

OSHP Mission Review Task Force
May 5, 2010
9:00 a.m. – 10:15 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
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
Mark Drum, Fraternal Order of Police

Tim Lynch for Senator Tom Patton
Nathan Slonaker for Representative Batchelder
Kimberly Wheeler for Senator Buehrer
Thomas Rice for Larry Davis, Ohio Trucking Association

Other Attendees:

Todd Dieffenderfer, Attorney General's Office
Jeff Clark, Attorney General'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
McKenzie Davis, The Success Group
Shel Senek, OSHP Retirees' Association
Major Kevin Teaford, OSHP
Ken Garloch, OSHP Retired
Major Herb Homan, OSHP
S/Lt. Ken Kocab, OSHP
Sgt. Max Norris, OSHP
Jeff Grayson, OSHP
Randy Ludlow, Dispatch
Noah Blundo, Hannah News
Charles Gongwer, Gongwer News

Walter Liddle, OSHP Retired
George Barton, OSHP Retired
Vickie Boster
John Boster, OSHP Retired
Captain Carl Roark, OSHP
Major Dan Kolcum, OSHP
Lindsay Komlanc, OSHP
Michael Weinman, ODPS
Maria Clark, ODPS
Jeff Kasler, ODPS

Welcome and Introductions

Chairman Tobin stated it was Police Memorial Week and he asked for a moment of silence to remember the friends and colleagues who have lost their lives in the line of duty. The State Highway Patrol's ceremony is Friday, May 9, 2010 at 10:00 a.m. The Attorney General's state ceremony is on Thursday, May 8, 2010 at 11:00 a.m.

Chairman Tobin asked the task force members to introduce themselves.

Chairman Tobin stated at the next meeting he will be asking the task force members to vote on recommendations. Those individuals who are representing someone should let this be known because he expects someone from the office to be able to cast a vote.

Old Business

Tom Rice stated there was a question at the last meeting that Mr. Cornwell had of one of his sheriff's that was in attendance regarding the number of crashes that were designated in a particular county based on a report that was provided by the Patrol. Mr. Rice asked Mr. Cornwell if he had information on if the sheriff had indeed reported those crashes and did not make them into the database. Mr. Cornwell stated his sheriff has now reported the crashes. At the time the report was compiled the crashes had not been reported. Mr. Cornwell added those figures were for 2009 even though he had asked for 2004 through 2008. Mr. Rice asked Mr. Cornwell if he wanted the report for that period of time. Mr. Cornwell indicated yes.

Colonel Dicken stated he was not aware if the report was available. He asked Major Homan and Captain Roark if the Patrol has data by county. Major Homan stated he would have to check to see if the information is available. Colonel Dicken stated the Patrol will follow up.

Chairman Tobin asked if there were any other changes to the minutes. He asked for a motion to approve. Mr. Cornwell motioned to approve and Mr. Peach seconded. All task force members were in favor.

New Business

Chairman Tobin stated that Todd Dieffenderfer has spent hours and hours working on the initial report and commended him for his efforts. Chairman Tobin stated the task force will

go through the report page by page if the task force is comfortable doing it. Chairman Tobin added there is another report that Mr. Dieffenderfer had prepared on Potential Recommendations for Discussion. Chairman Tobin stated Mr. Dieffenderfer has prepared this document based upon what he believes is reflected in the discussions so far.

Chairman Tobin stated anyone that has a comment or correction to the report, please do it as they go through the report.

Mr. Dieffenderfer stated he would narrate through the document. The goal of this report is to take the factual representation from all the brief presentations the task force has heard from the Patrol and also provide some additional background on why the task force is there.

Ohio State Highway Patrol Mission Review Task Force – Draft Final Report

Mr. Dieffenderfer started with page one:

- At the top of the page there are four pieces in brackets that have not yet been completed.
 - Letter from the Chair that recognizes the work that was done, over what time period and those who were involved.
 - Executive Summary
 - Membership List
 - Table of Contents
- Introduction
 - To generally state the charge that was given to the group from the legislature.
- Law Enforcement in Ohio

Mr. Dieffenderfer stated he knows they have had a few different comments on the scope of law enforcement as it should be, etc. This section is to describe it briefly. He drew on what the sheriffs had provided. He went to Donna Braxton, Ohio Association of Chiefs of Police to see if there was something the Chiefs wanted to provide. He stated if the chiefs do, he will work it into this section.

Mr. Peach asked to speak on behalf of the comment made by Mr. Dieffenderfer regarding the Chiefs including information. He stated the past week was the OACP's annual conference so it put a delay on a number of things. The second factor is to the law and regarding so many statutory authorities for various local law enforcement agencies of which there are hundreds of these. There are many other unique duties assigned under law to those various agencies: transit, municipal, townships, campus and so forth which would make it a little difficult to include all of those. He believes the association is scratching their head in honesty on Mr.

Dieffenderfer's request on whether or not it would be best to take a look at pursuance of the state law of the municipal police who have certain powers. It might be more general because it can be convoluted and rather extensive and it isn't applicable to all the agencies. That is the concern he believes Mr. Dieffenderfer would receive. The association is still trying to figure out how to do it, so the association will defer to Mr. Dieffenderfer's suggestions. Mr. Dieffenderfer stated he was reaching out and is aware that it could be a challenge. He added however, the report is prepared; he will get it in to the final report of the task force.

Mr. Drum asked if the task force would want to include other state agencies (ODNR, Wildlife, etc). He did not know if they should be included in this report but he certainly includes them as law enforcement. He added the task force may want to take a look at these other groups.

Mr. Dieffenderfer commented on Table 1. It provides a snapshot of the different law enforcement agencies in Ohio and the number of sworn personnel. It also includes the sources of where this information came from.

Mr. Rice asked about the Sheriffs' Offices as 9,145. He stated the source on it is the Ohio Peace Officer Training Commission. In looking at the US Department of Justice records from the Federal Bureau of Investigations for 2008, it list total law enforcement employees (broken down by officers and civilians for Sheriffs' Offices) in the State of Ohio. In adding up the number of total officers he came up with 5,467. Mr. Rice provided Mr. Dieffenderfer with the document he was referring to about the numbers.

Mr. Cornwell stated that part of it may be that these numbers are inclusive of what is on the active rosters that are filed with OPOTA for CPT training; therefore, it will include many special deputies in the numbers that are not necessarily full time so the numbers will be distorted. Mr. Dieffenderfer asked Mr. Cornwell if he thought the numbers from the Department of Justice were more accurate. Mr. Cornwell indicated yes.

Mr. Cornwell stated if you look at a Sheriff's Office you have to include personnel who process the paperwork for the civil side, corrections officers who work in the jails and some counties may have deputy sheriffs working in the jails or out in the field working crime scenes. The 5,000 number is more accurate than 9,000.

Mr. Rice commented on when he counted up the counties and he doesn't think that is going to be a correct number because there were 11 counties not listed under the Department of Justice document. Mr. Cornwell asked if they were ORC reports and Mr. Rice indicated yes. Mr. Rice continued stating the number will probably be larger than he had given earlier because 11 counties did not report. Mr. Cornwell stated that would be as of 2008 and then you have to look at lay-offs that have taken place since then. Mr. Cornwell stated that number will be in the ballpark but not very accurate at all. Some of those 11 counties reported to NIBRS than rather use UCI. So there are a variety of things to look at. Mr. Cornwell suggested Mr. Rice provide a copy of the report to the task force. Mr. Rice stated he had a copy now.

Mr. Long stated the Mr. Dieffenderfer may want to check with PERS. A good number of Sheriffs and law enforcement belong. Mr. Dieffenderfer may be able to get active participants. Mr. Long added he thought this might be the most accurate and current count available. Mr. Cornwell agreed with Mr. Long because the corrections officers do not pay in to the LE portion of the PERS nor do the civilian employees. The deputies that are full peace officers status do pay into the LE section. Therefore that would be the best number to work with and will not have special deputies in it.

Page Two

Mr. Dieffenderfer stated page two was regarding the “Overview of the Ohio State Highway Patrol.”

- Authority

Mr. Dieffenderfer indicated this section is pretty cut and dry.

Mr. Rice asked about number three under Authority. It states: Investigate and report traffic crashes on roads and highways outside of municipal corporation limits. Mr. Rice stated that is not what the statute says. The statute says: Investigate and report all traffic crashes...

Mr. Rice asked about the third paragraph under authority. It states: The Governor may also request that the Patrol undertake criminal investigations involving state property interests. He indicated that sentence is not totally correct. It is referring to major criminal investigations and the Patrol does not have to seek permission to conduct criminal investigations on the state owned or leased property. Mr. Rice stated the correct language is on page 15 of the draft report. Mr. Dieffenderfer asked Mr. Rice if it is referencing the governor may ask for major investigations and it clarifies the ability for the Patrol to investigate on state property as a matter of course. Mr. Rice agreed.

Mr. Rice stated on page 15 of the document it states: the superintendent or any state highway patrol trooper may enforce the criminal laws on all state properties and state institutions, owned or leased by the state, and, may when so ordered by the governor in the event of riot... So there is no request from the governor’s office to investigate crimes on state properties. Mr. Drum commented if only it expands to state interest. Mr. Rice indicated a major crime. Mr. Cornwell stated it is a fine point. Mr. Dieffenderfer stated he will clean the paragraph up.

Mr. Rice stated Mr. Dieffenderfer has done a great job in doing this draft report.

- Organization

Mr. Dieffenderfer stated this section provides the different presentations that were presented to the task force for all the areas of the Patrol. This section also gives an overall look at the Patrol. The number of employees as well as the number of assigned full time on road patrol duties. For clarification purposes the number of employees who are assigned to patrol duties includes officers who are assigned to operational based offices.

Mr. Dieffenderfer continued with a breakdown of all offices including the 10 district offices and 55 patrol posts. He added the breakdown of the different ranks that are included in the 10 districts as well as the civilian employees working from those locations.

Mr. Dieffenderfer stated he had met with some Patrol staff and they indicated that most of this information and data is as of December, 2009. The staff indicated there had been changes made since January, 2010 which are not reflected in the information. Mr. Dieffenderfer discussed the possibility of creating a new section to include the changes since January, 2010.

Colonel Dicken stated he had spoke with Chairman Tobin prior to this meeting to discuss augmenting the document which will update information. It will be presented today. The document is basically a reference of information. It does depict some changes since January 1, 2010. Some which have streamlined systems and offices within general headquarters in particular. The next thing he would like to look at is updating this report. There are some things in there. Mr. Rice pointed out some. Colonel Dicken stated they have some others. His staff will go through the process of editing it and giving the task force the best information they can with current data. He added he will try and have it to the Chair by next Tuesday (May 12) or Wednesday (May 13) and coupled with that he will have some additional narrative to augment it about some efficiencies that have been plugged in. He added it will be the Patrol's aim to have this document represent where the Patrol is today.

Mr. Charles had a question on number of uniformed Patrol. On the report it says 2004-2005 the Patrol had a ceiling of 1583. Is that a statutory limit or is that based on how much is in the budget. Colonel Dicken stated that is the internal ceiling for sworn officers and it is directly tied to the budget and appropriations. Mr. Charles asked if a funding source was found and the budget went up, the numbers could go up since there is no statutory ceiling. Colonel Dicken stated there is not a statutory ceiling.

Mr. Dieffenderfer stated the section continues with the different units that the task force heard from. He added his intention is to give a general understanding of the work that gets done in each unit. It also includes the staffing and the pay and benefits for each section.

Mr. Dieffenderfer asked if the task force wanted to go through each unit or have the Patrol review it.

Mr. Cornwell commented about Unit number 2, numeral number 4 indicated there was a financial number assigned to the Commission on Accreditations for Law Enforcement Agencies. This is what he has been trying to find out.

Page 10

- Real Estate

Mr. Dieffenderfer stated this section gives the task force a sense of what real estate the Patrol has.

- Vehicles

Mr. Dieffenderfer stated this section reflects the issues of cost of the vehicles that was discussed at the last meeting. It gives an overview of the costs of the vehicles and does not reflect the expense of the equipment that is added to each marked vehicle.

- Budget

Mr. Dieffenderfer stated this section includes how the Patrol's budget is handled through the Transportation budget and the sources that are used to fund the Patrol. There were questions at the last meeting regarding the Ohio State Highway Patrol Funding Task Force that occurred a couple years ago. The recommendations have been included in this section. Not all recommendations were adopted by the legislature. The section also reflects on the current situation with the Patrol's budget.

Mr. Rice stated if he remembered correctly after the Funding Task Force made recommendations they went to the legislature. It was in the Senate, and if he remembers his figures correctly there was a reduction from 106 million down to 85 million. Colonel Dicken stated that was his recollection. Mr. Rice stated the work that was done by the Funding Task Force to provide funding for the Patrol that could be sustained was reduced in the Senate. Colonel Dicken stated yes. He added when they went through the process initially, we spent six to eight months identifying needs. The need for the early years of 10 and 11 the fiscal biennium they were looking at \$85 – \$90 million of annual need. However, the task of the task force was to identify a stable, long term funding stream. The committee said \$106 million is that long term number. The Patrol's immediate draw would have been in the neighborhood of 85 million. The 106 would have carried the Patrol out through three biennium budgets or six years. That was the solution. The Patrol put forth their budget with those recommendations in mind with programming, etc. It went to the House and it was approved. When it went to the Senate, however, the matter was tabled. Colonel Dicken stated that what he would refer to as an intermediate budget. The Senate just plugged the gap. They gave the Patrol the \$20 late fee. \$19.50 goes to the Highway Safety Fund and they continued the evaporation credit

of gasoline. Mr. Rice was correct and the recommendations were not adopted by the Senate and the General Assembly in total.

Mr. Rice stated he brought that up because there was a funding task force that has already met and came up with a plan. A plan that the Patrol could be sustained with the recommendations that came from that task force and it was reduced by the Senate. Mr. Rice asked if that was everyone's understanding. Colonel Dicken agreed.

Mr. Rice asked if any information was given to Mr. Dieffenderfer when the task force talked about the 2.68 cent of fuel tax. This is what the Patrol was taking from the gas tax. This was the maximum the Patrol was drawing from the tax. Colonel Dicken stated that was the Patrol's percentage. The percentage was 2.86 cent not 2.68 cent. It will be corrected in the report. That was the pennies on the draw. Mr. Rice asked Mr. Dieffenderfer if he had any information on what a one cent increase if it were applied to the funding that was coming in now from the gas tax would amount to in terms of dollars. Colonel Dicken stated it would be in the neighborhood of \$60 – \$65 million. It is significant. Colonel Dicken stated that while the task force was on the funding issue he would like to share an editorial with the task force. There has been talk about the division moving from the Transportation budget into the General Revenue budget system. He stated he does not advocate that. He believes it is critical the Patrol stays in the Transportation budget. The National Highway Traffic Safety Administration (NHTSA) talks specifically about the importance of a traffic safety plan for the states. There are three key components: engineering, education and enforcement. The Patrol takes care of enforcement and some of the education. The Department of Transportation takes care of the engineering and some of the education. Colonel Dicken stated in his opinion, the General Assembly must keep these budgets together. They cannot be separated for the state of Ohio to come to sound total conclusions about highway safety. The Patrol is linked to Transportation and likewise for Transportation is linked to the Patrol. He added the Patrol must stay in the Transportation budget to maximize their impact. He thinks that is important and for the panel to appreciate.

Mr. Long stated it would be of interest to him and to possibly the public if this report could include the information from table four (Funding Task Force recommendations). Possibly to summarize in some other way the recommendations and actions that was taken by the General Assembly so there is a connection between the two task forces.

Mr. Newbacher asked about page 11, third paragraph, last sentence: Cuts in the amount of \$18.5 million for personnel; \$4.8 million for facilities... Mr. Newbacher stated as the way it reads it says the funding task force make those cuts and he is trying to recollect if that was the case. Colonel Dicken stated he believe those were cuts the Patrol offered. The Patrol knew they were going to have to pare back. He added he will have it corrected in the report.

Mr. Dieffenderfer commented on the cuts and referred to page 12, second paragraph. It indicates the Patrol had achieved reductions in fiscal years FY 09 and

FY 10. Reductions had been made and are giving back to the state as a whole. The Patrol also was included in the cost savings initiative. Table five gives a sense of the Patrol's biennial funding history. Table six provides history of the capital budgets on what amounts the Patrol has received and what it has been used for.

Mr. Long asked about table five, does the \$636 million include all sources of revenue that were stated in the previous paragraphs. Colonel Dicken stated the \$636 million represents the appropriation granted by the General Assembly. The revenue streams are varied. Mr. Long asked about the second paragraph above the table, are those figures included in the \$636 million. Colonel Dicken stated those figures would be in terms of revenue to support the appropriation. He added the 636 million is total.

Page 13

- Overview of Task Force Process and Discussions

Mr. Dieffenderfer stated the task force had received a lot of information from groups other than the Patrol. He thinks it is definitely important that information should be reflected as well. There were presentations outside of the Patrol and the task force has received letters. He asked the task force how extensive or limited they would like this section to be. He would like to get a sense from the group. He asked how the task force would like to see it summarized, should he include a paragraph for each group that came in or should he do an appendix.

Mr. Long suggested there be an appendix to list the individuals who testified for their organizational affiliation and if possible maybe have a reference to the website. He sees no reason to summarize it. The people that are interested can go to the website assuming the website can be kept online for a period of time.

Mr. Cornwell asked what the value the testimonies and letters would be in what the task force mission statement was. He stated he agreed with Mr. Long, he didn't think Mr. Dieffenderfer need to copy everything, point the people to the website where they can review those issues instead of creating a very voluminous package for everyone to have.

Mr. Peach stated he concurred, but he hoped there would be a general synopsis of the flavor of the comments so that those that want more in depth understanding of what was said in totality can go to the attachments to look at it. He thinks it would be very helpful for those who are reviewing the documents. They will get a flavor for the various groups and organizations. He added he is not being overly scrupulous in terms of what might be the final wording, but if it captures the flavor of the intent of the speaker that would be a good start and let everyone else read the fullness of the testimony.

Mr. Rice stated he would support Chief Peach on his suggestion. He thinks it is important to have some of the testimony captured in the report. Not all of it. He stated if anyone really wanted to look at it, they can go to troopertotrooper.com

which has the video right there. He added they will be keeping up the video for quite some time. He does think the flavor of what people are saying should be contained in the report.

Mr. Cornwell stated it would be difficult for Mr. Dieffenderfer to do it. He added the testimonials on the Patrol and on what the Patrol does were great and wonderful and he did not hear anyone dispute that. To capture all the people that came in with their testimony may be difficult to do.

Representative Pillich stated she thinks it will be a daunting task. She added she did not think the report was to be a transcript nor an itemized list of every piece of testimony. She stated she was not sure she agreed with that judgment. She thinks it will not be very useful.

Mr. Peach stated he would think minimally and at the risk of looking prodigal the major law enforcement functionary areas should be the ones in the report of flavor: the Buckeye State Sheriffs Association, the Ohio Association of Chiefs of Police, the Department of Public Safety, the Attorney General or whoever else the task force wants. Mr. Peach thinks the major users and appraisers of the efficiencies of the Patrol are important to the document. He added he throws that out for consideration.

Mr. Dieffenderfer stated he will see what he can do with these suggestions.

Page 14

- Recommendations
 - Improve Operational Efficiency
 - Identifying Overlapping Services
 - Consolidate Current Services

Page 15

- Appendix A
 - Ohio Revised Code Section 5503.02

Page 18

- Appendix B
 - Unit Fact Sheets

Mr. Dieffenderfer stated the Unit Fact Sheets had been previously provided to the task force. He asked if the task force would like to see the information included in the report.

Page 19

- Table of Organization

Chairman Tobin stated that he, Jeff Clark and Todd Dieffenderfer met with the Attorney General to discuss the potential for a recommendation that an Attorney General's Opinion on police powers should be requested. The Attorney General said he would be fine should that be among the recommendations included in the final report.

Mr. Drum stated he thought it was a great idea. To look at what emergency means under the context and that was one of the things Mr. Clark struggled with. He added he thinks this task force recommend a legal opinion on what jurisdiction is. Chairman Tobin stated it will not be easy thing to put together. Mr. Drum stated that based around this table there will be 20 different interpretations of it.

Mr. Charles asked if this opinion would be done before the task force is done. Chairman Tobin stated no. So is there a chance since the task force will not know what the opinion might be, that the task force can make a recommendation for legislative clarity or change. Chairman Tobin stated he thinks it will be incumbent of the task force to make the recommendations before the task force concludes and the he thought the Attorney General would take a look at the task force's recommendations in terms of his opinion.

Chairman Tobin stated Mr. Dieffenderfer was going to hand out the first draft of potential recommendations for discussion. Mr. Dieffenderfer stated he sifted through all the presentations that had been offered and tried to draw out things that could be recommendations. He also included other recommendations that were submitted by the task force members. Mr. Dieffenderfer added this is his attempt to put it on paper something for the task force to look at. It is a lot to go through, edits, changes and things that need to be consolidated. He is asking for the task force's feedback on the recommendations. Chairman Tobin stated he is looking for other recommendations that are not on the list. He would like to have the recommendations within the next week or so. The task force's recommendations will be up for discussion and ultimately up for a vote.

Mr. Cornwell asked how the vote be conducted. Will it be unanimous or majority passage for support or how these recommendations will be implemented? Chairman Tobin stated there will be a tally of votes for those that approve of the recommendations and a number of dissensions. So anyone looking at the tally will know to what degree this particular recommendation was endorsed by the task force. It is a tough report to do as he had mentioned in previous meetings. He added he thought it would be dicey on how this is put together. He thinks this is the fair way to do it. It will have those who have dissension and those that approve.

Mr. Drum commented that Mr. Charles had suggested this task force to recommend funding. He stated he certainly took the opportunity to look closer to see what this task force was charged with to do. This suggestion is totally outside the scope of this task force. He stated about a year and one half ago a "Funding Task Force" that actually structured to study the funding. It was to study the state funding versus the Patrol. Mr. Drum added the legislature should look at implementing those recommendations. He agreed with the general concept that this body should maybe do what Colonel Dicken suggested which is to identify that the Patrol should stay in the Transportation budget. He believes this is more a policy type issue because of how the Patrol does the training, the education as well as reinforcement on the traffic stops. He wanted to point out both clearly based on what this task force was charged with: operations, functions and explore opportunities to improve efficiencies. He added he did not think this task force was charged with budgeting. The budget issue was just undertaken by a group that was charged with that issue specifically. He stated he thought there were 18 on that group and about half are on this task force.

Mr. Peach stated he did not believe that one could ignore the funding issues and still deal with efficiencies. He thought those that have the experience of administration of organizations know the two go together very well. Because of a lack of stable funding there is great loss in efficiency. If it is the role of this task force and it is, one of the goals of looking at the efficiencies you can not exclude the budget. Whether or not the legislature wants to pick up the issue again is not within the purview of this task force. But it is within the purview of the responsibility of this task force to say that it is attached directly with efficiencies. If that is a recommendation that is made it should be considered as a viable and important recommendation.

Mr. Cornwell stated he would have to agree with Mr. Drum. The charge of this task force was not funding. He stated he understood Mr. Peach because he deals with efficiencies every day and funding issues. If there is not funding then the Sheriffs' Offices become more efficient to a point that you pare down and do the exact things you are suppose to do. That is: traffic and do not do all the other things. He added you have to deal with what funding was made available and do those things that are funded for. Then the Sheriffs have to decide what they are going to work with. So it is a legislative issue to determine what the funding mechanism is for the Patrol and all other state agencies. Whether it is GRF or special funds it is up the legislature to decide what those are and then the departments decide what the funds will be used for. He stated he did not think it was this group's charge to decide where they are going to fund people and how they are going to do.

Mr. Rice stated he totally agreed with Mr. Cornwell and he was going to have to disagree with the last bullet point on page one. He stated he did not think it was the state of Ohio's responsibility to fund county sheriffs. County sheriffs are funded by the county. Township Police are funded by the townships. The state funded by the state. He stated what essentially this task force would be doing would be creating a state police because all would be funded by the state. If there were to be any efficiencies in it whatsoever, the authority of the Sheriff would have to be changed so they can function outside their jurisdiction of their particular county they are responsible for. Otherwise, there would be doubling of the number of officers trying to make up for what may be reduced in the Patrol. He stated he thinks it has no business being in these discussions with this task force to fund the county sheriff.

Mr. Cornwell stated he totally agrees with Mr. Rice. This task force should not be looking at the funding for anyone whether it is the municipalities, the townships, the counties, the patrol, the universities, no body. This is the not the charge of this task force. He stated the bullet point was inappropriate for this task force. He added he did not necessarily agree with Mr. Rice that it should stop the Sheriffs or Commissioners attempts or other groups that may want to go to the legislature and ask them.

Mr. Charles stated he will add his two cents and it would be a two cent gas tax. He thinks the funding is critical and staying in the Transportation budget is critical. He does not know how the Patrol will stay in the Transportation budget if there is not any funding through that particular budget. That would be the next step. The Patrol will not be in the Transportation budget and it will be in the GRF and they will be in there with everyone else struggling for funds. The Patrol ran well under the gas tax and that needs to be put in the report. Mr. Charles stated Mr. Cornwell agreed with Mr. Peach last meeting to talk about the funding but he has changed on that recommendation. He added he supports what Chief Peach said. It should be something that is voted on. He suggested to break it down and throw it out there (MARCS, etc). He added nothing can be done without money. Mr. Cornwell stated there is a MARCS task force looking at those funding issues too. Mr. Charles stated yes and they have completed it and they recommended some funding in harmony with it.

Mr. Clark stated the charge for this task force is to formulate such recommendations as it considers advisable and shall compile a written report that contains its findings and recommendations about these three general areas: operational efficiency, identifying overlapping services and consolidation of current operations. It seems in this discussion there are things that have giving effects in any statue which may be implicit or another term that gets thrown around is intertwined with making those kinds of decisions. He stated while he is not trying to give a carefully reasonable legal opinion, it seems the language of the statute does not forbid including such things as recommendations on legislation, budget, and other issues that have been discussed such as jurisdictional issues what are not expressively in those three. Also proposed opportunities and funding which has been discussed and potentially recommended for other law enforcement agencies. He stated his sense about it is the task force has some flexibility interpreting what it wants to put in the report. He added that budgeting is not required to be in this report.

Colonel Dicken stated in regards to funding or budgeting and whether you are for its inclusion or against it, he thinks in reality the task force does not have time to adequately address it in the remaining weeks. He added he thinks any attempt to address it is going to be a disservice to the division. He thinks there are other vehicles to better address it. The biennium budget process and the specific funding task that unfolded from two years ago are other opinions and to reiterate his point, he does not think the task force has time to do it correctly.

Chairman Tobin stated he received a letter from Mr. Senek, Ohio State Highway Patrol Retirees' Association and he will have it distributed to all task force members.

Public Comment

Mr. Senek of the Ohio State Highway Patrol Retirees' Association stated these were the three issues he sent to Chairman Tobin and asked if he would consider inclusion for this task force to review.

The three recommendations were:

- Clarify jurisdiction concerning assistance to other agencies by recommending language for Ohio Revised Code Section 5503 that removes any question of Patrol authority when assistance is requested by another law enforcement agency or when a trooper witnesses firsthand a violation of the Ohio Revised Code.
- Patrol's funding source must be apolitical. For decades the previous funding source was fuel tax. Every resident and visitor had a part in funding the Patrol. The Mission Review Task Force should recommend reinstating the fuel tax funding source.
- Many duplications and overlapping duties with other law enforcement agencies in a variety of situations are positive and necessary when involving public roadways. Removing or eliminating these duplications and overlapping would result in "unintended consequences" and violate the principal of "Do No Harm."

Chairman Tobin asked Mr. Senek if he wanted his recommendations put on the list to be discussed at the next meeting. Mr. Senek indicated yes.

Mr. Long asked Mr. Senek what he was asking for regarding the fuel tax. Is he asking for an increase in the fuel tax to be earmarked for the Patrol or asking for an allocation of the current fuel tax. Mr. Senek stated what he would recommend on behalf of the retirees' association is that the Patrol be returned to the gas tax funding source. How much would have to be determined by those folks. But right now the Patrol is not funded by that source that was changed by the General Assembly. He recommended the Patrol go back to that funding source.

Chairman Tobin stated this committee based on what Mr. Clark had stated may make general recommendations on these topics. He added that the topic of funding for the poorer county sheriff's offices for the task force to make a recommendation that will be looked at by many legislators to do something about the way the poorer counties are being operated it would be a positive thing that will come out of this task force. He does not see it is anything to do with funding of the Patrol, but the legislature needs to know how dire some of the county sheriffs funding is and maybe come up with a solution. He thinks the task force should go back to the General Assembly and let them know that the gas tax is the way to go.

Chairman Tobin stated he looks forward to full participation from the legislators and others at the next meeting so the task force can go through the recommendations. It will be counted as those in favor and those opposed.

Mr. Long asked about when the changes are made to this report can it be done so the task force will know what changes were made.

Meeting adjourned.