If they start looking at a truck and are not finding anything and they give them back their paperwork and say go on down the road then the driver has to log that time. If he does not have a document to go with it, no that does not help this situation or the company. Mr. Long stated under this proposal you have the patrol that can do it and police or sheriffs could do it, but all the money stays with the patrol is what he is hearing. He is not interested in taking on other responsibilities if at this particular point in time unless there is a revenue stream that goes with it.

Mr. Cornwell stated PUCO could look at their grant form to allocate some funds to local sheriffs and police departments, and locals will have to put some money into it anyway like the patrol does.

Mr. Pappas asked Mr. Davis if the patrol has to supplement that money. Mr. Davis stated yes it is \$10 or \$11 million out of their regular budget. Major Teaford spoke up and stated that yes the patrol does supplement but he did not know the amount.

Mr. Dieffenderfer asked if the recommendation should be amended to note training and the link to the PUCO. Mr. Davis stated it was important for those completed inspections go to PUCO and they get it in the system.

Mr. Cornwell asked if the inspections are done via computer or by hard copy sent in. Mr. Davis stated he thought they had a hand held computer that actually uploads it in as they are doing it. He is not sure. It is uploaded before the end of the shift. The patrol can answer that. Mr. Cornwell stated he is trying to get to the point that if that is a requirement to get money from PUCO to do he is fairly positive that most folks would do it.

Mr. Dieffenderfer commented that Mr. Drum stated that law enforcement in Delaware County could do it. Mr. Cornwell said the city of Delaware and the county of Delaware. Franklin County does it as well.

- Recommendation Two

Mr. Cornwell stated he thinks this recommendation is in combination with number one. He would like to make a clarification here that if the patrol can contract with commissioners and sheriffs, then they could pull their resources and do it also. If Wood County has a team and Lucas County wants to use them, they could.

Mr. Long stated he thought they had the authority under current law.

Mr. Cornwell stated he thought it could help the opinion from the Attorney General's Office that says every sheriff's office has to do it that may be the way around the bush to get to it. Sure they can do it, just get your fellow sheriff from X county to come over to do it. No sense in having two sets of weights and scales.

- Recommendation Three - Jurisdiction clarification – multiple suggestions

- Recommendation Three – A

Mr. Cornwell stated what stops them from doing it now? Maybe policy or whether it is law that states they cannot do that.

Chairman Tobin stated if it is a felony crime there is no prohibition. Where, if it is a misdemeanor, it is a different issue.

Mr. Peach stated perhaps the task force needs to include a misdemeanor in this recommendation. The expectation of a patrolman that sees something while patrolling or during normal performance of duties has the legal authority to take action, call the locals and do what he has to. He thinks that is the intent of it. Try telling citizens that it is private property and he cannot do anything. He thinks this is the argument here. It may need to be clarified.

Mr. Pappas stated the FOP's position is if this is done for the patrol then they want it done for all law enforcement. The same restrictions apply to local law enforcement that they cannot assist. So if there is going to be an expansion of authority for the patrol, it should be then for all.

Mr. Cornwell stated if they are going to do that all laws will need to be changed: 97.1, 2901.01(A), 2935.01(B), etc. What locals is this task force looking to expand it to?

Mr. Pappas stated it would be representative of municipal police officers. That would be the FOP's position. The expansion should include municipal police officers. The sheriffs have a little bit of difference in jurisdictional issues.

Chairman Tobin asked if the FOP's position is in favor of this recommendation as long as it applies to all of law enforcement. Mr. Pappas stated yes their position would be if you are going to expand it should include all law enforcement.

Chairman Tobin stated law enforcement encompasses the patrol, BCI & I, Sergeant-in-Arms of the House of Representatives, veteran's homes policemen, investigators for the prosecutors, a Mayor, etc.

Mr. Cornwell stated what the task force will get into when they have collected these definitions; there will be different groups that are out there. It is almost easier to say who is not included. He is concerned the task force is going to expand powers and have people who have arrest authority within their own jurisdiction out making arrest everywhere in the state. Then he looks at it from the other side, the liability it imposes on the appointed authority or the agency for which they work. Chairman Tobin stated it would fall upon the agency they work for.

Mr. Cornwell stated if there is a false arrest on a misdemeanor out of Canton from a Columbus police officer and Columbus gets sued then Mr. Pappas may not have a job next week. That is a concern because that liability falls back to who gave you the authority to do that for the arresting agency. Now it could be put in the statute that each individual agency could limit their authority. The agency could say when you are off duty you do not carry a departmental issued weapon. There are agencies that say 24/7, in-state out of state you carry it.

Chairman Tobin stated they will modify this recommendation to include law enforcement generally and leave it in there for a vote.

Mr. Peach stated enabling legislation that it is not required, but it is the decision of each jurisdictional unit to make those decisions.

Chairman Tobin stated it looks like this information that was discussed is written up in recommendation Three – B

Mr. Long wanted to go back to recommendation number Three – B. The way it is written it is giving the same authority to port authority police, park police and housing authority police. He understands how it links to municipal and county, but there are specialized types of law enforcement and he does not think this is a great idea.

Chairman Tobin stated the task force could let the legislators battle it out. The task force can include city police departments, sheriffs' offices, and patrol. Mr. Long stated that would be his preference. Mr. Cornwell asked about townships. Chairman Tobin said yes townships too.

- Recommendation Three – C

Chairman Tobin stated this should be left in to be voted on. The Attorney General has said if at the conclusion of this task force that a request has been made, he will be happy to give a legal opinion.

Mr. Newbacher asked what the difference was between Recommendation Three - A and Recommendation Three - C. Chairman Tobin stated Recommendation Three - C would interpret existing law. Defining if it is an emergency for example.

Mr. Clark stated he agreed the difference between the two is the first one calls for clarifying questions of the Ohio Revised Code. Recommendation Three – C is a request for an Attorney General Opinion to clarify the authority in non-emergency situations outside of their jurisdiction. They are different. The first one talks about arrest authority without a prior request when a crime is in progress and is witnessed which could be an emergency or could be a non-emergency. Emergency as the task force knows it is covered to the extent that it is detailed in the patrol's statutes now. The second one limits itself to a question about revising of the Revised Code action for non-emergency situations.

Recommendation Three – D

Chairman Tobin stated recommendation Three – D is to include the patrol troopers as peace officers.

Mr. Clark commented that there are at least five definitions of peace officers in the Ohio Revised Code for different purposes. Mr. Cornwell has outlined at least three of them. The training definition is in section 109.71, the arrest

authority which may be the place where the task force's recommendations for authority outside of jurisdiction might be addressed is section 2935 and there are other definitions for qualifications. There are several definitions of peace officers. Mr. Clark added that some or all of these employees of the patrol are peace officers in those separate definitions and that is what is meant to be accomplished.

Mr. Foltz indicated this was his recommendation and indicated if the task force did not like Recommendation Three - D that is why he had Recommendation Three - E also.

Mr. Pappas asked if any of these sections regarding clarification of jurisdictional issues are approved will the nonemergency response be resolved.

Mr. Clark stated yes it would be to the extent it can be with the existing law as noted from his memorandum. He feels there are some blurry edges to the statute. The recommendation as he understands it and the discussion and the common desire is to have a request for a formal opinion from the Attorney General on aspects of emergency authority, emergency assistance authority, the limits of that statute and what ever else may be. That is a request coming from a source probably the patrol or DPS in which the Attorney General in regular course of business responded to it. Some Attorney General's opinions do so for most people's satisfaction resolve some questions presented to the Attorney General, and others recognize there is not a bright line for every part of the question. There is no guarantee that this resolution will be the Attorney General's opinion. It is clear in the minds of its authors and the Attorney General. It is not the law of the land. It is merely persuasive.

- Recommendation Three - E

Chairman Tobin asked Mr. Clark if he was proposing that Recommendation Three - E would be a carte blanche power of arrest anywhere in the state. Mr. Clark stated yes.

Mr. Foltz stated it covers the basis. This is one of the things we talked about all away around. Witnessing something on private property and not being about to do something about it feeling their hands are tied.

Mr. Cornwell commented if the patrol is working on private property as well as the roadways do they have the authority. Chairman Tobin stated that is called the state police.

Mr. Maier asked about recommendation Three – E. Are they asking for investigative authority or arrest authority? Chairman Tobin stated in taking action it would be arrest authority.

Mr. Foltz stated it does not matter where he is at. If they get a call on disturbance at a location that is close by and the sheriff's office and police department are 25 minutes away, the patrol cannot respond to it. He would like for the patrol to be able to take action until the proper authority gets there. That is all he is asking for. He is not asking to handle it. Just so it doesn't get any further out of control than it already is.

- Recommendation Three - F

Mr. Peach stated he would suggest it would be a moot issue if recommendation Three – F was adopted because it clearly is a scenario that was just given and was observed under Recommendation Three – F. The patrol is requesting and notifying the local jurisdiction and in turn the local jurisdiction asks if they can deal with it until the local jurisdiction arrives. It is an emergency situation; therefore, it enables the patrol to have the jurisdictional arrest authority necessary. Recommendation Three – F would cover a lot of basis. Chairman Tobin stated that would require a legal opinion as well.

Mr. Clark stated by the way it is worded it is recommended language for ORC 5503 so it sounds as though that was what the request was meant to be, to clarify or expand or achieve the arrest abilities that are being recommended.

Mr. Cornwell stated as Chief Peach suggested, if the trooper calls the sheriff's office or the local police department to say there is a bar fight right across the street from the post or some guy is urinating on the sidewalk and the dispatcher says hold the scene until we can get someone there, that is the emergency situation that is addressed within the code. Chairman Tobin stated it is already there. Mr. Cornwell stated yes. Mr. Clark stated the dispatcher would not have that authority. It would have to be a peace officer. Mr. Cornwell stated the sheriff could delegate the authority. Mr. Clark agreed someone with arrest authority could do that.

Mr. Cornwell stated we know this happens on a daily basis now. So that request comes from the sheriff's office or police department asking the patrol to come out and watch their backs. It happens everyday.

Mr. Peach stated why it is blurry is because it is not applied elsewhere. He knows his colleagues (chiefs) have experienced that. The patrol standing there not helping out in the situation because they do not know if they have the authority or not. That is why this recommendation is to clarify what is blurry and to promulgate that authority, thus enabling authority so law enforcement is not scratching their heads.

Mr. Foltz stated if a guy is beating someone up, he has to call the police department or sheriff's office to ask for permission to go over to stop it. That is where he is coming from. He continued stating that Mr. Cornwell said he has to notify before he can go. Mr. Foltz asked can he go while he is calling.

Mr. Clark stated if this group had a reservation of the majority that some want to achieve some authority of the patrol and peace officers to be able to intervene and make arrests in a well defined set of situations then that could be addressed independently whether the authority already exists in ORC 5503 or becomes part of a implicit legislative recommendation. He thinks what his colleagues are saying is that the Attorney General's opinion, particularly if it were aware of that desired end could state the limits of the current authority and state what legislative action might be necessary to affect the rest of the recommendations.

Mr. Newbacher asked if it could be worthwhile to name a sub-committee to focus on this part of the report.

There continued to be much discussion among the task force members on jurisdictional issues and non-emergency situations.

Mr. Clark stated there genuinely is an issue here when troopers may respond and it genuinely is confusing and as he noted in the memorandum to the extent he could go with it. It is necessary to as for the two part requirement for rendering assistance that is first requirement be met: A threat of imminent physical danger to the peace officer rendering the request and a threat of physical harm to another person. It can be either or both. If those exist it satisfies the first part. Or it could be any other serious emergency situation. So that is the catch all. It has to be a serious emergency other than the first two. Then you go to the peace officer requesting assistance or being unable to request it. So that is where the confusion arises in the first part of that as far as any question of patrol authority when assistance is requested. The patrol officer has to make those analyses of whether those standards are met before he or she responds and it comes out in liability situations such as one of the cases he named in his memorandum. The case he referenced in his memo, if he recalls the facts correctly, a trooper was monitoring one of the sheriff's frequencies and heard a high speed chase, joined the chase and it had ended. The patrol vehicle wrecked into a third party who was stopped behind the traffic stop and the Court of Claims found that it was not an emergency under those circumstances and he can see based on the discussion around this table that even sitting here and without being in the car with chase hot and making fast decisions that there would be disagreement on whether that was an emergency or not. But probably what he hears is a desired ability that this group is talking about. If the task force has a desired outcome for the authority of the patrol that may be useful to both the Attorney General's opinion and to the legislature regardless of what the Attorney General's opinion ends up saying what the current contours are of that authority. That is just the emergency part as opposed to any recommendations on non-emergency authority.

Chairman Tobin asked if it was safe to say if the task force wanted to enable the patrol to assist on a request on a nonemergency we would need a change in legislation. Mr. Clark stated he believed so.

Chairman Tobin stated the task force is going to get a list of recommendations that have been discussed today and the task force members will indicate whether or not they are in favor of the recommendation.

Mr. Long asked on the jurisdictional issue will the task force be seeing Recommendation Three - A through Recommendation Three - H or will they be combined them. Chairman Tobin stated they will be combined down to about three.

Mr. Long stated what he is hearing from Mr. Foltz is that he wants to be able to go in when it is real evident that he needs to do it without having to call in advance to report it. He stated what he is hearing from Mr. Cornwell and the municipalities are they have concerns that this is creeping towards a state police. How do we transplant this into a recommendation that sort of cuts the middle without inferring creeping towards a state police?

Mr. Cornwell stated the Chairman clarified it tactfully and it is to allow the patrol to assist when requested in nonemergency situations as well as emergency situations. Therefore, when a deputy is on third shift and he gets a call about 123 Peach Street and he knows his other deputy is on the other side of the county, he will ask the dispatcher to contact the patrol to see if they have a unit available to give him back up. He is there to protect the sheriff.

Chairman Tobin stated he hopefully will have something together that all the task force can live with.

Mr. Clark stated because time is short and it may be helpful for the members to take a look at language that is already in the Ohio Revised Code that has elements on what the task force is discussing now is section 311.07 (sheriff's mutual assistance). Language in this section refers to assistance and it may be provided when requested and is not contingent on emergencies. It does define those other agencies when whom assistance may be requested and to whom it may be given. Another area that may not be as helpful is language that is being discussed at this meeting, is every other law enforcement agency in the state has authority to enter into a mutual aid agreements; some of them with the patrol. The rest of them are with sheriffs' offices and certain other law enforcement agencies. In earlier discussions it was that mutual aid agreements might be very patchwork and this may be a satisfactory way to resolve this. Nevertheless, the task force may find some other language in there that helps with pieces of this if the members want to look at those areas in the mean time.

- Recommendation Three – G

Mr. Cornwell stated he received a note that said the Ohio General Assembly intended to impose a limit upon the arrest power of the patrol off-state property. This was found to be true in a case in 1992. There was a case in 1992 that said the General Assembly enacted section 5503.02 of the ORC which appears to

impose limits upon the arrest authority powers off of state property even though the offense was committed on state property except in the events of riots, civil suits order or correction imposed by the Governor. He stated this is his justification saying the General Assembly can do whatever they want. That is why he asked the Colonel several weeks ago if he understands the term creature of statute. Whatever the General Assembly creates they can un-create. They can tell you what you can do, but they do not give you express authority to do so, and then you do not do it.

- Recommendation Three – H

Mr. Cornwell stated in his opinion the policy of the patrol has not done this. It seems to be in part consistent with the Revised Code, but then it varies from that in their policy statement “in most cases the division assistances will be on a support basis rather than replacing persons....” To him the patrol’s own policy varies with the statute says. That is why Recommendation Three - H is there. Mr. Pappas asked what the case from 1992. Mr. Cornwell stated it was *Durbin v. OSHP*, 83 OApp3d 693 (1992). Mr. Clark stated he can send a copy of that case to the task force members. Chairman Tobin stated that case also involved a nonemergency situation. The agency who has the jurisdiction should be delegating the path to those that can assist.

Public Comment

Mr. Rice stated he knows the task force did not make it through the agenda today, but there is something on the agenda he would like some clarification on recommendations made on the bottom of page four and the top of page five of the document. He would like to make comments on four or five of these recommendations. If you look at these recommendations on overlaps and added up the total is \$22,581,920. He hopes that Mr. Cornwell is not giving the impression that amount of money can be saved. There is going to be overlaps. His first point is the Patrol Academy. There was not mandatory police training in the state until 1966. The patrol had pre-service training from the beginning and has had an academy since 1933. He is familiar with how both entities work. The Patrol Academy cannot handle the training needs of all law enforcement in the state. The Peace Officers Training Academy cannot handle the patrol’s needs so there is an overlap. It is a necessary overlap.

Mr. Rice stated that recently the Department of Public Safety entered into a Memorandum of Understanding with the Attorney General’s Office with working with OHLEG and try and bring OHLEG up to the standards where they are not now because they cannot carry the data that is carried on the LEADS system. The patrol has run the LEADS system for 46 years and there is different information on the OHLEG system than what is on the LEADS system. There is an overlap. It is a necessary overlap.

Mr. Rice continued with the Special Response Team (SRT). He stated he never heard of any testimony where the patrol’s special response team responded to any situation where they were not invited. He can tell everyone from being the Commander of the Patrol in 1993, at the Lucasville Prison riot and going into the gymnasium to negotiate with the prison leaders

in the riot he wanted his SRT behind him before he went into that gymnasium. Counties have SRTs, cities have SRT's, and the patrol needs it.

Mr. Rice commented on the Caravan aircraft. He stated the task force did not hear much information on the Caravan aircraft, but as a special aircraft that is able to provide live information on direct feeds to authorities whether it is city, county or state. He recently met with the Governor and they talked about this particular aircraft. Because of his position as the Governor he is going to need real time information if we have a disaster in this state and this is how he is going to get it. Investigative operations overlap. The patrol has a responsibility to investigate crimes on state owned or leased properties. How could anyone run a law enforcement agency without having investigators who do the investigations for the organizations?

Mr. Rice commented on the Criminal Intelligence Unit. 9-11 changed everything and to have the ability to have a very small group of officers to be able to work in fusions centers and be able to coordinate with other organizations is an absolute must.

Mr. Rice stated his concern is if this recommendation goes out one could assume that the patrol does not need those services. He states this is ludicrous.

Mr. Cornwell stated Mr. Rice has probably mischaracterized this document in that it is not a \$22 million savings; it is a \$22 million redirect. It is \$22 million that is being spent on activities that the patrol has no authority to do. It is a situation that says instead of doing these things like the caravan which is Homeland Security or EMA in the event of a disaster. They are the agencies; they should have those bits and pieces of the equation. He is not saying that the task force takes the \$22 million from the patrol's budget and gives it to anyone that wants it. He is saying the patrol should not do those services they provide and do what the patrol is suppose to do statutorily and the \$22 million flows with it.

Mr. Rice stated he thinks this is part of the problem we have been hearing at these meetings. If anyone here thinks the patrol does not have the authority to run an academy or have an SRT team, to run LEADS, to have criminal investigators, then he thinks this task force is in for a long ride because the patrol has that authority. In fact he has been waiting since April of 2009 when the press was reporting that sheriffs from all around the state were providing information that would come into an eight or 12 member committee that would be filtered to the person who was going to represent the Buckeye State Sheriffs Association at these meetings. He asked if this is the list that the sheriffs presented. Mr. Cornwell stated yes. He is surprised the task force has been waiting to hear about this until now. He stated the task force should have heard this before. To say the patrol does not have the authority to do this, he stated he must agree to disagree.

Mr. Cornwell stated that since the meetings progressed and more information was gleaned from the voluminous amount of paperwork the task force was provided by the patrol clarified a lot of issues. So some of the things that were asked or requested it takes time to put together. So it is a situation where these are the final recommendations that the BSSA has put together. He stated he used eight sheriffs to do that for the most part and what they have come up with is these are things that could be done by local agencies or other state agencies. Again not taking \$22 million from the patrol's budget but reallocating the

personnel that is paid for to another spot like the roads. He stated Mr. Rice was very empathic at the last meeting that the word ALL be included in the description for traffic crashes. Mr. Cornwell stated he was later provided with a document from the Colonel relative to the number of traffic crashes throughout the state of Ohio. Something he had requested some time ago for 2004, 2005, 2006, 2007 and 2008 knowing that 2009 was not available and what he got was 2009. If Mr. Rice will look at that documentation, he will see all the members of the task force were provided the information that the patrol does not take all crashes outside municipal limits, sheriffs and townships do. So if the patrol cannot handle all the traffic crashes now doing all these other things that are numerated in the recommendations would assist them in taking some of that workload from other agencies.

Mr. Rice stated he only can respond is that he was only pointing out what the law says. In reality, he fully understands the patrol cannot do that.

Mr. Cornwell stated that is why he told Mr. Rice he had mischaracterized. The document did not say take \$22 million and give it to anybody. It is staying within the patrol and moves over. The patrol keeps the \$22 million he has identified here and instead of having a commandant at the Patrol Academy you have the executive director of Ohio Peace Officers Training. They would have oversight. That would come out of the Attorney General's funds. They will have to fight for it. The \$22 million stays with the patrol and those bodies being used for the fusion center; LEADS, etc. are being shifted to the road area. This is all that is being stated here. Not once did he recommend the patrol lose \$22 million.

Mr. Rice asked about OHLEG running LEADS. He indicated OHLEG cannot run LEADS. Mr. Cornwell stated OHLEG could run LEADS if statutorily it was changed to allow it to occur and they would need to do some modifications to allow them technologically to do it.

Mr. Rice questioned Mr. Cornwell on his recommendation that the patrol does not need a special response team. Mr. Cornwell stated no he did not think they did. There are plenty of SWAT teams, response teams and entry teams around the state with the local police departments, sheriffs' offices and DRC has their own that could be utilized rather than a 27 person response team located within 50 miles of Columbus to go out to wherever they need to go. They could be utilized by the other local agencies.

Chairman Tobin stated he knew there would be a lot of debate and he knew this would be a major battle for another day.

Mr. Senek stated there are two things that are striking at this task force meeting. The first is the funding that cannot really name a funding source but there is a lot of discussion that is centered specifically on money. The second thing is jurisdiction. The task force stated there were a lot of blurry edges within the jurisdictional issue. He stated there was a comment made about the money and the fuel tax and whose "ox was going to be gourd." Well a few years ago the General Assembly quite frankly "gourd the ox of the patrol" when they removed them from the fuel tax. He stated it should be recommended by this task force about a funding source specifically by the fuel tax and the reason he makes the argument is that the patrol was funded by the fuel tax for decades very successfully and not politically. Funding is crucial to the patrol now. It is very crucial. He agrees with the Superintendent,

this body should not be recommending a budget, line-items budget process to go through for the legislature. That is their job. But this body could recommend that fuel tax is a viable funding source for the patrol and that would be a legitimate recommendation. The second thing is on jurisdiction because there is so much discussion and so much bantering back and forth on what that jurisdiction is it seems to him the Attorney General's formal opinion and Mr. Clark has already started the informal opinion with some information about that would give very strong evidence as to what this body should be recommending as to what that jurisdiction is. Nobody knows exactly the interpretation of ORC 5503 and the emergency clause and the assistance and all those issues that have been brought up. He stated the task force may be creating unintended consequences by recommending legislation first or some type of language until the Attorney General actually looks at it at a legal standpoint and offers an opinion.

Mr. Charles asked how the task force is going to handle number six next week. Chairman Tobin stated one by one.

Chairman Tobin called for a motion to adjourn. Meeting adjourned.