

**OSHP Mission Review Task**  
**February 17, 2010**  
**9:00 a.m. – 10:30 a.m.**  
**Meeting Minutes**  
**Corrected**

**Attendance:**

**Task Force Members:**

Peter Tobin, Superintendent, BCI & I  
Jim Foltz, Trooper, Ohio State Highway Patrol  
Michael McCann, Chief of Staff, Ohio Department of Public Safety  
Brian Newbacher, Director of Public Affairs, AAA East Central  
Senator Steve Buehrer, Ohio Senate  
John Peach, Ohio Association of Chiefs of Police  
Robert Cornwell, Buckeye State Sheriffs' Association  
Larry Davis, Ohio Trucking Association  
Representative Connie Pillich, Ohio House of Representatives  
Senator Jason Wilson, Ohio Senate  
Mark Drum, Fraternal Order of Police of Ohio

Tim Lynch for Senator Tom Patton  
John Leutz for Larry Long, County Commissioners Association of Ohio  
Arnie Schropp for Tom Charles, Inspector General  
Nathan Slonaker for Representative Bill Batchelder  
Lt. Colonel Peyton Watts for Colonel Dave Dicken  
Noah Wolf for Representative Mark Schneider

**Other Attendees:**

Todd Dieffenderfer, Attorney General's Office  
Jeff Clark, Attorney General's Office  
Kim Fellingner, OCSEA  
Bill Costas, OSHP Retired  
Thomas W. Rice, OSHP Retired  
Chief Keith C. Torbet, Wauseon Police Department  
Ivan Teets, OSHP Retired  
John Boster, OSHP Retired  
Vickie Boster, wife of John  
Walter F. Liddle, OSHP Retired  
Howard E. Shearer, OSHP Retired  
McKenzie Davis, The Success Group  
Richard H. Collins, OSHP Retired  
Jeff Grayson, OSHP  
Major Herb Homan, OSHP  
Captain Carl Roark, OSHP  
Major Kolcum, OSHP

James Spurrier, OSHP Retired  
Shel Senek, President, OSHP Retirees' Association  
Charles E. Linek, OSHP Retired  
Captain Andrew Stritmatter, OSHP  
S/Lt. James Hamilton, OSHP  
Captain Thomas Dean, OSHP  
S/Lt. Rob Jackson, OSHP  
Lt. Chris Johnson, OSHP  
Lt. Dianna White, OSHP  
Lt. A.C. Bradshaw, OSHP  
Mike Everhart, OSHP Retired  
Kim Wheeler, Senator Buehrer's Office  
Michael Weinman, ODPS  
Justin Long, ODPS  
Maria Clark, ODPS

### **Welcome and Introductions**

Chairman Tobin welcomed everyone to the task force meeting. Chairman Tobin asked the task force members to introduce themselves. Mr. Tobin introduced the Legislative Liaisons for ODPS, Mike Weinman and Justin Long. Maria Clark of DPS is providing all the information and minutes for the meeting. Mr. Tobin requested a moment of silence for Andy Baldrige, OSHP Trooper who was killed tragically a few days ago during the line of duty.

### **Old Business**

Mr. Tobin asked if anyone had any questions regarding the minutes from the previous meeting. He asked for a motion to approve. Motion to approve was given and seconded. All task force members were in favor.

Larry Davis commented that he has had several inquiries about the minutes and he forwards them to the individuals who request them. He asked if there was a possibility that they could be posted on Public Safety's website. Maria Clark indicated they are posted on DPS's website. She did not have the website with her, but indicated she would send the link to all the task force members.

Trooper Foltz stated he had a question about old business. He indicated that Mr. Drum was not at the last meeting and he had provided a written statement about the Director's comments about complaints from law enforcement agencies concerning the Patrol wanting to be a statewide police force and the OSHP may be working outside their authority. Mr. Foltz continued stating that the letter basically concurred with the Director's comments. Trooper Foltz asked Mr. Drum where his members see the Patrol acting outside of their authority. He continued that he has not seen it in any presentations that the Patrol is working outside of their authority.

Mr. Drum stated it was identified in his question that was previously submitted to the Patrol's Administration. He asked for the Patrol's Administration to point out where in the

Code it gives the Patrol the authority. He continued stating that specifically in an OSHP policy it states that most request for assistance will be on a “support” basis rather than replacing persons with the duty and authority to act. It goes on to say “However, Highway Patrol Officers will have the same arrest authority as the law enforcement agency or officer being assisted.” Mr. Drum stated he has asked the command staff in this task force to show where in the statute it says that. He has never received an answer. Mr. Drum stated that finally today he looked at an answer that was supplied to the Chair a couple of meetings ago, even that answer does not answer the question. His members want to see the statute that gives the authority.

Trooper Foltz asked where he has the arrest authority. Mr. Drum stated the same arrest authority as the law enforcement agency or other officer being assisted outside your jurisdiction.

Mr. Peach stated he asked the question of the past president of the Ohio Prosecutors’ Association. The past president stated it was very clear; it was in ORC 5503.02(D)(3)(c) and does state that a State Highway Patrol Trooper that renders emergency assistance has arrest authority. Mr. Drum stated that was correct however he was looking for a non emergency situation. Mr. Peach stated that for a non emergency there was no code. Mr. Drum stated that Mr. Peach was the first one to say that.

Trooper Foltz asked Mr. Drum of an instance where it’s a non emergency assistance. Mr. Drum states it is in the OSHP policy will supply on a support basis. Mr. Drum asked Trooper Foltz if he asked for his support does he have any arrest authority. Trooper Foltz stated he thought they did since the Patrol was asked for support. Mr. Cornwell stated that it is a non emergency issue. Trooper Foltz stated you are asking me to help you. Mr. Drum stated that is the question. Mr. Drum stated it has not been supplied by the Patrol staff. Trooper Foltz stated that maybe the statute needs to be changed and it could be something this group could look at. Trooper Foltz stated that he is certain a trooper in the field thinks he has the authority. Mr. Drum indicated that is the concern that his organization has. Trooper Foltz stated that he is being asked to assist, but does the other law enforcement officer want the trooper to just stand there and watch as he is being beaten up. Mr. Cornwell states that then becomes an emergency situation.

Trooper Foltz asked about a situation where a trooper was backing up a deputy sheriff for vagrants in a foreclosed house. The trooper finds the vagrants. That is assistance, correct? Can the trooper arrest? Mr. Drum stated that is a question for your folks. Chair Tobin and Mr. Cornwell stated they would need to detain and turn it over to the locals.

Mr. Cornwell stated that Mr. Drum is asking specifically where in the statute does it give the Patrol authority in a non emergency situation. Mark Drum stated he does think a lot of troopers have the authority.

Brian Newbacher asked Chairman Tobin what is the expected outcome of this task force. Chairman Tobin stated that every person at the table will have a different opinion of where they want to go with the outcome of this task force.

Chairman Tobin stated that he would like by the end of the next meeting, questions from the task force members for clarification which will be addressed to the Patrol and they can respond to. At the following meeting the task force will discuss the findings and recommendations. The task force members will discuss suggestions as to what might change in the Patrol. Mr. Tobin stated that much of what is currently in the Patrol will remain the same. There will be some issues, findings and recommendations from all the task force members. He believes the task force members will want to see changes and/or their findings and recommendations reviewed by the DPS Administration. It will be very enlightening and will be discussed around the table to see where different members are coming from in recommending changes to the Patrol and cost savings. This is a homework assignment for all task force members.

Chairman Tobin stated the task force will probably entertain other speakers coming in from BSSA, OACP, FOP and the Troopers Association. This will be again at the meeting of March 24, 2010. If any task force members have people that they want to speak, please let him know so they can be added to the docket.

### **New Business**

Major Herb Homan of the Office of Business Services gave a brief background of his employment with the Highway Patrol. He continued stating the Office of Business Services is actually a consolidation of several offices when the Patrol restructured. Strategic Services, Financial Services and Technology Services were combined.

The Office of Strategic Services is commanded by Captain Bridget Charles. Major Homan will do the presentation for this office. A power point presentation was presented for this section.

Strategic Services includes the following areas:

- Auxiliary
  - Auxiliary officers averaged 195 hours per officer donated in 2009
- Central Records
  - Public Records requests are received more so than any others is the Crash Reports. There is a \$4 flat fee for Crash Reports. The proceeds go into the Traffic Safety Fund.
- Photographic Services
  - MCEI (Motor Carrier Enforcement Inspections) Photos. When a Motor Carrier Enforcement Officer inspects and finds a defect, he will photograph that as evidence. This is not only important for the case in hand, but also establishing a track history for that driver, the company and the vehicle. The Patrol assisted Dalton Police Department with a fatal crash and subsequent use of the photos and inspection to gain an aggravated vehicular homicide conviction.
  - Photos are available upon request. There is a flat \$12 fee. Proceeds to into the Traffic Safety Fund.

- Photo Lab Call Outs – an Active Shooter case with Mansfield Police Department and the use of the crime lab and photo lab to enhance the investigations.
- Forensic Video Analysis
  - Still frame isolation/clarification used to help identify suspects or determine plate numbers.
- Accreditation & Policy Development
  - Accreditation initiated 20 years ago with last two cycles resulting in Flagship Agency status
- Risk Management
  - Field commanders are concerned with welfare of troopers, public and reputation of OSHP – welcome risk assessment to assist in identifying patterns that may compromise the Division.
- Statistical Analysis

Major Homan gave a brief bio of Captain Carl Roark.

Captain Roark gave a power point presentation for Financial Services. Captain Roark stated that Colonel Dicken provided OSHP's budget information at the November 18, 2009 task force meeting; therefore, he would not be repeating this information.

Major Homan gave a brief bio of Captain Thomas Dean.

Captain Dean gave a power point presentation for the Technology Section.

Chairman Tobin asked if there were budget numbers for the different sections. Captain Roark stated that budget information was provided at a previous meeting. He stated that the Patrol does not budget individually by section. The budget is much larger than that. He continued stating that the Patrol does not allocate budgets down to the lowest levels.

Chairman Tobin asked if the Patrol had the costs for vehicles annually. Captain Roark stated that the Patrol purchases around 300 vehicles a year. It is a little over \$6 million dollars a year on average to keep the fleet in service. Chairman Tobin asked if they are running the vehicles to approximately 120,000 miles before they are turned in. Captain Roark stated that enforcement vehicles are ran for about 120,000 miles. If the Patrol can get more out of that they do. There is some science behind it. They take a look at the repair costs of the vehicle. If a vehicle has 100,000 miles on it and there are a lot of repair costs they make a good decision to remove it from the fleet. The mileage of non enforcement vehicles is much higher.

Chairman Tobin asked if the Patrol finds remote mechanics that are dependable rather than bringing the cars into a central point. Captain Roark stated that yes they do. The remote locations are contracted with local facilities. The average labor rate the Patrol pays is much lower than the industry standard.

Mr. Cornwell asked what happens to the vehicles that have 120,000 or more miles on them, are they traded in or are they sold. Captain Roark stated the vehicles are sold at

state salvage and the money is put back into a fund to use to make purchases for new vehicles.

Senator Buehrer asked about the repair contracts. If the car breaks down in Toledo today, does the vehicle get fixed up there or is it sent to Columbus for repairs. Captain Roark stated that each location contracts with the local facilities. Each location will check out several dealerships and/or small facilities to get the best labor rate available to be put in contract. The Patrol wants to know that if a vehicle breaks down in an area, they want to make sure it can be repaired and at the lowest price available.

Senator Buehrer asked about the repair/body repair people that were listed in the Central Ohio area. Do they work only on Central Ohio vehicles? Captain Roark stated that the title of those classifications are body repair but primarily what those employees do in their job duties is the removal of the vehicle decals and removal of some of the equipment. They mostly process the vehicles that are being traded and preparing the new vehicles that will be going out. They do not necessarily do body repair but that just happens to be the state classification for this type of position.

Chairman Tobin asked about issues with front wheel versus rear wheel vehicles. Captain Roark stated the Patrol is nearing the end of a test phase. The Patrol did purchase a dozen Chevy Impalas with front wheel drive. They have been placed through out the state. An analysis will be performed. Chairman Tobin asked about the comparison in gas mileage. Captain Roark indicated not as well as they had expected. It is slightly better than the Crown Victoria but a nominal difference.

Todd Dieffenderfer asked about the contract process. What kind of authority do the individuals at the local level have to enter into contracts or do they have to go to the central office to get approval. Captain Roark indicated that everything is managed through the General Headquarters. The Department of Public Safety has a Contract Section. The local facility would go out and get the local bids and gather the information then everything comes through General Headquarters and is reviewed by the Contract staff as well as Legal Services. Mr. Dieffenderfer asked if this applied to all kinds of services the local facility may need. Captain Roark indicated that yes all requests for services are handled through General Headquarters.

Chairman Tobin asked what the cost of the MARCS radio per month is. Captain Roark stated it is \$20 a month. The vehicle modem for the MCT is \$350 per month. Chairman Tobin asked if the MARCS system is part of the Patrol's agency or is it a stand alone. Captain Roark stated it falls under the umbrella of DAS.

Brian Newbacher asked how the vehicles are fueled. Do they use fueling stations or does the Patrol purchase fuel? Captain Roark stated the Patrol does have some fuel tanks located throughout the state, approximately 21. Not all post facilities have an above ground storage tank. For the facilities that do not have an above ground storage tank, they use a Voyager Card (credit card) in the vehicle and fuel is purchased locally where ever they can obtain fuel the cheapest. Captain Roark continued stating that where above ground storage tanks are available the Patrol does something that is called "Price at the Pump" program where the Patrol publishes the average price the Patrol is

paying for bulk fuel. The units then can make a decision if they should get the gas out of the storage tank or should they get it at a local gas station where it may be cheaper in some cases. The Patrol spends approximately \$600,000 a month in fuel.

Mr. Newbacher asked if the fuel at the 21 sites is purchased through a fuel contract or through multiple contracts. Captain Roark stated there is one contract that DAS puts in place for bulk fuel.

Mr. Cornwell returned to MARCS and LEADS. He asked on the MCT's that are in vehicles, the fob doesn't seem required. Does that mean required by LEADS or NCIC? S/Lt. James Hamilton asked Mr. Cornwell if this was regarding the security aspect and Mr. Cornwell indicated yes. S/Lt. Hamilton indicated it was a NCIC requirement. S/Lt. Hamilton stated while it is not the only solution it is the one provided by LEADS for our users' access. Mr. Cornwell asked at what kind of cost comparative. S/Lt. Hamilton stated he did not know. Mr. Cornwell stated that he has issues with Sheriffs that are complaining about the quote all these brief words used "unfunded mandate." S/Lt. Hamilton indicated the Patrol is looking to move towards a cheaper, software based version.

Major Homan stated there was one additional section that had previously fallen under Strategic Services but with the restructuring it now falls under Operations. Operations has already been presented at a previous meeting.

Major Homan gave a brief bio on Captain Chris Johnson.

Captain Johnson gave a power point presentation of Capitol Operations.

Chairman Tobin asked how many uniform staff members during a business day the Patrol has at all the facilities downtown. Captain Johnson stated on any given day during a day shift it would be approximately 10 along with a Sergeant and himself. The afternoon and night shifts have two uniformed officers and a Sergeant. There are also Dispatchers in the Radio Room.

Chairman Tobin asked if these were troopers and not police. Captain Johnson stated yes. Chairman Tobin asked if it has been looked at possibly using police instead of troopers to reduce costs. He stated he understood that there is a problem with the police. They come on board after training and then quickly depart for another police department. Captain Johnson stated they have routinely seen a higher turn over with the police officer program than with the troopers. He contributes it to the competitive salaries offered by some of suburban departments.

Senator Buehrer asked the Chairman if the answer for his question was just for the Statehouse or all facilities. Chairman Tobin stated it was for all facilities.

Mr. Cornwell asked about funding for overtime, are any funds from Homeland Security money made available to the state used for that. Captain Roark stated the Patrol has not taken advantage of the funding from Homeland Security for the overtime efforts. Mr. Cornwell asked if all funds to pay these troopers in these facilities are paid for out of the

Patrol's regular line item budget. Captain Roark stated they are paid for by the security investigations funds which are funded by fines received. It is not out of the Highway Safety Fund which is the main operating fund.

## **Public Members**

Chairman Tobin asked if any public members would like to speak.

Tom Rice addressed the task force. Mr. Rice stated he served on the Patrol from 1960 to 1994. He was superintendent of the Patrol from 1989 to 1994. After leaving the Patrol he went to be Public Safety Director for the city of Columbus for five years. After that he had the opportunity to serve as the first Federal Security Director at Port Columbus with TSA.

He continued as the members of the task force go about their homework one of the things he learned as Safety Director was he did not know anything about firefighters. He learned about their culture. He stated they are so far ahead of law enforcement in how they do their jobs. What he means by that is they do not care who puts the fire out. He asked the task force members to think about two things: 1) getting the job done and 2) 9/11 as to how everyone can work together to beat the enemies we have or to help the officers that need help.

He continued that turf issues have been around between the Patrol and the Sheriff for as long as there has been a Patrol. In some counties it is much different than other counties. He stated he could not remember any civil suits against the State Highway Patrol for operating outside their authority. He thinks what we have is a misunderstanding of what the definition of an emergency is. Mr. Rice continue stating that Colonel Dicken and Lt. Colonel Watts will be lucky to get enough money to have a class to replace retirements, let along try to think about becoming a statewide law enforcement agency. This would require another 4000 to 5000 officers and the money is not there. The system that we have in this state works. The Legislature and the citizens did not want a state police when the Patrol was created in 1933. Mr. Rice stated he is totally in agreement with that, the state does not need a state law enforcement agency. During his superintendency and all the Colonels he has known, he has never heard any of them talk about becoming a state police. What they are interested in or what he thinks the Patrol is interested in is having the protection of their officers if they get into a situation they need to be taken care of.

He continued to ask the task force members to think of two things: 1) think about Andy Baldridge who was going to help a guy and 2) think about the video that we all saw on television recently where girls were kicking another girl who was lying down in a subway and security guards there did not have the authority to do anything so they did not do anything. Mr. Rice reiterated about thinking about getting the job done and think about 9/11 and all the issues we have.

Retired Lt. Colonel William Costas, Highway Patrol asked to respond to Mr. Mark Drum. He stated that Mr. Drum had taken the phrase from the scope of the policy on emergency assistance with respect to support basis and having the same arrest powers.

But Mr. Drum has misinterpreted that as to mean a second type of situation in which the Patrol has the arrest powers when in fact that section is written to explain to the officers that under the emergency assistance situation, the Patrol goes in, the Patrol has the same arrest powers as the law enforcement agency that the Patrol is assisting. However, and the important part of this is, the Patrol goes in on a support basis. The Patrol does not become the primary law enforcement agency to deal with that situation and in fact the Patrol encourages their officers, even though, the officers may have the arrest authority to acquiesce to a law enforcement agency that the Patrol is assisting to take the enforcement or arrest action unless extenuating circumstances exist and then the Patrol can use that authority to make the arrest. There are not two separate situations. It is one situation, emergency assistance, the Patrol goes in on a support basis but the Patrol does have that authority under those circumstances.

Mr. Drum stated that this information was very helpful. Mr. Drum stated that Retired Lt Colonel Costas was telling him the Patrol has the same authority as a municipal officer when outside their county. Mr. Costas stated absolutely. Mr. Drum continued stating that what he was hearing from Trooper Foltz he did not understand that. Mr. Drum stated he thought this was good and a key message to the Patrol.

Mr. Costas stated that this has been discussed the difficulties the troopers have out there. It is kind of like walking on egg shells on what the troopers can and cannot do and obviously through the Patrol's training the troopers have to do what is necessary to stop any type of physical harm or danger to people. Maintain, stabilize and call for the appropriate authority. It makes the troopers very nervous. He stated other law enforcement agencies have the same situation. Mr. Costas stated he hoped his explanation cleared up the question Mr. Drum had. Mr. Drum stated it did very much so.

Trooper Foltz stated that as a member of the public he would expect if an officer saw something outside his jurisdiction, the officer would go to it until someone from the jurisdiction or agency could get to it to assist. Mr. Drum stated that is expected and all law enforcement agencies have dealt with that type of situation.

Mr. Cornwell stated with the Sheriffs they have concurrent jurisdiction through out the county however, when they hit the county line the sheriffs cannot go into the next county. The sheriffs have limitations also.

Mr. Peach stated that it is the express wish of OACP that when the Patrol is asked for assistance for the local law enforcement problem, the Patrol is acting as law enforcement officers and not auxiliaries. The OACP does not want auxiliaries they want commissioned officers to assist the OACP. The role of the local law enforcement agency is to take charge of the matters, direct, control and supervise and use the support to do what is necessary at the time. At the end of the mutual aid everything goes back to the way it was. This is a very strong position of OACP and has been.

Chairman Tobin stated for the individuals who were not at the beginning of the meeting, he asked all task force members to start looking at questions they may have and to look at each individual's findings, what the task force members feel needs to be looked at and

the task force members findings and recommendations they may have for the Department of Public Safety. He continued stating at the next meeting he will collect additional questions the task force members have put together and he will forward them to the staff of the Patrol.

Mr. Peach stated that the OACP put out a request for filling out a questionnaire relative to five or six questions concerning their relationship with local law enforcement and the Patrol. It is currently in the process of being completed. Once the results are completed, he has asked Maria Clark to get it out to all the task force members. He stated the results are very favorable in everybody's eyes.

Mr. Larry Davis asked Chairman Tobin if he was asking for these questions for the following meeting on March 3, 2010. Chairman Tobin stated yes. Mr. Davis asked if at the following meeting (March 24, 2010) the task force members will talk about the recommendations. He stated yes and he also stated that the task force will hear from any other stakeholders in this whole process. This will start on March 24, 2010. He stated there is one more presentation from the Patrol at the next meeting.

Lt. Colonel Watts stated on behalf of Colonel Dicken, he wanted to extend his thanks to the task force members to allow the Patrol to present themselves to the task force. Hopefully, through the presentations, the task force has a clear understanding of what the Patrol does and more importantly, has an appreciation of the Patrol's commitment to service but not only to this task force, but to all Ohio citizens. Lt. Colonel Watts believes Colonel Dicken's message is somewhat the same as Colonel Rice. The bottom line as far as law enforcement in Ohio is the maximum service to the citizenry of this state. He thinks through this process the Patrol has an opportunity as a law enforcement agency in Ohio to create the proper support system and really set the model in the country on how a law enforcement agency should conduct themselves for the betterment of the citizens.

Chairman Tobin asked for a motion to adjourn. Mr. Cornwell stated so moved. Meeting adjourned.