

SPECIAL COUNCIL MEETING
Council on Law Enforcement Education and Training
OBN
419 NE 38th Terrace
Oklahoma City, OK. 73105
February 5, 2019
10:00 a.m.
Minutes

Council Members Present:

Director Ricky Adams, OSBI
Sergeant Kyle Bruce, Stillwater PD
Chief Bill Citty, Oklahoma City PD
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
Commissioner Randy Wesley, Chickasaw Nation Lighthorse PD

Staff Present:

Jesus E. Campa, Executive Director
Charles Gerhart, Interim Director
Gerald Konkler, General Council
Shannon Butler, Operations Manager
John Parker, Director of Admin
Shelly Lowrance, Recording Secretary

Council Members Absent:

Sheriff John Christian, Pontotoc County
Dr. Katherine Lang, ECU
Chief Michael Robinson, Chairman, OSU DPS

Guest:

Bill Price, PSAC
Jeff Springer, OCPD
Patrick Hawley, Alva PD
Ben Oreutt, Alva PD
John Terrell, OHP
Troy Wall, OBN

1. Call Meeting to Order

Commissioner Wesley called the meeting to order at 10:01 a.m.

2. The Absence of a Chair and Vice-Chair

Action: Director Adams made a motion for Commissioner Wesley to be the temporary Chair for this meeting. Chief Shirley seconded the motion. Director Adams voted yes. Sergeant Bruce voted yes. Chief Citty voted yes. Major Mays voted yes. Director Scully voted yes. Chief Shirley voted yes. Commissioner Wesley voted yes. Sheriff West voted yes. Sheriff Whittington voted yes. Motion carried 9-0.

3. Open Meeting Act Compliance

Commissioner Wesley verified the meeting was being held in compliance with the Oklahoma Open Meeting Act.

4. Roll Call

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

5. Pledge of Allegiance

6. CLEET new Executive Director, Jesus “Eddie” Campa

Discussion: Commissioner Wesley welcomed the new CLEET Executive Director, Jesus “Eddie” Campa.

**7. New Council member, Sergeant Kyle Bruce, Stillwater PD.
Representing the Fraternal Order of Police.**

Discussion: Sergeant Bruce stated his excitement to work and learn on the Council.

8. Approval of Minutes

Commissioner Wesley asked for a motion to approve the Council Meeting Minutes.

• September 4, 2018

There was no discussion.

Action Taken: Sheriff Whittington made a motion to approve minutes as written. Director Adams seconded the motion. Director Adams voted yes. Sergeant Bruce abstained. Chief City voted yes. Major Mays abstained. Director Scully voted yes. Chief Shirley abstained. Commissioner Wesley voted yes. Sheriff West voted yes. Sheriff Whittington voted yes. Motion 6, 3 abstained. Not approved.

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

•October 31, 2018

There was no discussion.

Action Taken: Director Adams made a motion to approve minutes as written. Sheriff Whittington seconded the motion. Director Adams voted yes. Sergeant Bruce abstained. Chief City voted yes. Major Mays abstained. Director Scully abstained. Chief Shirley voted yes. Commissioner Wesley voted yes. Sheriff West voted yes. Sheriff Whittington voted yes. Motion 6, 3 abstained. Not approved.

The Council Meeting on October 31, 2018 was not approved and will be brought to the next Council meeting for approval.

9. CLEET Council Vice-Chair

There was no discussion.

Action: Director Scully made a motion to appoint Director Ricky Adams as the CLEET Council Vice-Chair. Major Mays seconded the motion. Director Adams abstained. Sergeant Bruce voted yes. Chief City voted yes. Major Mays voted yes. Director Scully voted yes. Chief Shirley voted yes. Commissioner Wesley voted yes. Sheriff West voted yes. Sheriff Whittington voted yes. Motion carried 8-0, 1 abstained.

10. Drug Dog Council Compositions

There was no discussion.

Action Taken: Major Mays made a motion to reappoint Trooper John Terrell, OHP, to the DDAC. Chief Shirley seconded the motion. Director Adams voted yes. Sergeant Bruce voted yes. Chief City voted yes. Major Mays voted yes. Director Scully voted yes. Chief Shirley voted yes. Commissioner Wesley voted yes. Sheriff West voted yes. Sheriff Whittington voted yes. Motion carried 9-0.

There was no discussion.

Action Taken: Sheriff West made a motion to reappoint Officer Marque Baldwin, Broken Arrow PD, to the DDAC. Sheriff Whittington seconded the motion. Director Adams voted yes. Sergeant Bruce voted yes. Chief City voted yes. Major Mays voted yes. Director Scully voted yes. Chief Shirley voted yes. Commissioner Wesley voted yes. Sheriff West voted yes. Sheriff Whittington voted yes. Motion carried 9-0.

11. BDAC Composition

There was no discussion.

Action Taken: Chief Shirley made a motion to appoint Officer Brendon Stinnett, Tulsa PD, to the BDAC. Director Scully seconded the motion. Director Adams voted yes. Sergeant Bruce voted yes. Chief City voted yes. Major Mays voted yes. Director Scully voted yes. Chief Shirley voted yes. Commissioner Wesley voted yes. Sheriff West voted yes. Sheriff Whittington voted yes. Motion carried 9-0

12. PSAC Composition

There was no discussion.

Action Taken: Sheriff Whittington made a motion to reappoint Rick Van Auten, Night Shade Investigations, to the PSAC. Director Scully seconded the motion. Director Adams voted yes. Sergeant Bruce voted yes. Chief City voted yes. Major Mays voted yes. Director Scully voted yes. Chief Shirley voted yes. Commissioner Wesley voted yes. Sheriff West voted yes. Sheriff Whittington voted yes. Motion carried 9-0

13. Advisory Composition

There was no discussion.

Action: Chief Shirley made a motion to reappoint AIC Jason Tucker, OBNDD, to the Advisory Council. Director Adams seconded the motion. Director Adams voted yes. Sergeant Bruce voted yes. Chief City voted yes. Major Mays voted yes. Director Scully voted yes. Chief Shirley voted yes. Commissioner Wesley voted yes. Sheriff West voted yes. Sheriff Whittington voted yes. Motion carried 9-0

There was no Discussion.

Action: Director Scully made a motion to reappoint Chief JR Kidney, Tecumseh PD, to the Advisory Council. Sheriff Whittington seconded the motion. Director Adams voted yes. Sergeant Bruce voted yes. Chief City voted yes. Major Mays voted yes. Director Scully voted yes. Chief Shirley voted yes. Commissioner Wesley voted yes. Sheriff West voted yes. Sheriff Whittington voted yes. Motion carried 9-0

Discussion: CLEET staff is not making a recommendation for this position.

Action: Sheriff West made a motion to not reappoint Sheriff Jerry Niles, Garfield County SO, to the Advisory Council. Director Adams seconded the motion. Director Adams voted yes. Sergeant Bruce voted yes. Chief City voted yes. Major Mays voted yes. Director Scully voted yes. Chief Shirley voted yes. Commissioner Wesley voted yes. Sheriff West voted yes. Sheriff Whittington voted yes. Motion carried 9-0

There was no discussion.

Action: Sheriff Whittington made a motion to reappoint Undersheriff Blake Green, Cleveland County SO, to the Advisory Council. Major Mays seconded the motion. Director Adams voted yes. Sergeant Bruce voted yes. Chief City voted yes. Major Mays voted yes. Director Scully voted yes. Chief Shirley voted yes. Commissioner Wesley voted yes. Sheriff West voted yes. Sheriff Whittington voted yes. Motion carried 9-0

14. DDAC-Changes to the Oklahoma Drug Dog Standards and Guidelines

Discussion: Troy Wall from the OBN and serves on the DDAC stated they want to make marijuana an optional odor for certification. In Oklahoma, it is mandatory for a dog to hit on all four odors to certify a team (cocaine, heroin, methamphetamine and marijuana). With the marijuana laws changing, a lot of departments are not wanting to invest in a K9 that alerts to all four odors. They want to buy three odor dogs that do not alert to marijuana. An agency can certify a K9 on three or four odors.

Action: Director Adams made a motion to vote on the Oklahoma Drug Dog Standards and Guidelines changes separately. Major Mays seconded the motion. Director Adams voted yes. Sergeant Bruce voted no. Chief City voted yes. Major Mays voted yes. Director Scully voted yes. Chief Shirley voted yes. Commissioner Wesley voted yes. Sheriff West voted yes. Sheriff Whittington voted yes. Motion carried 8-1.

New: Title 3 Target and Optional Odors for Certification

Action: Chief City made a motion to change Title 3 in the Oklahoma Drug Dog Standards and Guidelines. Director Scully seconded the motion. Director Adams voted no. Sergeant Bruce voted yes. Chief City voted yes. Major Mays voted yes. Director Scully voted yes. Chief Shirley voted yes. Commissioner Wesley voted no. Sheriff West voted yes. Sheriff Whittington voted yes. Motion carried 7-2.

New: 3.2 Optional target odor of marijuana minimum amount to be used 28 grams.

Action: Director Scully made a motion to change 3.2 in the Oklahoma Drug Dog Standards and Guidelines. Director Adams seconded the motion. Director Adams voted yes. Sergeant Bruce voted yes. Chief City voted yes. Major Mays voted yes. Director Scully voted yes. Chief Shirley voted yes. Commissioner Wesley voted yes. Sheriff West voted yes. Sheriff Whittington voted yes. Motion carried 9-0.

New: 6.12 a Failure to find the minimum hidden target odors consisting of cocaine, heroin and methamphetamine will result in failure to certify the team.

Action: Chief Shirley made a motion to change 6.12 a in the Oklahoma Drug Dog Standards and Guidelines. Director Scully seconded the motion. Director Adams voted yes. Sergeant Bruce voted yes. Chief City voted yes. Major Mays voted no. Director Scully voted yes. Chief Shirley voted yes. Commissioner Wesley voted yes. Sheriff West voted no. Sheriff Whittington voted yes. Motion carried 7-2.

New: 6.12 b When choosing optional odors, failure to find the minimum hidden optional target odors will result in failure to certify the team.

Action: Director Adams made a motion to change 6.12 b in the Oklahoma Drug Dog Standards and Guidelines. Major Mays seconded the motion. Director Adams voted yes. Sergeant Bruce voted yes. Chief Citty voted yes. Major Mays voted yes. Director Scully voted yes. Chief Shirley voted yes. Commissioner Wesley voted yes. Sheriff West voted yes. Sheriff Whittington voted yes. Motion carried 9-0.

New:

12. Vehicles Transporting a Police Dog

12.1 A vehicle used to transport a police dog should be equipped with a heat sensor monitoring device.

12.2 The device should monitor the internal temperature of the vehicle in which the police dog is being transported.

12.3 The device should provide an audible and visual notification in the vehicle of the interior temperature reaches 85 degrees Fahrenheit which notifies the law enforcement officer or agency responsible for the police dog.

12.4 The vehicle should have a safety mechanism to reduce the interior temperature of the vehicle.

Action: Sheriff West made a motion to add 12. - 12.4 (as long as it is not a mandate on the agency) to the Oklahoma Drug Dog Standards and Guidelines. Chief Shirley seconded the motion. Director Adams voted yes. Sergeant Bruce voted yes. Chief Citty voted yes. Major Mays voted yes. Director Scully voted yes. Chief Shirley voted yes. Commissioner Wesley voted yes. Sheriff West voted yes. Sheriff Whittington voted yes. Motion carried 9-0.

15. Committee and Board Reports

There was no discussion.

No action required.

16. Actions against Peace Officers

Discussion: General Counsel, Gerald Konkler stated that we should vote to approve because individuals will be entered into the National Decertification Data Base.

Action: Chief Shirley made a motion to accept/approve actions against peace officers. Major Mays seconded the motion. Director Adams voted yes. Sergeant Bruce voted yes. Chief Citty voted yes. Major Mays voted yes. Director Scully voted yes. Chief Shirley voted yes. Commissioner Wesley voted yes. Sheriff West voted yes. Sheriff Whittington voted yes. Motion carried 9-0.

17. Divisional Reports

Discussion: Director Campa gave a brief overview of the reports. Director Adams asked if there was any new information that was not included in the packet they had received by email. The answer was no.

No action required.

18. CLEET Financial Report - September 30, 2018

Discussion: Is there any feel from the legislature about what they may do for CLEET? Director Campa stated that he has had meetings with Senators and Representatives concerning the future of CLEET. From the information we have gathered it seems to be positive.

John Parker stated that CLEET did submit legislation to increase the penalty assessment fee last year from \$9.00 to \$10.00. With that we had requested an increase in appropriations. We did not get the increase in funding, but we did received the increase in the penalty assessment fee. We did request the CLEET fund become a non-appropriated fund. So when the money is deposited in that fund it will be available to use, turning it into a revolving fund.

No action taken.

10:55 – Break

11:05 – Chief Citty left

11:05 – Meeting resumed

19. Promissory Notes

Discussion: CLEET General Counsel, Gerald Konkler stated:
CLEET Promissory Note began November 1, 2009, statute reference 70 O.S. 3311.11 (C).
The purpose was to keep individuals in Oklahoma law enforcement for four (4) years following graduation from the basic law enforcement academy (CLEET).

Promissory Note process summarized:

- Promissory Note Tool identifies those with less than four years for whom we receive Notices of Termination.
- 1st letter sent – advises they may owe money if not re-employed within ninety days.
- If no Notice of Employment, 2nd letter sent with a payment plan – advises they have forty-five days to start making payments.
- If they don't start making payments, the file is moved to Legal Division for action.
- If they miss two consecutive payments, file is moved to Legal for action.
- Previously sent letters from Legal, prepare for Small Claims Court and mailing to address 'on file' with CLEET.

Ongoing Discussion:

- \$4,380.00 per individual
- Statute of limitations is five years.
- Cost for the Bridge academy is \$4,380.00
- No Promissory Note on Reciprocity.
- It was stated that the majority of sheriff's offices oppose the CLEET Promissory Note.
- Impact on smaller agencies.
- If an officer is terminated by the agency, is he still obligated to the Promissory Note? Yes.
- The Promissory Note could be a hindrance to recruitment.
- Promissory Note requires full-time active.
- We need a united front with the legislature.

No action taken.

20. Director/Legislative Report

Discussion: Director Campa gave an update on legislation.

- We have been meeting with Senators and Representatives.
- We did request the CLEET fund become a non-appropriated fund. So when the money is deposited in that fund it will be available to use, turning it into a revolving fund.
- 3311 – language cleanup and change some language so we are able to get fingerprint checks completed.
- We are monitoring bills with the legislature.

Director Campa stated that he would like to have a presence at the Capitol. We need to have a visual impact.

Director Adams offered to let us use an office they have available at the Capitol.

Director Campa stated at some point in the future, he would like to have a representative of CLEET stationed at the Capitol.

No action required.

21. Proposed Executive Session

Executive Session pursuant to 25 OS 307 B 7 Discussing any matter where disclosure of information would violate confidentiality requirements of state or federal law;

This is in reference to the termination and resignations while under investigation.

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: Major Mays made a motion to go into Executive Session. Sheriff Whittington seconded the motion. Director Adams voted yes. Sergeant Bruce voted yes. Major Mays voted yes. Director Scully voted yes. Chief Shirley voted yes. Commissioner Wesley voted yes Sheriff West voted yes. Sheriff Whittington voted yes. Motion carried 8-0

The door was closed. Everyone left except CLEET Executive Director, Jesus “Eddie” Campa, Asst. Director, Charles Gerhart, General Counsel, Gerald Konkler and Recording Secretary, Shelly Lowrance.

11:35 a.m. - Entered into Executive Session.

22. 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: Director Scully made a motion to come out of Executive Session. Director Adams seconded the motion. Director Adams voted yes. Sergeant Bruce voted yes. Major Mays voted yes. Director Scully voted yes. Chief Shirley voted yes. Commissioner Wesley voted yes. Sheriff West voted yes. Sheriff Whittington voted yes. Motion carried 8-0

11:45 a.m. – Returned to Open Session
Everyone returned to the meeting.

Action Taken: Director Scully made a motion that items discussed while in executive session, that CLEET Legal continue to handle disciplinary terminations, resignations and investigations as normally done. Major Mays seconded the motion. Director Adams voted yes. Sergeant Bruce voted yes. Major Mays voted yes. Director Scully voted yes. Chief Shirley voted yes. Commissioner Wesley voted yes. Sheriff West voted yes. Sheriff Whittington voted yes. Motion carried 8-0

23. Board Comments

Discussion: Director Scully wanted to recognize Sergeant David Rivers from the OCPD will be retiring after 35 years. He has served on DDAC since 2009.

Sheriff West stated that Chief City will be retiring in May.

24. Public Comments

There was no discussion.

25. Adjournment

Action Taken: Director Adams made a motion to adjourn. Director Scully seconded the motion. Director Adams voted yes. Sergeant Bruce voted yes. Major Mays voted yes. Director Scully voted yes. Chief Shirley voted yes. Commissioner Wesley voted yes. Sheriff West voted yes. Sheriff Whittington voted yes. Motion carried 8-0

Meeting adjourned at 11:58 a.m.