

**COUNCIL ON LAW ENFORCEMENT EDUCATION AND TRAINING
REGULAR MEETING
K. O. Rayburn Training Center, 2401 Egypt Road, Ada, OK 74820
July 27, 2010
MINUTES**

COUNCIL MEMBERS PRESENT:

Sheriff John Whetsel, Oklahoma County
Officer Ron Bartmier, Tulsa Police Dept.
Captain Todd Blish, Oklahoma Highway Patrol
Chief Clayton Johnson, Ponca City Police Dept.
Chief Jason O'Neal, Chickasaw Lighthouse Police
Chief Bob Ricks, Edmond Police Dept.
Chief Michael Robinson, O.S.U. DPS
Dr. Steve Turner, East Central University
Director Darrell Weaver, OK Bureau of Narcotics
Sheriff Bob Wilder, Marshall County

MEMBERS ABSENT:

Chief Norman McNickle, Chair
Chief Bill City, Oklahoma City Police Dept.
Director DeWade Langley, O. S. B. I.

STAFF PRESENT:

Steve Emmons, Assistant Director
Kimberly Richey, Associate Director
Steven Floyd, Comptroller
Dr. Don Udell, Policy Review Officer
Walt Birdsong, Investigator
Wendell Manuel, Maintenance Supervisor
Norma Floyd, Recording Secretary
Erica Vasquez, Secretary/Receptionist

GUESTS:

Don Sweger, Bristow P.D.
Jason Teel, Stonewall P.D.
Bill Price, PSAC Vice Chair

1. Call Meeting to Order

Vice-Chairman Sheriff John Whetsel called the meeting to order at 10:02 a.m. Roll was taken; ten members were present representing a quorum.

2. Approval of Minutes

Action Taken: Director Darrell Weaver made a motion to approve the minutes of the April 27, 2010 meeting as written. The motion was seconded by Chief Michael Robinson. A vote was taken; the motion carried unanimously 10-0.

3. Advisory Council Report and Composition

Action Taken: Dr. Steve Turner made a motion to nominate Chief Harvey Rutherford for re-appointment to the Advisory Council. The motion was seconded by Chief Jason O'Neal. A vote was taken; the motion carried unanimously 10-0.

4. **Private Security Advisory Committee (PSAC) Actions**

Kimberly Richey, Associate Director/General Counsel reported on the PSAC meeting conducted June 17, 2010. Members were provided a draft copy of the meeting minutes. (Attachment A) She stated that discussions took place regarding oversight of the budget and the development of an online application system which should be up and running in the Fall. The fee increase for security guard and investigator licenses which passed this session as well as items for the next legislative session were also discussed. She addressed members regarding continuing education for Private Investigators and Security Guards and stated that the PSAC has asked to mandate legal update and mental health as part of the continuing education training. Ms. Richey also informed members that the PSAC will be asking the Council to reconsider allowing Private Security Guards and Private Investigators to attend continuing education classes with Peace Officers. She advised members that this will be an item for discussion at the next Council meeting.

Action Taken: A motion was made by Chief Michael Robinson to accept the PSAC report as given. The motion was seconded by Chief Bob Ricks. A vote was taken; the motion carried unanimously 10-0.

5. **Curriculum Review Board Actions**

Members reviewed a draft copy of the minutes from the June 15, 2010, meeting. Dr. Don Udell addressed members stating that CLEET had been contacted by OSBI regarding the possibility of assisting in the search of a crime scene for additional evidence. He stated thirty cadets assisted in the field search and twenty-one additional bone fragments were discovered. Dr. Udell felt that this was a real opportunity for the cadets to receive hands-on training. He also informed members that the committee is now at full force and taking more responsibility.

Action Taken: Director Darrell Weaver made a motion to accept the Curriculum Review Board minutes and report as given. The motion was seconded by Dr. Steve Turner. A vote was taken; the motion carried unanimously 10-0.

6. **Drug Dog Advisory Council Actions**

Kimberly Richey, Associate Director/General Counsel addressed members stating that as of September 1, 2010, we are implementing a new policy regarding how drug dog applications are processed. She stated that the current system is not efficient and licenses are not able to be issued in a timely manner. Under the new internal policy, a drug dog team will send in their application to CLEET, it will be processed and they will be sent a certificate. They will then take this certificate to a certifier for testing. Upon successful completion of the test, they will mail in the certificate to CLEET and a license will be issued. Ms. Richey indicated this will be an internal processing change.

Ms. Richey also spoke to members regarding the effective date of the policy and procedures manual adopted at the last meeting. She indicated that the recommendation of the Drug Dog Council is that the eight hour mandatory certifier's course be completed by January 1, 2011. In order to achieve a consistency throughout the State, the Council also recommended that all certifiers be required to complete two hundred hours of continuing education by November 1, 2011.

Chief Bob Ricks indicated he was concerned that the curriculum has not yet been developed. Ms. Richey stated that the Drug Dog Committee has set a special meeting for August 11, 2010, in order to complete the curriculum. Ms. Richey also stated that the members of the Drug Dog committee will conduct the courses. Sheriff John Whetsel suggested postponing this matter until the October meeting in order to re-evaluate the number of courses available at that time.

Action Taken: Chief Clayton Johnson made a motion to include this issue as an agenda item for the October Council meeting. The motion was seconded by Chief Michael Robinson. A vote was taken; the motion carried unanimously 10-0.

7. Legislative Update

Kimberly Richey, Associate Director/General Counsel advised members that out of four CLEET bills presented at the previous legislative session, two bills passed. HB 3343 regarding the Private Security fee increase will go into effect November 1, 2010, and will cover the cost of operation for the Private Security Division. HB 1313 will allow CLEET to host a youth academy at the facility. Ms. Richey also informed members of the two bills which did not pass due to time constraints; the definition of a police department and a re-instatement fee for suspended officers.

In closing, Ms. Richey informed members the Legal Update was complete and available on-line.

8. CLEET Financial Report

Steven Floyd, Comptroller, addressed members reporting on FY 2010. As of this date, we have spent \$6,190,916.74 or approximately 69% of our budget. Some monies are encumbered, however we anticipate a carry forward of \$430,000 due to attrition, lower cadet numbers and budget changes. He stated the FY 2011 budget is 6.9 million, which is \$300,000 shy of what is needed to train at historical levels. Mr. Floyd stated that thankfully, cadet counts have been lower. He informed the members that Dr. Birney sees no major changes in operations at this time.

Director Darrell Weaver asked by what percentage the FY 2011 budget was cut. Mr. Floyd indicated that from the first part of FY 2010 appropriations have been cut by 11.25% or \$496,738. Beginning with FY 2011, appropriations were cut by 8.5%. Mr. Floyd stated this was in addition to a decrease of 6% in Penalty Assessment Fee collections.

Mr. Floyd stated we had received two grants from Homeland Security for a total of \$550,000 however these were not able to supplant existing funds. Dr. Turner then asked if a three year projection had been made. Mr. Floyd responded that we have been looking primarily at FY 2011 and FY 2012 and have not been projecting further than that. Dr. Turner suggested the possibility of somehow weaning ourselves off of Penalty Assessment Fees which could possibly decrease by 18-20% in the next three years, and looking at an increase in appropriations.

Dr. Steve Turner addressed members stating that at this point there was no continuity and no history in the Legislature for CLEET. He stated that it is important for people to know that CLEET is facing a crisis, due to decreases in fee collections, which other agencies do not have. Mr. Floyd informed members that they are working with fiscal analysts at the Capitol regarding cash projections. Director Darrell Weaver stated the Council must be creative in its ideas on how to develop funds to secure the future.

Ms. Richey indicated that Dr. Birney was looking at alternatives to generate funds. Director Weaver stated that with lower cadet counts, the capacity is there for use of our facility. Mr. Floyd stated that \$14,000 was generated from facility rentals in the last fiscal year. Director Weaver asked if CLEET has a Ropes Course and stated that this could be intriguing to citizens.

Dr. Turner suggested developing talking points for the October meeting for any member dealing with the Legislature. Ms. Richey indicated she could begin to prepare talking points closer to the legislative session.

Chief Michael Robinson shared with members information regarding "IACP Day" for the new legislature and how something similar might work for CLEET as well.

Chief Bob Ricks suggested an increase in seatbelt fines which would bring the state in line with federal standards and assist agencies financially. He stated the fines could possibly be increased to \$50.00 and remain off of your permanent driving record. Mr. Floyd indicated that seatbelt and standing violation fines are not currently payable to CLEET.

Dr. Don Udell addressed members regarding the possibility of developing a foundation, or a 501-C3 non-profit entity. He stated that many foundations will not give to government agencies but a 501-C3 could allow CLEET to be considered. He informed members that 800 first tier foundations, or foundations with one billion in funding, give away two million dollars per year. Dr. Udell believes these would be tremendous opportunities for CLEET.

Chief Clayton Johnson shared with members that the Ponca City Police Department has had a foundation for years and, although they have never been successful in raising big money, it has been a useful tool, enabling them to purchase important equipment.

Action Taken: Sheriff Bob Wilder made a motion to accept the CLEET Financial report as given. The motion was seconded by Chief Clayton Johnson. A vote was taken; the motion carried unanimously 10-0.

9. Director's Report

Assistant Director Steve Emmons addressed members stating the POSSE test is ongoing and there are a few problems to be worked out. Regarding the Stanard Reading, Writing and Comprehension Testing, he informed members that out of 217 people tested, only three people had failed all three attempts. Mr. Emmons also told members CALEA has been set aside and that we are currently evaluating our status.

Mr. Emmons informed members that CLEET is developing guidelines regarding the Promissory Note and how to handle officers who leave in the first four years of service. He indicated that CLEET has re-opened the Standards Division in order to assist in this process.

Kimberly Richey, Associate Director/General Counsel stated that there were currently two instances of officers either going beyond, or quickly approaching, the ninety day period allowed to gain other employment in the field of Law Enforcement. She also stated that we are transitioning three employees in order to track these instances. Kelly James will be dividing her time between her Field Representative position, Promissory Note duties and Compliance issues. Ms. Richey indicated we would be consolidating the various areas of compliance in the next six months. Ms. Richey provided members with an outline of the CLEET Promissory Note Collection Process and provided a brief overview. (Attachment B) Along with Ms. Kelly, Walt Birdsong and Maria Perry will be assisting with Promissory Note and Compliance issues.

Based on the current suggested process, Director Darrell Weaver questioned whether a cost / benefit analysis of staff time had been considered and if this process will ultimately cost the agency money. Ms. Richey stated that currently we do not have the information to answer that question; however, she is hopeful this will be a deterrent and that it will not be an issue.

Assistant Director Emmons informed members of the difficulty in receiving Employment Status Reports (ESR) from agencies and that we are looking into possible resolutions. He also stated that under the previous system, the turnover rate in five years was 50%. With the Promissory Note, he is hopeful that number will drop off significantly.

Ms. Richey informed members that the Final Rules were effective July 25, 2010, and are now available on-line.

Mr. Emmons addressed members regarding the issue of noise levels at the firing range and the negative effects on the cadets and instructors. He stated they are preparing to make changes in order to lower some of the decibel ratings.

Mr. Emmons also informed members that Chief Bill City has a conflict on Tuesdays and is requesting the Council consider alternate days of the week for meetings. A discussion was initiated to determine a more convenient meeting date for all members. Chief Bob Ricks suggested not selecting Mondays or Fridays as these would create more conflict for people. A consensus was reached to change the regular scheduled meeting date from October 26, 2010, to October 20, 2010. Also, it was agreed to schedule future meeting dates for the third Wednesday of the month.

10. Actions against Peace Officers

Members reviewed the information included in the packet; no action was required.

11. Divisional Reports

Assistant Director Steve Emmons addressed members reporting on two training issues; the first issue being the two-day Law Enforcement in Schools Conference occurring today and tomorrow at the Moore-Norman Technology Center. Mr. Emmons stated there were 220 officers and educators in attendance. In regards to Distance Learning, he informed members that CLEET is working closely with Louisiana State University (LSU) and making progress to increase class size. Also, being considered is the possibility of connecting Basic Instructor Development and Train-the-Trainer. This would be used as an instrument to get people more involved in training. Mr. Emmons stated the Memorial Institute for Prevention of Terrorism (MIPT) would like to “piggy back” through CLEET with funding from the Bureau of Justice. Mr. Emmons indicated a meeting will take place tomorrow with LSU and MIPT to discuss possibilities. Sheriff John Whetsel shared with members that when the FBI was looking for a vehicle to distribute information needed for the Joint Terrorism Task Force, MIPT was universally recommended. Chief Ricks also recommended MIPT and indicated we should work with them if at all possible. Dr. Udell stated he had spoken with David Stenhouse at The Fusion Center and Mr. Stenhouse indicated he also would like to be an integral part.

12. New Business

Members agreed to change the regularly scheduled Council meeting from October 26, 2010, to October 20, 2010.

Action Taken: Sheriff Bob Wilder made a motion to accept this date change and to set future meeting dates on the third Wednesday of the month. The motion was seconded by Chief Bob Ricks with ongoing dates subject to change. A vote was taken; the motion carried unanimously 10-0.

Chief Jason O’Neal expressed concern over academy cities that are not holding training academies. Sheriff John Whetsel asked what happens to the money in those cases. A discussion ensued with the consensus being those monies are being used to conduct additional training; the Council is not interested in pursuing collection of those funds at this time.

Chief Bob Ricks spoke to members regarding two Supreme Court cases, Broken Arrow Police Department and Oklahoma Highway Patrol, which have greatly changed the law with regard to pursuits. He stated there is a concern over whether these decisions create individual liability for the officer. Chief Ricks indicated the greatest concern is an officer being exposed individually when he is just doing his job. Sheriff John Whetsel proposed adding this to the October agenda to review potential legislative and training needs.

Sheriff Whetsel also suggested the possibility of yearly re-qualification with a firearm as well as a vehicle. Associate Director Kimberly Richey stated this would entail a change of curriculum and informed members that Mr. James Wilson is now responsible for this area. Officer Ron Bartmier indicated that someone is currently writing legislation to address this issue and bring it to other bodies.

Sheriff John Whetsel confirmed the Oklahoma County Sheriff's Office training program is scheduled for December 1, 2010 at the Oklahoma City Community College. It will be a one-day training program, free of charge, with a limit of 300 students. The course will be the FBI Law Enforcement Officer's Assaulted Course, instructed by Chuck Miller.

Chief Michael Robinson asked if CLEET would be holding a Law Enforcement Conference similar to last year. Assistant Director Steve Emmons stated Chris Sutterfield is working on this and they are looking at October.

Sheriff John Whetsel reminded everyone that today is Election Day and asked them to be sure and vote.

Chief Clayton Johnson reminded members of Ms. Norma Floyd's retirement from CLEET. After twenty-nine years of service, she will be dearly missed. When asked, Ms. Floyd confirmed that she is the only employee to have worked for every CLEET Director. On behalf of the board, Sheriff John Whetsel thanked Ms. Floyd for her dedication and work. Members applauded Ms. Floyd and wished her the best on her retirement. Ms. Floyd thanked everyone and stated that after spending her entire adult life at CLEET it will be an adjustment; however, she is looking forward to spending more time with her grandchildren and joining her husband in retirement.

13. Adjournment

Action Taken:

A motion was made by Chief Bob Ricks to adjourn the meeting. The motion was seconded by Captain Todd Blish and carried unanimously, 10-0. Vice-Chairman Sheriff John Whetsel adjourned the meeting at 11:26 a.m.