

SPECIAL MEETING

Council on Law Enforcement Education and Training
March 16, 2011 - 2:30 p.m.
Robert Lester Training Center
3530 N. Martin Luther King Boulevard, Oklahoma City, OK

Council Members Present:

Chief Norman McNickle, Chairman
Major Todd Blish
Director Stan Florence
Chief Clayton Johnson
Chief Jason O'Neal
Chief Bob Ricks
Corporal Jason Smith
Dr. Steve Turner
Sheriff Bob Wilder

Staff Present:

Dr. Larry Birney, Executive Director
Steve Emmons, Assistant Director of Operations
Kimberly Richey, Associate Director of Admin.
Walt Birdsong, Legal Investigator II
Erica Vasquez, Recording Secretary

Guest:

Stacey Puckett, Oklahoma Assoc. of Chiefs of Police
Chief Amanda Bittle, Forest Park Police Department

Council Members Absent:

Sheriff John Whetsel
Chief Bill City
Chief Michael Robinson
Director Darrell Weaver

1. Call Meeting to Order

At 2:36 p.m. Chairman McNickle called the meeting to order. Roll was called and nine of thirteen members were present representing a quorum.

2. Adoption of Permanent Rules for the following Chapters of OAC 390. Council on Law Enforcement Education and Training:

Chapter 10. Peace Officer Certification
Chapter 15. Basic Peace Officer Certification Training
Chapter 20. Reserve Peace Officer Certification and Training
Chapter 25. Continuing Law Enforcement Education
Chapter 27. Police Officer Annual Firearms Requalification
Chapter 30. CDS Detector Dog Certification
Chapter 35. Regulation of Private Security Industry

Director Larry Birney began by providing members with a brief overview of the procedure by which the proposed rule changes are developed and submitted for approval. He noted rule changes will be reviewed chapter by chapter and that a roll call vote would be needed on each chapter.

Chapter 10 (390:10-1-2(c)). This specific proposed rule change was reviewed. A discussion was held with Chief Norman McNickle stating that small agencies feel this rule change is a huge burden. He asked Assistant Director Steve Emmons what percentage of extension requests were for good cause as opposed to military or medical reasons. Mr. Emmons responded that approximately sixty to seventy percent of extension requests were for some type of good cause. Dr. Steve Turner questioned if the Oklahoma Municipal Assurance Group (OMAG) or any city leaders across the state have voiced liability concerns regarding this issue. Sheriff Bob Wilder stated there are not many departments smaller than his and yet he will not put an officer on the street in his county without certification due to liability concerns. He added this is a liability for not only the agency and the community but also individually for the chief or sheriff who is engaging in this practice.

Chief Bob Ricks asked Ms. Stacey Puckett, Executive Director of the Oklahoma Chiefs Association, if she would like to speak on this issue. Ms. Puckett stated this particular rule change has been published by the Oklahoma Chiefs Association no less than six times and was also discussed at their annual meeting. She has received only a couple of concerns and added that Chief Amanda Bittle was in attendance today because she has a unique situation regarding this issue. Ms. Puckett feels there will be more of an impact on reserve officers than full-time, due to the fact that it takes substantially longer for a reserve officer to become certified. This may result in more negative feedback regarding reserve officers. Ms. Puckett is also in agreement that we must step-up at some point; she acknowledged that we have come a long way, yet we still have a long way to go. Chief Bob Ricks concurred and stated our goal should be that no one works until they are trained. Chief McNickle added that some of those people who expressed concern regarding this rule change were, in fact, significantly out of compliance. Ms. Puckett stated that due to liability issues, she feels OMAG would fully support this rule change.

A motion was made by Chief Clayton Johnson to adopt this specific rule as presented, seconded by Corporal Jason Smith. Chief Norman McNickle voted yes, Major Todd Blish voted yes, Director Stan Florence voted yes, Chief Clayton Johnson voted yes, Chief Jason O'Neal voted yes, Chief Bob Ricks voted yes, Corporal Jason Smith voted yes, Dr. Steve Turner voted yes and Sheriff Bob Wilder voted yes. The motion carried unanimously 9-0.

Director Birney added he felt it appropriate and necessary to vote separately on this specific rule change due to the concerns voiced by members and the public.

Chapter 10 (all remaining changes). The proposed rule changes were reviewed. Regarding the change to 390:10-1-3, Chief Bob Ricks questioned how long this disqualification will be in effect. Director Birney stated the disqualification from training is in effect only while the department is out of compliance; once compliant they will be allowed into training immediately.

Chief McNickle indicated Chief Amanda Bittle would like to comment on this issue. Chief Bittle stated that two years in a row, she has received notices from CLEET listing officers that were no longer employed at her department. She has sent in Employment Status Reports (ESRs) on these individual repeatedly; however, they have never been removed from the department list. Director Birney indicated these concerns are addressed by including the word “may”, leaving discretionary decisions available. Chief Bittle asked if it would be possible to submit ESRs electronically. Director Birney stated we are currently working on electronic forms.

A motion was made by Chief Bob Ricks to adopt the rules as presented, seconded by Director Stan Florence. Chief Norman McNickle voted yes, Major Todd Blish voted yes, Director Stan Florence voted yes, Chief Clayton Johnson voted yes, Chief Jason O'Neal voted yes, Chief Bob Ricks voted yes, Corporal Jason Smith voted yes, Dr. Steve Turner voted yes and Sheriff Bob Wilder voted yes. The motion carried unanimously 9-0.

Chapter 15. The proposed rule changes were reviewed. Regarding the change to 390:15-3-8 (d), Associate Director Kimberly Richey stated of the two written comments she received throughout the rule process, both were in relation to this specific rule. In response to these public comments, she asked the Council to insert the words “associate’s or bachelor’s” into Section (d) and adopt it as amended.

A motion was made by Dr. Steve Turner to adopt the rules as presented with the change in 390:15-3-8 (d) to read “from the date the associate’s or bachelor’s degree is conferred”. The motion was seconded by Director Stan Florence. Chief Norman McNickle voted yes, Major Todd Blish voted yes, Director Stan Florence voted yes, Chief Clayton Johnson voted yes, Chief Jason O'Neal voted yes, Chief Bob Ricks voted yes, Corporal Jason Smith voted yes, Dr. Steve Turner voted yes and Sheriff Bob Wilder voted yes. The motion carried unanimously 9-0.

Chapter 20. The proposed rule changes were reviewed. A motion was made by Chief Clayton Johnson to adopt the changes as submitted, seconded by Sheriff Bob Wilder. There were no other questions or discussion. Chief Norman McNickle voted yes, Major Todd Blish voted yes, Director Stan Florence voted yes, Chief Clayton Johnson voted yes, Chief Jason O'Neal voted yes, Chief Bob Ricks voted yes, Corporal Jason Smith voted yes, Dr. Steve Turner voted yes and Sheriff Bob Wilder voted yes. The motion carried unanimously 9-0.

Chapter 25. The proposed rule changes were reviewed. A motion was made by Major Todd Blish to adopt the rules as submitted, seconded by Dr. Steve Turner. There were no questions or discussion. Chief Norman McNickle voted yes, Major Todd Blish voted yes, Director Stan Florence voted yes, Chief Clayton Johnson voted yes, Chief Jason O'Neal voted yes, Chief Bob Ricks voted yes, Corporal Jason Smith voted yes, Dr. Steve Turner voted yes and Sheriff Bob Wilder voted yes. The motion carried unanimously 9-0.

Chapter 27. The proposed rule changes were reviewed. A motion was made by Chief Bob Ricks to adopt the rules as submitted, seconded by Major Todd Blish. There were no questions or discussion. Chief Norman McNickle voted yes, Major Todd Blish voted yes, Director Stan Florence voted yes, Chief Clayton Johnson voted yes, Chief Jason O'Neal voted yes, Chief Bob Ricks voted yes, Corporal Jason Smith voted yes, Dr. Steve Turner voted yes and Sheriff Bob Wilder voted yes. The motion carried unanimously 9-0.

Chapter 30. The proposed rule changes were reviewed. A motion was made by Chief Clayton Johnson to adopt the rules as submitted, seconded by Corporal Jason Smith. There were no questions or discussion. Chief Norman McNickle voted yes, Major Todd Blish voted yes, Director Stan Florence voted yes, Chief Clayton Johnson voted yes, Chief Jason O'Neal voted yes, Chief Bob Ricks voted yes, Corporal Jason Smith voted yes, Dr. Steve Turner voted yes and Sheriff Bob Wilder voted yes. The motion carried unanimously 9-0.

Chapter 35. The proposed rule changes were reviewed. A motion was made by Director Stan Florence to adopt the rules as submitted, seconded by Major Todd Blish. There were no questions or comments. Chief Norman McNickle voted yes, Major Todd Blish voted yes, Director Stan Florence voted yes, Chief Clayton Johnson voted yes, Chief Jason O'Neal voted yes, Chief Bob Ricks voted yes, Corporal Jason Smith voted yes, Dr. Steve Turner voted yes and Sheriff Bob Wilder voted yes. The motion carried unanimously 9-0.

3. Legislative Update

Associate Director Kimberly Richey updated members regarding six pieces of legislation which were approved by the Council in January 2011. Senate Bill 131 allows CLEET to investigate those officers who resign from one department or agency while under investigation and then begin employment with another. This bill passed through all committees and the Senate unanimously and has received its first reading in the House. Senate Bill 157, which is the second bill by Senator Jolley, allows agencies to administer an additional MMPI if an officer has been out of the law enforcement profession for over five years. This bill also passed through all committees and the Senate unanimously, has been received in the House and will be assigned to a committee. Senate Bill 263, carried by Senator Paddack, extends the continuing education requirements for private security guards to reflect the new licensing period which passed last year. This bill passed the Senate 43-0 and is receiving committee assignments in the House. Senate Bill 408, also by Senator Paddack, is the \$150 reinstatement fee for peace officers who become suspended or their license becomes revoked. This bill passed the Senate 44-2, has been received in the House and will soon be receiving committee assignment. The last bill, Senate Bill 416, sets the statutory definition for what constitutes a police department in Oklahoma. This bill passed 43-0 and has also been received in the House.

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The only bill which has been lost is the bill dealing with the distribution of the penalty assessment fees; specifically the submission of 5.83% of all CLEET's penalty assessment fees to the Office of the State Treasurer. This bill passed through the public safety sub-committee; however, the measure was not placed on the agenda in the appropriations committee in time. As a result, this bill has missed its deadline and is now dormant.

Director Birney informed members of additional bills which we were directed to oppose. Two of these bills related to mandatory continuing education; one dealt with stalking and family violence and the other, annual driver training. He stated after visiting with the authors of these bills, the annual driver training bill died in committee and the mandatory training requirements have been removed from the stalking and family violence bill. Director Birney also spoke about bills allowing the governor to appoint all directors of state agencies. This bill has passed the Senate and is still moving; however, there has been discussion about creating a law enforcement exemption.

Associate Director Richey spoke to members briefly regarding House Bill 1420, originally filed by Representative Casey. This bill gave an agency the option of having a reserve officer attend an 80 hour basic police block instead of the required 240 hour reserve academy, if that reserve officer were only performing a certain, specific duty within their law enforcement agency. After meeting with the author, the bill was ultimately pulled; however, we have offered to work with him in the future in order to address this issue.

Director Birney addressed members regarding consolidation and budget issues. He stated after meeting with the State Budget Director, they learned of a previous proposal in which CLEET would be moved under the Department of Public Safety as a stand-alone agency. CLEET would continue to exist in its current capacity and the director would not report to the Commissioner of Public Safety. Also, certain administrative functions dealing primarily with finance and budget would perhaps be consolidated. The large amount of budgetary cuts outlined in the proposal and the legality of those cuts were also discussed.

Chief Clayton Johnson stated he had spoken with Senator Meyers after the news reports of a 35% cut. Senator Meyers stated he was not aware of this and he informed Chief Johnson that CLEET would probably be facing a 6-7% cut and not to be concerned about other reports.

Dr. Steve Turner also pointed out that the Department of Corrections is no longer holding its academy at Eastern Oklahoma State University, leaving a void for training which CLEET could possibly fill. Director Birney stated that we have already started training those individuals in commissioned positions.

4. Proposed Executive Session to include matters pursuant to 25 O.S. 1995, Section 307(B1): "Discussing the employment, hiring, appointment, promotion, demotion, disciplining or resignation of any individual salaried public officer or employee", the Executive Director of CLEET.

A motion was made by Chief Clayton Johnson to enter into Executive Session, seconded by Chief Bob Ricks. There were no questions or comments. Chief Norman McNickle voted yes, Major Todd Blish voted yes, Director Stan Florence voted yes, Chief Clayton Johnson voted yes, Chief Jason O'Neal voted yes, Chief Bob Ricks voted yes, Corporal Jason Smith voted yes, Dr. Steve Turner voted yes and Sheriff Bob Wilder voted yes. The motion carried unanimously 9-0.

The Council entered into Executive Session at 3:49 P.M.

5. Resume Meeting Following Executive Session

Chairman McNickle reconvened the Council meeting at 5:08 P.M.

Chief Bob Ricks stated the Council is taking no action regarding the status of the employment of the Director. Chief Ricks then made a motion to appoint a sub-committee to look into issues raised. The sub-committee will be comprised of Chief Jason O'Neal, Director Stan Florence and Major Todd Blish. They will be conducting further inquiry and once completed a special meeting of the Council will be called to report those findings. The motion was seconded by Dr. Steve Turner. There were no questions or comments. Chief Norman McNickle voted yes, Major Todd Blish voted yes, Director Stan Florence voted yes, Chief Clayton Johnson voted yes, Chief Jason O'Neal voted yes, Chief Bob Ricks voted yes, Corporal Jason Smith voted yes, Dr. Steve Turner voted yes and Sheriff Bob Wilder voted yes. The motion carried unanimously 9-0.

6. New Business

Dr. Steve Turner advised members of continued efforts involving advanced training for tribal agencies. He stated East Central University has budgeted \$250,000 for tribal programming and that ECU and CLEET have negotiated an MOA. This will in essence be a pass-through to CLEET and will enable the coordination of up to twelve advanced training programs as well as a new vehicle for the driving track. Dr. Turner stated his goal is to continuing working to expand tribal offerings that showcase CLEET.

Director Birney asked Assistant Director Emmons how many classes are scheduled for the Bureau of Indian Affairs. Mr. Emmons responded that CLEET has already hosted two classes this year and two more are currently scheduled, with a potential third class in September. Chief O'Neal added that these classes are open to all agencies.

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Director Birney informed members that Information Technology Manager, Skipper Williams, has retired. Mr. Williams' wife accepted a job offer as a college professor in Okinawa, Japan and he will be joining her there. His replacement will be Mr. Michael Taylor and he will start on Monday, March 21st. Mr. Taylor is retired military with over twenty-seven years of IT experience and has also performed contract work for General Dynamics. He speaks sixteen different computer languages and is also a computer programmer. Director Birney stated he is very excited about having Mr. Taylor at CLEET.

7. Adjournment

Dr. Steve Turner made a motion to adjourn, seconded by Chief Bob Ricks. The motion carried unanimously 9-0. Chairman McNickle adjourned the meeting at 2:15 p.m.