



DAVE YOST
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Ohio Peace Officer Training
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Ohio Peace Officer Training Commission Meeting

January 10, 2023

Held at 1650 State Rt. 56 S.W. London, Ohio 43140

Meeting was held in the cafeteria

Minutes – January 10, 2023

- A. **Opening – Call to Order, Chair Sheriff Vernon Stanforth** called the meeting to order at 10:10am with House Committee.

Lt. Fitsko led the Pledge of Allegiance

Ms. Teresa Coffey called the roll call.

Commissioners Present:

Chair, Sheriff Vernon Stanforth

Vice-Chair, Chief Clayton Harris

Ms. Leah Amstutz

Sherriff Michael Heldman

Ms. Carol O'Brien

Colonel Charles Jones

Lt. James Fitsko

SAC J. William Rivers

Commissioners Absent:

Ms. Wynette Carter-Smith

Ms. Coffey confirmed there was a quorum with 8 present, 1 absent.

Attorney General Staff in Attendance:

Mr. Dwight Holcomb, Executive Director OPOTC/A

Mr. Richard Hardy, Assistant Executive Director OPOTC/A

Michael Walton, Associate Assistant Attorney General – AGO

Bryan Lee, Assistant Attorney General – AGO

Doug Dumolt – Director of Law Enforcement Operation – AGO

Cynthia Peterson, Principal Assistant Attorney General – OPOTC

Deana Leffler, Senior Assistant Attorney General – OPOTC

Scott Reinbolt, Program Administrator – OPOTC

Matt Lyons, OPOTA staff
Greg Brillhart, OPOTA staff
Scott Spangler, Director of Advanced Training – OPOTA
Stephanie Theessen, OPOTA staff
Carol Simon, OPOTA staff
Brittany Brashears, OPOTA staff
Arienne Fauber, OPOTA staff
Art DeLeon, OPOTA staff
Nicole Hendrix, OPOTA staff
Shelli Brock, Assistant Attorney General – OPOTA
Kelly May, Communication, AGO

Guest in Attendance:

Corporal Kamea Hetrick
Insp. William Holland
Sheriff Matthew O. Hafey
Major Daniel E. Ems, Jr.
Bob Cornwell, BSSA
Commander Ernie Oergel, Polaris Police Academy
Greg Moody
Chuck Crosby, Sinclair Police Academy
Paul R. Weber, Clark State Police Academy
Brian Fent, Clark County S.O.
Brad Underwood, WKRC
Sheriff Mike Simpson, Preble County S.O.
Michael Spitler, Preble County S.O.
Charles Chandler, OACP, Westerville PD
Stephen Hrytzik, Powell PD
David Wiseman, Delaware County S.O.
Sheriff Matt Bayles, Marion County S.O.
Thomas M. Riggerbach, Van Wert County S.O.
Sheriff Jason K. Landers, Paulding County S.O.
Robert Meader, LLC
James A. Crawford, Coshocton County S.O.
Doug Engel, Defiance County S.O.
Kandy Fatheree, Summit County S.O.
Charmaine McGuffey, Hamilton County S.O.
Mary Carol Melton, Hamilton County S.O.
Jamie Patton, Union County S.O.
George Maier, Stark County Sheriff
Ronald J. Myers, Harrison County Sheriff
Mark Touville, Harrison County S.O.

John Swaney, Madison County S.O.
Marc Dopp, Columbus PD
Amber Rose, Columbus PD
Tim Myers, Columbus PD
Lowell Rector, Columbus PD
Derek Myers, Civilian
Ted Owens, OASIS
Lt. Shawn Smith, Cleveland PD
William McGee, Cuyahoga County S.O.
Commander Elijah K. Baisden, III, Tri-C
Commander Mark Preuss, Great Oaks Police

Chair Stanforth announced there was a set of minutes to approve.

Motion: A motion for the approval of the September 8, 2022 minutes by Vice-chair Harris. Sheriff Heldman seconded the motion. A vote was taken and passed unanimously. Yes – 8, Absent – 1.

B. Chair Report

Chair Stanforth welcomed everyone and explained protocol for commission meetings as everyone in audience introduced themselves. Chair Stanforth advised the meeting is recorded and open to commission only, but a guest forum will be open at the end.

Executive Director Holcomb advised to start with the House Committee meeting.

Chair Stanforth announced there is a change in Commission members and has decided to have the Commissioners be the House Committee this year lead by House Committee Chair Colonel Charles Jones, and Vice-Chair SAC Rivers, for this year 2023. The function of the House Committee is to set the calendar year scheduled. The Commission will decide on the dates. Chair Stanforth proposed that Commission Meetings will be set for the calendar year 2023 on the second Thursday during odd months. March 9, May 11, July 13, Sept 14, Nov. 9, 2023. Chair Stanforth asked for a motion.

Motion: Ms. Carol O'Brien motioned to accept for House Committee Meeting dates. Lt. Fitsko seconded the motion. All in favor of dates. Yes- 8, Absent – 1. Motion Approved.

Chair Stanforth stated the Commission would make a recommendation of the Chair and Vice-Chair for the Commission. Chair Stanforth stated he would like to continue as Chair and asked Ms. O'Brien to chair this portion of the meeting.

Ms. O'Brien asked Chief Harris if he was interested in continuing.

Chief Harris answered Yes.

Ms. O'Brien asked if any other commission members would like to serve as Chair or Vice-Chair. No response. Ms. O'Brien asked if there were any nominations for Sheriff Stanforth to serve as Chair for 2023.

Colonel Charles Jones nominated Chair Stanforth, SAC Rivers seconded the motion.

Ms. O'Brien took the vote, all in favor. **Yes – 8, Absent -1. Motion Approved.** Sheriff Vernon Stanforth will remain as Chair.

Ms. O'Brien asked if there were other nominations besides Chief Harris and asked for a motion.

Lt. Fitsko motioned, Heldman seconded the motion.

Ms. O'Brien took the vote, all in favor. **Yes – 8, Absent -1. Motion Approved** Chief Harris will remain as the Vice Chair for 2023.

Chair Stanforth announced the 2023 Committee Assignments.

Curriculum Committee:

- Sheriff Michael Heldman, Chairperson
- Chief Clayton Harris
- Ms. Leah Amstutz

Legislative Committee:

- Lt. James Fitsko, Chairperson
- Sheriff Michael Heldman
- Ms. Wynette Carter-Smith

House Committee:

- Colonel Charles Jones, Chairperson
- SAC J. William Rivers

Continuing Professional Training Committee:

- Sheriff Michael Heldman, Chairperson
- Lt. James Fitsko
- Ms. Wynette Carter-Smith

C. Continuing Professional Training Committee Report

Sheriff Heldman, Continuing Professional Training Committee Chair stated the discussion focused on the hours of the Continuing Professional Training for 2023. Recommended was 8 hours of topics set by Commission and 16 hours of topics set by Agency Administrator.

Breakdown of the 8 hours to include:

- 3 hours school threat safety training
- 3 hours legal updates
- 2 hours of arrest, search and seizure

Chair Heldman Motioned to accept the hours and pass these three to be the training topics for 2023. Chair Stanforth asked if there was a second motion. Chief Harris seconded the motion. Chair Stanforth asked for a discussion from the Commission. No response. Chair Stanforth asked if the audience had any discussion.

Bob Cornwell asked: when will the curriculum be available for distribution?

Executive Director Holcomb: it will be posted in OHLEG by the end of the month for each of the topics.

Brian Fent Clark County asked: Are these going to be available online?

Executive Director Holcomb: These 8 hours will be written curriculum to be used, but we will be producing OPOTA Online content and that is to be posted in approximately 6 weeks.

Brian Fent Clark County asked: The online content has nothing to do with written, can we have the videos match the curriculum so that everyone is getting the same information?

Executive Director Holcomb: For 2023 the approved curriculum will be matching the online curriculum. Last year, there were 7 topics and each had a different curriculum, but still fulfilled all of the requirements.

Brian Fent Clark County stated: It needs to be uniform across the state.

Director of Curriculum, Dr. Erica Wilson: E-learning for OPOTA Online will be slightly different from written lesson plans. The modules won't look the same, but the content is the same. The written lesson plan can always be pulled if you don't like the content online.

John Swaney, Madison County Sheriff asked: If we create 16 hours of training for our department, does it have to be approved by OPOTA?

Executive Director Holcomb: If you create 3 hours of new updates, it will need to be submitted to Dr. Wilson for pre-approval.

John Swaney, Madison County Sheriff asked: If we go with OPOTA there will be up to 24 hours of CPT training online?

Executive Director Holcomb: You can take anything on OPOTA Online. If you took something 2 years ago, you can still take again this year 2023 and can repeat classes. If it's on OPOTA Online its pre-approved.

Director of Curriculum, Dr. Erica Wilson: We will have a 2023 CPT catalog on OPOTA Online. The first 8 hours mandated will be the first 3 categories. The 16 hours are not mandated but will be listed there as well throughout the year.

Lt. Shawn Smith, Cleveland PD asked: Will submission of lesson plans be the same process? Currently seems like a long process.

Executive Director Holcomb: Yes, we ask for legal to review so we have more eyes on it to be as efficient as we can.

William McGee, Cuyahoga County asked: I am still confused. Do you want to see and approve the additional 16-hour lessons before they're taught?

Executive Director Holcomb: Yes. If the agency is creating a new plan to teach, it will need pre-approved by Dr. Wilson and her team.

William McGee, Cuyahoga County asked: Will the school threat safety training be posted by end of month, but the legal update, search and seizure posted by end of February?

Executive Director Holcomb: We're trying to post written by end of month, but the legal staff is working to incorporate updates. Once written curriculum is completed, we have to produce online content which could take us to the end of February.

Chair Stanforth, motion on the floor, all in favor? **Yes- 8, Absent-1. Motion carried.**

Chair Heldman update to rule 1092-18-01 definition changes for 2023. Mr. Doug Dumolt gave overview of changes. CPT Committee approved that we move forward. Chief Heldman made a motion to accept changes for 2023. Chair Stanforth motioned and asked for 2nd motion. Chief Harris 2nd the motion. Chair Stanforth asked for discussion?

Chair Heldman asked Mr. Dumolt to expand on changes. Mr. Dumolt responded that the 2023 CPT pilot program was changed to a reimbursement structure from a pre-payment program. Officer to be reimbursed based on 24 hours times their hourly rate. Significant changes were made by expanding definitions of who can apply to put on CPT for 2023? Currently needs to have a sponsor to be approved by OPOTA. Non-profit agencies no longer have to be sponsored.

Bob Cornwell asked: Is there a timeline for the JCARR process?

Doug Dumolt: Once recommended it can take approximately 90 days for new rules moving forward but, currently there is no structure for CPT JCARR process.

Bob Cornwell follow up: When is application available?

Doug Dumolt: Will be done by end of February.

Chair Stanforth: Motion on the floor. Yes- 8, Absent-1. Motion Passed.

D. Curriculum Committee Report

Sheriff Heldman, Curriculum Committee Chair stated he had nothing to report.

E. Legislative Committee Report

Lt. Fitsko, Legislative Committee Chair stated he had nothing to report.

F. Commission and Academy Reports

Executive Director Holcomb thanked general services staff for cleaning up the flood from a watermain break that occurred over the holidays. **Executive Director Holcomb** introduced OPOTA's new employees and announced other employees who have departed from OPOTA. The OPOTA portal continues to be developed. It is the key place to get personal records and register for classes. Currently working on SF400/401 to be electronically submitted and hopefully will be completed by end of year. OPOTA Online has been very busy. CPT added in 2022. Dr. Wilson and her team has handled over 23,000 requests to get accounts up and running. Dr. Wilson worked on scheduling for 12 hours of coverage to handle over 2,000 requests in December alone. The Law Enforcement Conference is being planned for October 24-25, 2023 at the Hyatt Regency downtown Columbus. We have had new AV equipment installed in the cafeteria to hold classes. **Executive Director Holcomb** traveled all over Ohio attending state meetings to talk about OPOTA, CPT, and improvements on everything we are doing. This helps everyone to understand what we do or to squash rumors. **Executive Director Holcomb** concluded and asked **Assistant Executive Director Richard Hardy** to give updates:

Assistant Executive Director Richard Hardy announced that he is retiring effective February 10, 2023. He thanked the commission and Director Holcomb for his support. **Executive Director Holcomb** thanked Rick for his services.

Chair Stanforth asked if anyone had questions.

Chief Harris asked: On the Attorney General Conference and training is it possible to look at 8 hours mandatory training in?

Executive Director Holcomb: We will take that into consideration.

G. New Business – No Report

H. Old Business

Chair Stanforth asked for the meeting to be altered a bit. A decision has been reached on Feldman Hearings. This is an act to formalize that. **Chair Stanforth** motioned to approve the decision on the hearing.

Sheriff Heldman motioned. Chief Harris seconded the motion. Chair Stanforth opened discussion for 119 hearing. **6-Yes, Absent-1, Ms. O'Brien did not attend the hearing.**

Chair Stanforth approved and signed the documents and gave to AGO Counsel Michael Walton.

Chair Stanforth moving on with old business, 3 people wish to address the commission. Physical Fitness has been the topic of discussion. **Executive Director Holcomb** stated back in 2019 Physical Fitness assessment standards were reviewed, but then everything stopped during Covid. A copy of the Physical Fitness Historical findings report and an assessment recommendations SME's report was distributed.

Chair Stanforth opened for discussion.

Sheriff McGuffey: opened topic of certifying new officers. Cadets have to take 740+ hours and pass a physical assessment to become a certified officer. The physical fitness test is sex variant, you get two tries, if you fail after two tries, you're done. You're not refunded, no certificate, no credit given on everything else passed if they fail the physical. She is requesting that they have the opportunity to take the final exam and get credit for what they pay for.

Chair Stanforth asked Sheriff McGuffey: How do you think taking the academic test makes the student whole again?

Sheriff McGuffey: Gives them credit and the certificate that says they did all of these things and did them well.

Chair Stanforth: Whether physical fitness is done first or second it doesn't mean the end results are different.

Sheriff McGuffey stated if she goes to another state, she doesn't have to go through the whole training again and asked that the physical assessment be taken when ready.

Chair Stanforth: Sheriff McGuffey do you run your own academy?

Sheriff McGuffey: Yes, contracted through Great Oaks.

Chair Stanforth: When they pass your course they get the credits, regardless of certification?

Ms. Amstutz: They get a certification of completion at a community college.

Tim Myers, CPD: We don't give credit as a department.

Ms. O'Brien: Your concern is academies splitting two categories; classroom and physical fitness. You're asking to let them go back to retake the physical fitness regardless. If they completed and passed everything but the physical, they still can't take the final exam to become an officer. Concern is they have to go back and retake everything they already passed.

Sheriff McGuffey: Correct.

SAC Rivers: Do cadets have opportunity to pass physical fitness test before they enter? Is there a test to enter?

Sheriff McGuffey: Yes, a preassessment test. Receive a certain percentile of the Coopers Standard test.

SAC Rivers: Are they given an opportunity to pass the physical fitness test within the first week of the academy?

Commander Mark Preuss Great Oaks Academy: The Final PT test has to be given within final 80 hours of academy.

SAC Rivers: If you pass at any point during the academy, that should suffice for the physical fitness test.

Lt. Fitsko: Agrees with SAC Rivers.

Sheriff McGuffey: No concessions are made at the end of the academy if they fail the physical test. Change it, change it today.

Ms. O'Brien: Has this been brought up at other commission meetings?

Sheriff McGuffey: Many complaints have been filed with AG's office.

Sheriff Landers: Believes this standard has prevented and is preventing good people from entering our profession. Cadets must score 100% physical efficiency in order to move on and pass the written exam at 70%. Law Enforcement needs help and the fitness standard is the barrier. It is not one size fits all. Support Sheriff McGuffey's position. Reduction or removal of the current physical fitness standard is a win for law enforcement throughout Ohio.

SAC Rivers: Explain 100% of standards.

Sheriff Landers: If you do not pass physical you are finished with the program.

Ms. O'Brien: You don't like standards?

Sheriff Landers: Supports removing or reduced to a point base for peace officer academy.

Ms. O'Brien: based on 50% of age and gender.

Citizen Derek Myers: Emphasis placed and primary focus on passing physical fitness test to enter or graduate police academy. High failure rate, too many being turned away causing a shortage of police officers. Better served on training and techniques and less on physical fitness test. Move today to suspend physical fitness requirements effective immediately. We're in crisis mode. Make change today.

Bill Holland: numbers mentioned are way higher, everyone has their own idea. It comes back to what is best for your agency? Keep physical fitness in the academy.

Sheriff Matt Bailey: How many officers have run a mile and a half chasing someone? Something needs to be more applicable with what we do. If officers from a different state transfers their credits to Ohio, they do not have to take a physical assessment test. Officer jobs are more technical now. Officers need to be trained more in technical training not physical.

Mark Preuss Great Oaks: number 1 reason cadets fail is due to physical fitness test. 40 hours is not enough to get from 15 to 50 percentile. Health and wellness, diet, needs to be provided as well.

Lt. Angela Hollis: Is a distance runner and cannot meet the time requirements for mile run. Submits question, what are we looking. Suggest discipline.

SAC Rivers: Point based, can you use total score to pass requirements?

Ms. O'Brien: Are you losing so many because of the PT requirements?

Tim Myer, CPD: Commission needs to balance training. 3 things: importance of fitness, continue to conduct PT including health and wellness. How to measure? Professionals to determine. What to do if do not meet? Not in favor of lowering standards. Can we have a different process of how to get a certificate? It would provide flexibility.

Chair Stanforth announced the discussion is limited to commission members about what to do.

McGuffey's issues – suspend PT and continue as we go? Leave up to commission how to proceed.

Lt. Fitsko: recommends to do away with and suspend physical fitness standards now.

Ms. O'Brien: suggests not a good idea to make decision now. Let's set a date to discuss with curriculum committee and the Attorney General.

Sheriff Heldman: agrees to set time frame to meet with curriculum in March.

Chair Stanforth: Are we addressing other issues?

Attorney Walton: Commission can make a recommendation today but a process needs to be approved by the Attorney General.

Ms. Amstutz: Not comfortable making a recommendation today. Needs to look at education side to meet state minimum standards.

Ms. O'Brien: Appreciates everyone's comments. All Chiefs and Sheriff every action taken have more impact on more people. Makes sense to dig deeper. Need to look at if the standards are fair, how we test, how we score. Is percentage appropriate? Is PT exam taken often as needed and let them take the exam? Too much to digest and resolve today. We have been living with this standard for 20 years. Make a recommendation to submit to Attorney General.

SAC Rivers: Agrees with Ms. O'Brien, but does the commission feel there needs to be a standard?

Ms. O'Brien: Needs to be a standard. Police are at high risk. What is the standard?

Ms. Amstutz: Agrees with Ms. O'Brien.

Atty Walton: Nothing needs to be done today.

Sheriff Heldman: Can you temporarily suspend physical fitness requirements?

Ms. O'Brien: Can it be retroactive?

Atty Walton: We can look into it.

Chair Stanforth: has been here many years. Setting a standard should be a local option. What is primary obligation under law for a physical fitness standard? Need to have a meeting with Attorney General.

Ms. O'Brien: Need someone to look at obligation and what liability does commission have?

Ms. Amstutz: How is physical fitness test not a piece of the basic training?

Chair Stanforth: In 1998 we took back PT. Open enrollment issues because no one could go to an academy unless appointed peace officer.

Ms. O'Brien: Motions to suspend discussion and for curriculum committee to address issues.

SAC Rivers: Moot if commission doesn't dictate standards.

Chair Stanforth: Curriculum committee have charge and timeframe.

Sheriff Heldman: needs data and direction from legal. Meeting set for Jan. 26, 2023 at 10:00am

Ms. O'Brien: Motions to recess.

Chief Harris: Seconded motion. All in favor 8-Yes, Absent-1.

Chair Stanforth: Recess

I. Guest Forum

Chair Stanforth: Explained to guests to identify themselves before they ask a question and to not ask any questions that have already been addressed.

Lt. Shawn Smith, Cleveland PD. Pearson VUE. Would not pay money to, hard to contact, issues with accepting purchase order, difficult to access.

Lt. Mark Dopp, CPD, agrees it is very cumbersome. Have to match a purchase order and customer service is substandard. Submitting purchase orders are too difficult.

Lt. Fitsko: Is this the only company we have?

Lt. Rector: Great opportunity to have test at OPOTA. Students like taking test together at one time.

Executive Director Holcomb: So the major problems are with the purchase orders? Testing going well but process to get to testing.

Asst. Exec. Director Hardy: holding an “Industry Day” mid-February for virtual meeting with Pearson VUE.

Chair Stanforth: Are there other options to Pearson VUE?

Asst. Exec. Director Hardy: There are other companies out there.

Ms. O’Brien: They have the most testing sites within state.

Chair Stanforth: How many testing sites in Ohio now?

Asst. Exec. Director Hardy: 2. System through PearsonVUE using a credit card. There is a meeting scheduled Feb. 17, 2023.

Bill McGee: Are any new instructors coming on board, firearm instructors?

Executive Director Holcomb: Yes. Four new instructors and of the new instructors we have, 3 new firearms instructors and 1 driving instructor.

Asst. Exec. Director Hardy: On entry, we have to qualify 100% to be an instructor.

Ted Owens OASIS: Private Security Firearms training. Using air pistols to qualify. Needs to have semi-automatic firearms qualifying course for private security.

Executive Director Holcomb: Private Security 4749.10 can carry shotguns, pistols and “other”. For us it is a pistol or shotgun no other platform. Will be meeting with Public Safety later this month.

Chair Stanforth: So this is premature?

Executive Director Holcomb: Yes. Director at Dept. of Public Safety are in support, not sure that commission can do that but we are meeting with them later this month.

Ted Owens OASIS: This needs to be decided and all parties need to be involved. OASIS needs to be involved.

Chair Stanforth: Does a course already exist?

Executive Director Holcomb: A rifle operator course is offered to peace officer but not extended to private security.

Chair Stanforth: Nothing else for us to decide.

Executive Director Holcomb: No. We have a meeting later this month with DPS.

Commander Ernie Oergel, Polaris: Need clarification between expungements and sealed records regarding webchecks.

Executive Director Holcomb: I would like our legal counsel Cyndy Peterson to answer.

Attorney Cyndy Peterson: Not easy to evaluate. They do need to disclose expungement and sealed records. You should be getting guidance from your counsel. They might not count as a conviction.

Chair Stanforth: Thank you everyone.

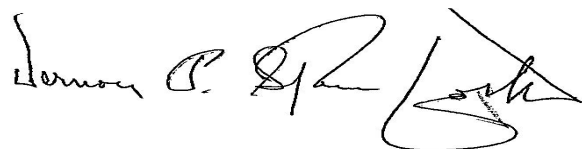
J. Adjournment

MOTION: Motion to adjourn moved by Chair Stanforth. The motion was seconded by Ms. O’Brien. A vote was taken and passed unanimously. **Yes-8, No-0, Absent -1, Abstained-2.**

The meeting stands Adjourned.

Time: 1:45 pm.

These transcripts are not verbatim. Audio recordings are available upon request.

A handwritten signature in black ink, appearing to read "Vernon Stanforth". The signature is fluid and cursive, with a large, stylized initial "V" and "S".

Chair Vernon Stanforth