

**XENIA CITY COUNCIL
SPECIAL SESSION
MEETING MINUTES
OCTOBER 10, 2019**

- 1. CALL TO ORDER:** President Engle called the October 10, 2019, Special Session to order at 7:10 p.m. in the City Council Chambers, City Administration Building.
- 2. ROLL CALL:** Vice President Edgar Wallace, Councilman Will Urschel, Councilman Wesley Smith, Councilman Levi Dean, and President Michael Engle were present. Councilman Dale Louderback and Mayor Sarah Mays were absent.
- 3. DISCUSSION:** Mr. Merriman said at Councilman Urschel's request, this Special Session was scheduled for Council to receive an update on the Drug Task Force Efforts and the status of some issues in the community. He then turned the meeting over to Xenia Police Chief Randy Person. Chief Person thanked Council for the opportunity to speak to them about this issue and introduced Xenia Police Division (XPD) Ace Task Force Officer Marc Margioras and former XPD Captain Scott Anger who is now the Commander of the Greene County Agencies for Combined Enforcement (ACE Task Force).

Mr. Anger shared that he has spent almost his entire life in Xenia, went to school in Xenia, and retired from the XPD after 30 years of service, so he knows the community very well. He said the Drug Task Force was formed in 1986, and they do everything from checking on a report about a neighbor selling drugs all the way up to working cases over the course of several years. They work with other agencies and the Bureau of Criminal Investigations (BCI) on a daily basis. He said 15 years ago, two XPD officers were assigned to the Task Force, and now there is only one. Therefore, that officer has to be a go getter to do what he does every single day. The training for Task Force officers includes tactical training because their goal is to get into a home with a search warrant. Last year, they worked a total of 273 different missions and each one included a tactical plan. They share their information with Task Force units in surrounding communities. Drugs are not a victimless crime. Drugs and violence go together, which is why he believes in the three-pronged approach. He serves on the Mental Health and Recovery Board (MHRB) and hears what is happening with regard to prevention and treatment. Law enforcement is the third part of the three-pronged approach. There were 70,000 accidental overdoses in 2017 in the USA, and Ohio is ranked #2 behind West Virginia per capita. Xenia and Fairborn have very active drug problems, but there are drug problems in every socio-economic region in Greene County. Through his involvement in the MHRB, he helps with crisis intervention, and he tracks suicide calls. Per the data over the last five years, there is a nexus with drugs. There is fentanyl and heroin in the community, but the methamphetamine epidemic has hit them hard with an **848% increase** with how much meth they have confiscated over the last year. Chief Person noted that Narcan does not work on meth users. Mr. Anger said three years ago, an ounce of meth was \$1,300 on the street, and now it's down to \$250 an ounce. He noted local meth labs are not common anymore—this very pure substance is finding its way into the USA and into this community from a foreign source.

Chief Person said people are always telling officers where drugs are being sold, but the Task Force has to build a case before they can really do anything about it. When they are able to build a case and win, people do serious time in Greene County. In Montgomery County, they may get probation for the same crime. Greene County was way ahead of the game versus surrounding counties.

Councilman Urschel said City leadership and Council members are always meeting with State and even national representatives who are always asking how they can help. He asked what they could be doing or saying to help and if they should be encouraging people to call the Task Force with information. Mr. Anger said yes. President Engle asked specifically what was needed from City Council to move forward in the fight against drugs including gaining entry to a property due to a nuisance complaint, what “nuggets” of information was needed to build a case with probable cause, etc. He asked if there were specific guidelines they could provide to residents. Officer Margioras said as a place to start, citizens need to get license plate numbers and provide that information when they call to report drug deals. They utilize various techniques, and it may take up to a year to actually get into a home. Mr. Anger said they encourage citizens to call with any information because each “nugget” of information helps build a case.

Chief Person said drug trafficking 15-20 years ago was very different than today. Back then, it occurred on street corners where they could watch the hand-to-hand action. Now with cell phone use, phone calls or text messages are used to coordinate where the sale will take place, such as a home, and if the drug trafficker doesn't know who shows up, that person doesn't get in. Now, they need probable cause to get a warrant.

Councilman Urschel asked what was restraining their efforts towards getting probable cause to move in with a warrant. Chief Person said part of it is resources. He said three years ago, Officer Margioras was on the Joint Terrorism Task Force, which almost counted as Xenia's second ACE Task Force officer. The Greene County Sheriff's Department now fills that position on the Joint Terrorism Task Force. Xenia now only has one ACE Task Force Officer, Beaver Creek and Fairborn have two officers assigned to the Task Force, and Sugar Creek Township recently dropped off. Further, there has been a reduction in grant funding to support the work of the ACE Task Force. The City's share to support the Task Force will go up from \$10,000 per year to \$20,000 to \$25,000 per year. Resources are their biggest problems. They get more “tips” than they can ever follow up on, which they are always trying to balance with patrol services. The bottom line is they need more people. Mr. Merriman agreed. At this point, they are “robbing Peter to pay Paul.” They cannot take an officer off the streets to serve on the Task Force because that would create a need there. They also need to maintain a balanced budget noting the Fire Division has needs also.

Councilman Urschel said if the Task Force gets a tip, he asked who sets the criteria for probable cause and gaining entrance with a search warrant—it is set at a national level, a state level, etc. Mr. Anger said it is based on the Fourth Amendment and any applicable case law. He reviews it, then the prosecutor, and then a judge (judges are on an on-call basis). The judge rules whether or not they have enough criteria to issue the search warrant. Councilman Urschel asked if there was anything Council could do from a local law perspective to help them. Chief Person, Officer Margioras, and Mr. Anger collectively answered no. Mr. Anger said legislatively, laws do not always keep up with what is going on. He used the comparison of a flat screen television versus an older tube television when comparing fentanyl versus heroin. The laws haven't caught up—a bulk amount of fentanyl is not the same as a bulk amount of cocaine. Two milligrams of pure fentanyl can kill someone. A kilo of fentanyl can kill 500,000 people. In Ohio, people are walking around with enough fentanyl in their pockets to kill many people, which is only a fifth degree felony. President Engle suggested they work with the City Law Director to craft a resolution to send to Ohio's representatives urging them to make changes in State law.

Councilman Urschel asked what resources are needed. Chief Person said they need personnel including another Task Force officer and eventually a drug dog. However, he cannot advocate for a drug dog until he has enough officers on the streets. In the 1990s, they had 48 sworn officers, and now they have only 45 who work more calls than ever before, which take more time than ever before due to protocols with crisis intervention, etc. They also deal with the homeless situation and acknowledged the City is receiving some homeless people because Bridges of Hope is nicer than St. Vincent de Paul in Dayton. Bridges of Hopes takes about 30-35 people each day but they also turn that many away, and those people roam the streets and camp out in this community. As others have said, many times homelessness is tied to drug and alcohol addiction. Mr. Anger said many have a dual mental health and drug addiction diagnosis. On the treatment side, there are resources in the City, including The Community Network's (TCN) walk-in clinic. Some people want to stay in jail versus being on probation because if they are in jail, they do not have the opportunity to buy and use drugs. Mr. Merriman said staff has been in discussions with TCN; however, the faith and business community also need to step in with resources and contribute to solving this community problem. This issue cannot be solved by passing an ordinance or by law enforcement alone. Vice President Wallace shared that TCN is considering a women's facility in Kettering because there is no space in Xenia.

Mr. Anger said the MHRB takes people to treatment whenever possible. They have a panel of those in recovery who say that mandated treatment helped them, i.e., they were arrested and forced into treatment by the judge. Vice President Wallace said he was a strong proponent of mandated treatment. As President of the TCN Board, he knows many people are in denial about their additions. Chief Person said recovering addicts spoke to his officers during a training session, and they were brutally honest. They thanked the officers for saving their lives. Mr. Anger said 67% of property crimes have a drug nexus. Meth is a real problem—users do not sleep and at times have been up for days. They are very paranoid, which often leads to standoffs. They also go through every car possible all night long.

Mr. Merriman asked about the effects on children relative to their parents' or caregivers' drug use in the community. Mr. Anger said the Task Force works very closely with the Greene County Children Services Board, especially when it comes to search warrants. There is a definite increase in child neglect when drugs are involved; children are the true victims, which is why they do what they do. Mr. Merriman said it is a domino effect—those children are dealing with a lot. Many times they go to school hungry, preoccupied, stressed, tired, etc., and they underperform.

Councilman Urschel asked what percentage of Xenia's population are drug users. Officer Margioras said it is high with the majority using meth, which is the new marijuana. Councilman Urschel said if they arrest people and move them through the judicial cycle, he asked if the cycle ever stops or if they just repeat the cycle again and again. Officer Margioras said the majority just repeat the cycle. Chief Person said generally a user goes through rehab several times. Eventually, something happens in their lives and they make a change. Sometimes, they have arrested generations of families. Mr. Anger said when they interview people and ask them when they last used, they used to get lied to but now they just admit it, and sometimes it was 30 minutes prior to their arrest. Chief Person said drug users know how to work the process to get free housing and free benefits. Mr. Anger said nowadays, the perceived acceptance of the use of "just marijuana" is concerning. There are vaping mechanisms that people (including students) use to smoke marijuana, and today's marijuana has THC levels up to 82% when it used to be only 17%. People

shouldn't say "it's just marijuana" because it is not the same. Marijuana is still a major money maker on the black market, and dealers follow the money. Marijuana on the black market is \$1,800 to \$3,200 per pound, and those who have a prescription for medical marijuana buy it in very small doses of only 8 to 10 ounces.

Councilman Urschel recognized that the Task Force was just part of the "cycle." Many times, those in treatment get money and get housing as a benefit from the State of Ohio, but they are placed around drug dealers with ready access to drugs. Chief Person said many times they are more successful [in getting people out of the cycle] if they can get them into prison versus just probation. Officer Margioras said the Task Force has made progress in putting drug dealers behind bars, and they have had some big cases. Mr. Anger agreed. Chief Person said he wants Officer Margioras to focus on developing those larger cases to get the drug dealers behind bars; Mr. Anger has a passion on the community focus including special detail with a rapid response team that can be stood up in three to five days. Mr. Anger explained that both aspects are important ... they have to focus on the big stuff and the little stuff. It's important to get the drug dealers behind bars and it's also important to take that phone call from a resident who is concerned about some activity at his or her neighbor's home. The Task Force's reputation is very important, and they want to build a good case beyond a reasonable doubt.

Councilman Urschel asked if the Task Force was a County-level agency. Mr. Anger said yes, which is comprised of two police detectives from Beavercreek, two from Fairborn, a Greene County Sheriff plus a Greene County Sheriff serves as the supervisor of the Task Force, and one from Xenia. Including himself, that's only eight people who work the entire area of Greene County. Mr. Merriman noted they serve a total of 170,000 people. Officer Margioras said he is employed as a Xenia Police Detective, but he works all over the County. If they work a deal in Fairborn, everybody on the Task Force is involved. If one or more of them are in court, then they cannot work a deal. If they can get another Xenia Detective on the Task Force, there would be a huge return for the Xenia community. They have made a lot of headway in the last three years with 89 indictments in the last two years with more in the pipeline. Councilman Urschel asked if Xenia was the hot spot. Mr. Anger said yes. Of the total trafficking (not drug possession) indictments, 49% of the cases were from Xenia in 218 separate counts (weapons charges, conspiracy charges, etc.). Last year, only 37% of the cases were from Xenia. He said Fairborn is very busy also, but as previously stated, Beavercreek, Spring Valley, Jamestown, etc., all have issues. There are issues all over the entire country. Vice President Wallace asked if the cases are heard in municipal or County court. Mr. Anger said it depends on who is available to authorize the search warrant, but cases are heard in both courts.

Mr. Merriman expressed his appreciation on the regional collaboration on this effort as well as on many other fronts. He was impressed with Greene County's and Xenia's safety services staff and how they collaborate with many other agencies for the greater good.

President Engle summarized the conversation and reiterated what they can do right now as follows:

- Work on a resolution to send to the State representatives about the need for the law to catch up with reality.
- Encourage citizens to call the tip line and take note of car makes/models, license plate numbers, addresses, etc.

