

**Council on Law Enforcement Education and Training
COUNCIL MEETING**

**Oklahoma State Bureau of Investigation
6600 N. Harvey Place, Oklahoma City, OK**

October 31, 2018

10:00 a.m.

Minutes

Council Members Present:

Chief Michael Robinson, Chairman, OSU DPS
Director Ricky Adams, OSBI
Chief Bill Citty, Oklahoma City PD
Dr. Katherine Lang, ECU
Major Pat Mays, OHP
Director John Scully, O.B.N.D.D
Chief Ike Shirley, Bixby PD
Sheriff Chris West, Canadian County
Sheriff Bobby Whittington, Tillman County

Staff Present:

Charles Gerhart, Interim Director
Gerald Konkler, General Council
Shannon Butler, Operations Manager
John Parker, Director of Admin.
Shelly Lowrance, Rec Secretary
Steve Lanier, CLEET Field Rep

Council Members Absent:

Chief Jason Smith, Vice-Chairman, Jenks PS PD
Sheriff John Christian, Pontotoc County
Chief Randy Wesley, Chickasaw Nation Lighthorse PD

Guest:

Lyn Martin-Diehl, OAG
Troy Wall, OBN

1. Call Meeting to Order

Chairman Michael Robinson called the meeting to order at 10:00 a.m.

Chief Robinson announced that he had received notification of Jason Smith's resignation from the Council effective immediately.

2. Open Meeting Act Compliance

Chairman Robinson verified that the meeting was being held in compliance with the Oklahoma Open Meeting Act.

3. Roll Call

Roll was taken; nine members were present representing a quorum.

4. Pledge of Allegiance was led by Sheriff Chris West.

5. Approval of Minutes

Chief Robinson asked for a motion to approve the Council Meeting Minutes.

• **July 25, 2018**

There was no discussion.

Action Taken: Sheriff Whittington made a motion to approve minutes as written. Major Mays seconded the motion. Chief Robinson voted yes. Director Adams voted yes. Chief Citty voted yes. Dr. Lang abstained. Major Mays voted yes. Director Scully abstained. Chief Shirley voted yes. Sheriff West voted yes. Sheriff Whittington voted yes. Motion carried 7-0.

• **September 4, 2018**

There was no discussion.

Action Taken: Sheriff West made a motion to approve minutes as written. Director Adams seconded the motion. Chief Robinson voted yes. Director Adams voted yes. Chief Citty voted yes. Dr. Lang voted yes. Major Mays abstained. Director Scully abstained. Chief Shirley abstained. Sheriff West voted yes. Sheriff Whittington voted yes. Motion 6-0.

The Special Council Meeting on September 4, 2018 was not approved and will be brought to the next Council meeting for approval.

6. Drug Dog Council Compositions

There was no discussion.

Action Taken: Director Scully made a motion to reappoint Agent Troy Wall, OBND, to the DDAC. Chief Shirley seconded the motion. Chief Robinson voted yes. Director Adams voted yes. Chief Citty voted yes. Dr. Lang voted yes. Major Mays voted yes. Director Scully voted yes. Chief Shirley voted yes. Sheriff West voted yes. Sheriff Whittington voted yes. Motion carried 9-0.

There was no discussion.

Action Taken: Sheriff Whittington made a motion to reappoint Sergeant David Rivers, Oklahoma City PD, to the DDAC. Dr. Lang seconded the motion. Chief Robinson voted yes. Director Adams voted yes. Chief Citty voted yes. Dr. Lang voted yes. Major Mays voted yes. Director Scully voted yes. Chief Shirley voted yes. Sheriff West voted yes. Sheriff Whittington voted yes. Motion carried 9-0.

7. Curriculum Review Board Composition

There was no discussion.

Action Taken: Major Mays made a motion to reappoint Sheriff Shannon Smith, Seminole County, to the CRB. Dr. Lang seconded the motion. Chief Robinson voted yes. Director Adams voted yes. Chief Citty voted yes. Dr. Lang voted yes. Major Mays voted yes. Director Scully voted yes. Chief Shirley voted yes. Sheriff West voted yes. Sheriff Whittington voted yes. Motion carried 9-0.

8. Committee and Board Report

Discussion: Director Scully stated that the DDAC Minutes on September 6, 2018, item six (Making Marijuana Optional), we have been getting a lot of calls concerning canines, should we get new canines or retrain them. Changes are needing to be made to the Oklahoma Drug Dog Standards and Guidelines that were discussed at that meeting.

Interim Director Gerhart stated that changes were requested to be made, unfortunately they were not added to the Advisory agenda. CLEET Rules requires all changes to go to the Advisory Council and then to the Council.

Troy Wall, OBN, stated as a DDAC we realize that with state question 788 passing that people may want to do different things, they may not want to invest in a drug dog that is trained on marijuana in the future. Two of the proposed changes for the Oklahoma Drug Dog Standards and Guidelines:

Current: Title 3 Target Odors for Certification
New: Title 3 Target and Optional Odors for Certification

Current: 3.2 Marijuana minimum amount to be used 10 grams, maximum 50 grams.
New: 3.2 Optional target odor of marijuana minimum amount to be used 100 grams.

No Action Taken.

9. Proposed 2019 Meeting Dates

There was no discussion.

Action Taken: Sheriff Whittington made a motion to accept the 2019 meeting dates. Chief Shirley seconded the motion. Chief Robinson voted yes. Director Adams voted yes. Chief Citty voted yes. Dr. Lang voted yes. Major Mays voted yes. Director Scully voted yes Chief Shirley voted yes. Sheriff West voted yes. Sheriff Whittington voted yes. Motion carried 9-0.

10. Actions against Peace Officers

Discussion: Interim Director Gerhart stated that we had an increase in suspensions due to reserve officers who did not get their training in, this being the first year they had to have the training. An update was given on Intent to suspend letters being mailed, reinstatements, dismissals, training records, Notice of Terminations and reserve officers/training.

No Action Taken

11. Divisional Reports

Discussion: Interim Director Gerhart stated that our basic academy numbers have increased.

No Action Required

12. CLEET Financial Report - September 30, 2018

Discussion: John Parker, Director of Administration/Finance, stated that our carry over has been completed and posted. We include our anticipated carry over amount into our budget proposal. We are planning to buy more cars in anticipation of more people coming to CLEET from the outside academies (NCAP - Non-Commissioned or Appointed Program). An update will be given on the penalty assessment fee and its impact on the CLEET budget at the next Council meeting.

No Action Taken.

Chief Robinson stated how much he appreciates the CLEET staff and recognizes the hard work with a limited budget.

13. Promissory Notes

Discussion: Interim Director Gerhart noted that the Council had requested an inquiry of the possibility of rulings from the 9th Circuit court –perhaps also the influence of California State Courts - that would affect the use of the promissory note by CLEET. Mr. Gerhart advised the council that CLEET General Council had examined the cases mentioned.

General Counsel, Gerald Konkler, referenced specific language by the Council that began the discussion in previous meetings. Mr. Konkler noted that neither the 9th Circuit nor any California State Court had made ruling that would adversely affect CLEET's current situation.

Council Members Whittington and West stated opposition to the current practice of CLEETs use of the promissory note as a points during the discussion. Council Chairman Robinson clarified that CLEET is acting under statutory authority in its handling of the processes related to promissory notes and clarified whether Councilman West was opposed to the statute. To which, Councilmen West stated that “A statute can be changed.”

Mr. Konkler noted that CLEET is operating under the authority of statute and that the note represented a portion of the cost to train a new officer. Mr. Gerhart recited historical knowledge that he had gained with regard to the topic of discussion; the legislature passed the promissory note statute in 2010 to allow the State to recoup a portion of the training costs that the state lost when an officer would attend CLEET training and then leave law enforcement service within four (4) years. The impact of this course of action was negatively affecting both agencies and the State. The note was an inducement for officers to remain as fulltime peace officers after receiving their basic training. Mr. Gerhart stated that if it was the desire of the Council to seek a statutory change then such would be accomplished.

Sheriff West said that there was insufficient information to formulate a decision. Sheriff West requested additional information to be presented at the next scheduled Council meeting. Mr. Konkler will present the requested “snapshot” at the next regularly scheduled meeting.

No Action taken

14. Legislative/Rule Update

Discussion: Interim Director gave overview of all proposed changes to the CLEET Rules, as included in the packet.

Sheriff West request that we resubmit legislature to remove the population limits for academy cities and counties.

Interim Director Gerhart said it will be included in our proposal for this year.

Senate Bill 1517 is an interim study and task force on adverse childhood experiences. CLEET is on the task force. This is a three year task force designed to reduce childhood trauma in Oklahoma. With the documents and information received, we will provide training through the basic academy and provide a CE course. Chief City stated this is good information for officers to be trained in.

No Action Required.

15. Director's Reports

Discussion: Interim Director Gerhart stated that we follow statute with the appointment of our new Council member, Jason Smith has resigned his position on the Council.

CLEET Advisory Council has a vacancy as the Region 2 (includes counties: Cherokee, McIntosh, Muskogee, Okmulgee, Sequoyah and Wagoner), after retirement of Chief Rex Eskridge. Opening is posted on our website.

Interim Director Gerhart gave an update of the IADLEST meeting in Orlando, Florida.

- Development of Nationwide Standard Leadership Program.
- Body cameras
- New curriculum on pit maneuvers.
- State of Nevada is offering Reciprocity Class online. CLEET is looking at the possibility of starting this. CLEET is looking to do this for the eighty hour course. The actual certification exam will be held at CLEET.
- The Council had approved any state academy can hold a Reciprocity Course. Letters were mailed out to each state approved academies.
- We have established two training sessions for the NCAP (Non-Commissioned or Appointed Program), one in the Fall and one in the Spring.
- Dec 3-7, 2018-Training Initiative at CLEET.
- PSAC has developed a sub-committee to look at speeding up the licensing process.

No Action Required.

16. Proposed Executive Session

Executive Session to discuss Executive Director Position pursuant to 25 OS 307 B 1 "Discussing the employment, hiring, appointment, promotion, demotion, disciplining or resignation of any individual salaried public officer or employee."

Vote will be taken to enter into Executive Session. The Executive Session must be authorized by a majority vote of a quorum of members present. (25 O.S. 1995, Section 307 (E) (2).

Action Taken: Director Adams made a motion to go into Executive Session. Sheriff Whittington seconded the motion. Chief Robinson voted yes. Director Adams voted yes. Chief Citty voted yes. Dr. Lang voted yes. Major Mays voted yes. Director Scully voted yes Chief Shirley voted yes. Sheriff West voted yes. Sheriff Whittington voted yes. Motion carried 9-0.

11:10- Entered into Executive Session

11:10 a.m. – Interim Director Gerhart, Gerald Konkler, Shannon Butler, John Parker, Shelly Lowrance, Steven Lanier and Troy Wall left the conference room and the door was closed.

11:20 a.m. – Door opened and everyone (except Troy Wall) returned to the meeting.

11:20 – Returned to Open Session

17. Resume Meeting Following Executive Session

Any vote or action on any item of business considered in an executive session shall be taken in public meeting with the vote of each member publicly cast and recorded. (25 O.S. 1995, Section 307(E)(3).

Action Taken: Chief Shirley made a motion to come out of Executive Session. Director Scully seconded the motion. Chief Robinson voted yes. Director Adams voted yes. Chief City voted yes. Dr. Lang voted yes. Major Mays voted yes. Director Scully voted yes Chief Shirley voted yes. Sheriff West voted yes. Sheriff Whittington voted yes. Motion carried 9-0.

Action Taken: Director Adams made a motion to offer the CLEET Executive Director position to Jesus Campa. Sheriff West seconded the motion. Chief Robinson voted yes. Director Adams voted yes. Chief City voted yes. Dr. Lang voted yes. Major Mays voted yes. Director Scully voted yes Chief Shirley voted yes. Sheriff West voted yes. Sheriff Whittington voted yes. Motion carried 9-0.

Chief Robison will speak with him and make an official offer and determine the start date.

18. Board Comments

Discussion: Chief Robinson stated a thank you to Chuck Gerhart and everything he has done.

19. Public Comments

There was no discussion.

20. New Business

Information: Discussion of items not known about prior to posting of agenda.

25 OS 311 A 9 ...“New Business,” as used herein, shall mean any matter not known about or which could not have been reasonably foreseen prior to the time of posting.

There was no discussion.

No Action Taken

21. Adjournment

Action Taken: Director Scully made a motion to adjourn. Sheriff Whittington seconded the motion. Chief Robinson voted yes. Director Adams voted yes. Chief City voted yes. Dr. Lang voted yes. Major Mays voted yes. Director Scully voted yes Chief Shirley voted yes. Sheriff West voted yes. Sheriff Whittington voted yes. Motion carried 9-0.

Meeting adjourned at 11:27 a.m.