



MIKE DEWINE

★ OHIO ATTORNEY GENERAL ★



Ohio Peace Officer Training Commission
Office 800-346-7682
Fax 740-845-2675

P.O. Box 309
London, OH 43140
www.OhioAttorneyGeneral.gov

Final Draft
Submitted November 20, 2011

OHIO PEACE OFFICER TRAINING COMMISSION MEETING

THURSDAY, SEPTEMBER 15, 2011

HELD AT THE

OHIO PEACE OFFICER TRAINING ACADEMY

1650 STATE ROUTE 56 SW

LONDON, OHIO 43140

MINUTES

I. OPENING

A. CALL TO ORDER

Chairperson Vernon Stanforth called the meeting to order at 9:10 a.m.
Colonel John Born led the pledge of allegiance.
Ms. Donna Long called the Roll.

COMMISSION MEMBERS PRESENT

Chairperson Vernon P. Stanforth
Sheriff Thomas G. Maurer
Sgt. Troy Mineard
Chief Paul Denton
Ms. Linda O'Connor
Mr. Stephen Schumaker
Colonel John Born

B. WELCOME AND INTRODUCTION OF GUESTS AND STAFF

ATTORNEY GENERAL'S OFFICE

Mr. Jeffery Clark
Matt Kanai

Attorney General's Office
Attorney General's Office

GUESTS AND STAFF

Commander Walt Poffenbaugh
Lt. Gregg Gaby
Ms. Chelley Seibert
Mr. Eric Wallace
Mr. Eric Leaming
Ms. Ellen Owens
Mr. Rick Amweg
Mr. Ellis Willis
Cadet Kathryn Berry
Captain Geoffrey Barnard
S/LT Mike Crispen
Mr. James Goodman
Cadet Michael Wonsick
Mr. Robert Fiatal
Ms. Donna Long
Ms. Amy O'Grady
Mr. Lou Agosta
Ms. Sarah Thomas
Ms. Mary Davis
Mr. James D. Daniels
Ms. Erin Sainato
Ms. Jill Gregory
Ms. Arienne Fauber
Ms. Tiffany Cerana
Ms. Mary Broyles
Ms. Lori Wachtel
Mr. Justin Cain
Ms. Lisa Murray
Mr. Justin Hykes

North Central State College
Dayton Police Academy
Dayton Police Department
Eastland Career Center
Ohio Dept. of Public Safety – EMS
Ohio Dept. of Public Safety – EMS
Ohio Board of Regions
Sinclair College
Eastland Career Center
Cleveland Heights Police
Ohio State Highway Patrol Academy
Fairfield Career Center
Fairfield Career Center
OPOTC Executive Director
OPOTC Secretary
OPOTC Deputy Director
Asst. Director of L.E.S.
OPOTC Law Enforcement Training Officer
Deputy Director Education & Policy
OPOTA Law Enforcement Training Officer
OPOTC Staff
OPOTC Staff
OPOTC Staff
OPOTC Staff
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II. CHAIRPERSON REPORT

Approval of Minutes

Sheriff Maurer motioned the minutes of the July 21, 2011, meeting be approved. Colonel John Born seconded the motion. A vote was taken and the motion passed favorably.

Chairperson Stanforth had nothing to report.

III. CURRICULUM COMMITTEE

Chief Paul Denton

Committee Chairperson Denton met with the Curriculum Committee prior to this meeting. There were a couple items for the Commission's consideration. First, approval of updates of the lesson plans for the basic peace officer training curriculum, the private security curriculum and the peace officer basic refresher curriculum. These had been reviewed by the Curriculum Committee as part of the ongoing process by staff, the primary changes involved legal standards, criminal proceeding and case laws. Since their approval six months ago, nine (9) more changes in terms to the legal items were added. Committee Chairperson Denton referred to the packet each OPOTC Member received, listing the items reviewed by staff and purposed for approval by the OPOTC.

Committee Chairperson Denton asked Deputy Director Mary Davis if she had anything she would like to add to the report. Ms. Davis referred to the handout labeled Commission Meeting Curriculum Changes. It was a brief summary showing the revised 30 lesson plans and the merging of some topics will give a total of 27 released lesson plans across three curriculums: Peace Officer Basic Training, Private Security Academic and the Peace Officer Basic Training Refresher.

Ms. Davis pointed out that there were changes in the POBT 1-5 Ethics, which was being recommended as a mandatory topic, for a total of three hours. In Private Security Academic the same ethics and professionalism topic has been recommended as a new and mandatory topic. The change will increase the curriculum by three hours.

MOTION

Committee Chairperson Denton moved to recommend the above to OPOTC for approval; the motion was seconded by Sgt. Mineard. Chairperson Stanforth as if there was any need for discussion and no discussion was brought forth. Chairperson Stanforth asked for a vote for approval of the motion, the motion passed by vote.

Mr. Fiatal stated that as far as the breakout for these revised lesson plans, the transition would basically involve providing all this information to all the Basic Peace Officer and as well as the Private Security Commanders and have them in effect for both the instructional purposes as well as the testing purposes for schools who begin after January 1, 2012.

The second item from the OPOTC Curriculum Committee is the Semi-Auto Pistol Qualification Course. This had been under review for approximately two years now. We have a final package that they would like to present to the OPOTC for consideration and approval.

MOTION

Committee Chairperson Denton recommends that approval of the Semi-Auto Pistol Course. Committee Chairperson Denton stated that Mr. Fiatal would explain the course. Chairperson Stanforth stated that we do have a motion; the motion was seconded by Sgt. Mineard. Chairperson Stanforth asked for discussion and Mr. Fiatal opened the discussion.

Mr. Fiatal stated that all the OPOTC members as well as the OPOTC Curriculum Committee were provided what was the current proposed pistol qualification course, with some addition modifications since the last time this was provided, as well as demonstrated at the Ohio State Highway Patrol Academy in March 2011.

Mr. Fiatal went on to say that we had another working group meeting and there were some concerns brought forth of some of the members of that working group. Again trying to obtain consensus, we have made changes to accommodate those concerns which are highlighted in yellow in the handouts.

- **There was concern as to, if this would be applicable to both the primary and secondary weapon, secondary being defined by the agency; OPOTA doesn't define the code and it will need to be determined by the agency. This is designed for the officer's primary weapon.**

This qualification course is to be applied to the officer's primary duty weapon as defined by the officer's law enforcement agency.

- **Another issue is the scoring area for the first stage, retention type shooting, quick from the draw, right from the holster. Previously we expanded that area to include the whole silhouette area. The concerns with this area were discussed and looking at the studies conducted, nobody has had any problems at the 4-foot line.**

So it has been changed to make it uniform that the scoring area will be in the preferred scoring area as opposed to the whole silhouette for the retention shooting at 4-feet. We made the change not only at the description of that stage, but also at the course of fire quick reference, and a couple other areas where the silhouette area has been changed.

The only thing Mr. Fiatal would like to emphasize is that we don't want to set on this for another thirty years. This should be a living, flexible document and as these issues do come up during its transition period or otherwise, the curriculum committee and the OPOTC; as well as the OPOTC staff and working group will make and incorporate those changes.

- **There was an issue about when you are at the final stage, which is at 50-feet. There are a couple anecdotes from one of our surveyors that some officers; once they got back to 50-feet realizing that if they shoot those two rounds off the**

silhouette they would be penalized one point by our current standard; they choose not to expend those rounds.

So there were some concerns about what we will do about keeping officers from gaining that 50-foot, the scoring for additional rounds fired, and for firing over the allotted time limit. Everyone is concerned about legal standards, when in actuality the only real legal standard when dealing with deadly force is that with all legal standards for as far as constitutional liability, come back to constitutional compliance. Constitutional compliance as it applies to deadly force means are you shooting a threatening target, is it a true deadly force situation? Mr. Fiatal feels that this standard will one, be legally indefensible and two is going to set some pretty strong muscle memory if people are encouraged to shoot after there is no longer a threat. Rather, it's by the turning of a threat.

Mr. Clark stated that this course is focused on testing accuracy rather than shoot don't shoot situations. He also thought that we would point out the concern of training that might threaten the safety of an officer by putting them in situation where an incentive not to shoot when they should shoot.

- **The second issue was penalty for firing over time in what was an intentional shot over time.**

Language was changed to reflect that it comes down to the discretion of the instructor. The instructor will know when he/she hears or sees it.

Firing rounds over the allotted time limit (-1 point for each additional round fired). The firearms qualification instructor shall determine if rounds are fired outside the allotted time limits based upon the totality of circumstances.

The following verbiage was added: The firearms qualification instructor shall determine if rounds are fired outside the allotted time limits based upon the totality of circumstances.

Mr. Fiatal stated that at the OPOTC Curriculum Meeting it would be unfair to say that there were not some concerns raised. There were concerns raised from Dayton Police Department, which were discussed in detail during the curriculum meeting. The concern is that tactical items should be built into the course, which we need to get some consensus between the requalification standards and training standards. The side step moving and the scanning after the threat is eliminated, the only comment was that yes this is a consensus again and secondly, that there are no penalties for failure to side step or failure to scan. This process will be reviewed and updated as needed. All departments are encouraged to contact the curriculum staff with any concerns.

Mr. Fiatal stressed that if there are any changes in qualifications standards, there will be sufficient time for every agency to become accustomed, to break it in, and to become familiar

with the updates. If this course is approved by the OPOTC, leaving it up to the digression of the executive director it will become effective on January 1, 2012. There will be a transition period of one year for agency application. During that one year period it will be optional essentially for the agency to either use their current qualifications or the OPOTC Adoption new pistol course, if adapted over that one year period. Then as of January 1, 2013 the new course and any changes made to it during that one year period will be in effect for all agencies across the state.

As far as application to the basic training academies, it depends on the breakout for our now under revision firearms lesson plans. The earliest effective date will be in July 2012 for the Peace Officer Basic Training Academies and at the latest January 1, 2013. It comes now to rather there are any changes or concerns and if we can get the lesson completed.

Curriculum Chairperson, Paul Denton stated that another point that was made during the curriculum meeting earlier from the Ohio State Highway Patrol Academy as to if this would be an ongoing process, it will and we will continue to see feedback and data, to see how qualifications are going. We do have the option of making changes as needed.

Colonel Born spoke to Chairperson Stanforth and Director Fiatal, thanked OPOTC for the work they put into the revision. Colonel Born referred to the statement that it would be a one year transition period; will the commission vote prior to it being the only course, so that as we make these changes and the document breaths, changes and grows? January 1, 2012 it goes in as an option and January 1, 2013 it would go in as the only program. Mr. Fiatal responded that was only if it was at his, the Executive Directors digression. If the OPOTC wants to have another break-in period, by all means I would have to honor that decision.

Curriculum Chairperson Denton responded that this would be a separate motion, as discussed in the curriculum meeting that the director would make that decision as to how implementation would be done.

Colonel Born questioned that the motion is that we adopt this course with a one year transition? Chairperson Denton responded that the motion was to simply adopt the course. We were prepared to make a second motion to give that digression of implementation to Director Fiatal, if someone would like to propose that. Sgt. Mineard made the motion that we accept this under the direction of the Executive Director. Chairperson Stanforth announced that there was already a motion made, Sgt. Mineard then seconded the motion, which Chairperson Stanforth announced he thought it was already seconded. Curriculum Chairperson Denton stated that the course itself and the implementation were two separate items for discussion. Chairperson Stanford asked if there was any further discussion.

Colonel Born then moved to amend the motion to have a one year transition with the course if it's approved. Chairperson Stanforth goes back to Chairperson Denton to make that motion. Chairperson Denton stated that he could do that if so moved. The motion was seconded by Colonel Born. After several discussions and amended motions the following motion was made.

MOTION

Chairperson Denton recommended to the OPOTC that they approve the application of the proposed Semi-Automatic Pistol Qualification Course with a break-in or transition period to begin January 1, 2012. And that transition period would become effective for all agencies January 1, 2013. Chairperson Stanforth asked if everyone understood the motion, or if there were any further discussion. All in favor say I. The motion was made by Chairperson Denton and seconded by Sgt. Mineard. The motion passed favorably.

The final item brought-up by Curriculum Committee Chairperson Denton was the update on the status of the JTA. Chairperson Denton introduced Deputy Director Mary Davis for the report on the JTA.

Ms. Davis stated that last month we met with the Law Enforcement Advisory Panel to look at the results of the JTA. As requested, they looked at items that were very close to where they would fall on the survey. The vendor was scheduled to have the final report to OPOTA on September 16, 2011. Once that report is received we will start evaluating from there.

Chairperson Denton hopes to have an update on the review by the OPOTC Meeting on November 17, 2011. Mr. Fiatal stated that once the report is received it is owned by the state. We hope to use this report for the policy development as well as the Curriculum Committee to determine if we are providing the right training required by our law enforcement officers.

Chairperson Denton introduced Commission Member Ms. O'Connor who discussed the HB223 Emergency Services Telecommunications Certification. Ms. O'Connor explained that HB223 is up for renewal and she would like to put a proposal on the table that OPOTA and the Department of Education along with the Department of Public Safety get together in the near future to discuss updating the curriculum. Although it is an unfunded mandate, the standards in the curriculum need to be updated for those components for that certification. Ms. O'Connor would like to meet as a group and update the curriculum.

Mr. Fiatal asked if there were any representatives present from the Department of Public Safety. Ms. Ellen Owens and Mr. Jeff Leaming were present from the Department of Public Safety and welcome the opportunity to sit down and speak with the Department of Education regarding this issue.

Mr. Fiatal suggested the OPOTC Members suggest people who might join us on the project. Obviously we would want the patrol, chiefs, and the sheriffs to be on board. We could go to OACP, BSSA, and OSP and see if people would be interested in working with this project.

Chairperson Denton stated that concluded the Curriculum Committee Report.

IV. LEGISLATIVE COMMITTEE

Troy Mineard
Committee Chairperson

Chairperson Stanforth named Troy Mineard as new chairperson for the Legislative Committee.

Chairperson Stanforth encourages the committee to stay up on all legislative changes.

Mr. Fiatal advised the OPOTC that our Education and Policy Section does a weekly Legislative Report. That report will be shared with all the OPOTC Members. Sgt. Mineard will get with Deputy Director Davis to discuss this further.

V. HOUSE COMMITTEE

Colonel John Born
Committee Chairperson

Chairperson Colonel Born stated that the House Committee has not met and that there is no report. Chairperson Born plans to meet prior to the first 2012 OPOTC meeting. Chairperson Born requested that Donna Long, OPOTC Secretary or staff to provide 2009 to present minutes from the House Committee. Mr. Fiatal stated that there weren't many meetings in the past, but we would provide the minutes that were in existence.

The House Committee consists of Chairperson Colonel Born, Stephen Schumaker and soon to be appointed FBI representative.

VI. CONTINUING PROFESSIONAL TRAINING COMMITTEE Sheriff Thomas G. Maurer
Committee Chairperson

Chairperson Maurer had nothing to report.

STAFF REPORT

VII. COMMISSION AND ACADEMY UPDATES

Executive Director Robert Fiatal

Mr. Fiatal stated that we do regulate when we address lesson plans, as well as instructor qualifications for these courses. We have made a change to instructor qualifications, which should not have any effect for any onboard instructors it will be prospect and application.

Mr. Fiatal introduced Deputy Director, Amy O'Grady to explain. Ms. O'Grady explained that in addition to reviewing curriculum we are also looking at instructor qualifications. We want to make sure that instructors are prepared to teach cadets. We want to raise the bar on every agency big or small to assure that they have the quality of instruction. We want to encourage a greater knowledge in the subject area and passion about the subject matter. We want to give the opportunities to instructors that come to the training academy.

Ms. O'Grady went on to explain that as part of that we recently review the traffic unit. As many of you know when you arrive at the scene with many issues that come into play, causes concerns as to whether or not these requirements should be changed. All new instructors or instructors who certifications have lapsed will need to meet these requirements. They must

have five years of full time law enforcement experience; a new requirement would be an 80 hour Level One Traffic Collision Investigation Course. So again, this is an eighty hour course and we as an alternative, which we have in many cases, consider evidence to support that the instructor has had training in the subject area that is evaluate to what is being taught in this Collision Investigation Course. As an example, OSP Troopers have had this type of training in the collision course. And finally, 80 hours of Instructional Skills, which is required of unit instructors under the Administrative Code. The exceptions to the units that don't require this 80 hour collision course are Topic 10-6 Speed Enforcement and Topic 10-8 Alcohol Detention Apprehension and Prosecution. And finally we will work through Advanced Training that we have appropriate courses offered to allow instructors who want to teach in this unit to have that collision course.

Mr. Fiatal stated that in conjunction with the current breakout of the lesson plans that were presented earlier; we plan to have a Private Security Academic Commander's Conference on November 10, 2011 here at London with remote training simulcast to the Richfield Campus. This is the best way to break in the new lesson plans, make them effective and also advise them of how we can help them has far as getting certified instructors to teach these courses.

The Basic Peace Officer Commander's Conference will continue to be held yearly.

Ohio Crash Report, it was brought to our attention by Chief Denton that there had been a committee working on the design and implementation of new Ohio Crash Report. Mr. Fiatal met with this committee and discussed the option of a design and breakout of an e-OPOTA course. Mr. Fiatal stated that last fiscal year; we had 37,000 e-OPOTA courses completed. Currently there are 60 e-OPOTA courses in the catalog. He also presented the option of doing webinar training, with the same workout; the average attendee's for the webinar training courses is around 350. We can help facilitate and help with the delivery of that program.

Colonel Born stated that they were notified that the OH1 will be in transition period in 2012 with mandatory use of the new OH1 in 2013. There was some discussion has to requiring that beginning in 2012, but due to cost factor, training and reaching all the officers made it unfeasible for 2012.

Mr. Fiatal spoke about a concern of the Attorney General, Mike DeWine, providing training for campus security to the point where he invited all the campus police to provide Mr. Fiatal suggestions for training that would be focused on campus security.

Mr. Fiatal and Rick Amway, Ohio Department of Public Safety will be meeting directly after the OPOTC meeting. There are some Title 9 concerns that were set forth by the U.S. Department of Education. That is something he feels we might be able to satisfy through the development of an e-OPOTA course.

There will be several new e-OPOTA courses breaking out next week. One is the Prescription Drug Abuse Awareness as well as Investigations courses. John Burky, a national recognized expert from Warren County is our expert on this. We also need fourteen regional trainings on this topic as well. We will be breaking out two new courses on Autism Mossberger

Awareness and Inaction Response with People with those Situations. We have a counterpart who is very progressive in the electronic delivery of law enforcement training. The State of Maine, has their own catalogs, use the same software, same narrator and we have actually purchased licenses from them for two of their other courses for Human Trafficking Awareness Investigations. We have taken a look at all of their courses and these two stood out. We believe there is a real need and demand for it. We are also creating a contract to purchase two other courses; one will deal with crime scene investigations and another one in officer wellness and survival. Basically on stress and on how to deal with stress overload, which is something that hasn't been, addressed much in the state of Ohio.

Mr. Fiatal reminded everyone of the Attorney General's 2011 Law Enforcement Conference to be held on October 13 & 14, 2011 at the Hyatt Regency in Columbus. We have three great keynote speakers, two great lunches and we are really proud of our workshops. We have everyone represented this year: sheriffs, chiefs, patrol, crime victims and legal.

We will also have our OPOTA Employee Awards Luncheon on November 2, 2011 and we had the Attorney General's Awards Ceremony on September 14, 2011, which our Business Manager, Scott Weimer received one of the PRIDE Awards.

That concluded the staff report.

Ms. O'Conner asked about the new e-OPOTA courses. Mr. Fiatal stated that they should be released next week. They are being transferred from the vendor in Maine to our learning management systems.

Mr. Fiatal also announce that the OPOTA On-Line Catalog and the On-Line Law Enforcement Directory are up and running and will be revealed during the Law Enforcement Conference. The new directory will supply links to connect with the BSSA, Prosecutors, Coroners, and Federal agencies.

VIII. OLD BUSINESS

Chairperson Vernon P. Stanforth

There was no report for Old Business.

IX. NEW BUSINESS

Chairperson Vernon P. Stanforth

Sheriff Maurer questioned Director Fiatal regarding the Casino Gambling Revenue. Has there be a route established to OPOTA for the training funds by the Attorney General for the anticipated revenue? We spoke a couple years ago and at the same time the CPT looked at other revenue streams out there, we put one on a shelf anticipating that the revenues from the gaming would come our way for all Ohio officers. Do you know if anything as been established?

Mr. Fiatal responded that there has not been anything established for transferring that money from the State of Ohio to the Attorney General for any use. Nor has there been anything put in place as to how the monies once obtained by the Attorney General will be routed. The only

step Mr. Fiatal has taken is those by the statute OPOTA is required to train the gaming agents. We have been working with an individual contractor in Las Vegas, working with the casinos themselves to make us the most effective. In talking with Rock Caesars legal council yesterday, the breakout for the temporary Cleveland Casino will be mid-March 2012 and the plan breakout for the Cincinnati Casino is January 2013. We are trying to get ready for the Cleveland Casino Gaming Agents.

Sheriff Maurer asked if the Casino Gaming training would come through OPOTA? Mr. Fiatal replied that we will provide the training and it is to be paid for by the casino taxes. That along with the salaries comes off the top. Would Stephen Schumaker be the one to answer the question as far as the revenue funding stream to OPOTA? Mr. Fiatal stated that nobody is even considered at this time.

Mr. Matt Kanai, General Council for Law Enforcement Operations with the Attorney General's Office replied, that his assumption that it is going to happen as a regular fund transfer to direct funds to OPOTA.

Mr. Fiatal stated that as he understood the statutory scheme it was 2% of the taxes 85% of which would go to the OPOTA and 15% of which would go to the Ohio Department of Public Safety.

Mr. Fiatal mention that OPOTA would be doing some free regional training on Dealing with Combat Veterans. PTSD and TDI issues, they will be in December and will be held at the Gahanna Creek Side Conference Center and also at the OPOTA Richfield Campus.

That was the end of the new business and we moved to the Guest Forum.

X. **GUEST FORUM**

Chairperson Vernon P. Stanforth

Chairperson Stanforth opened the meeting to public comments and/or concerns.

There were no comments or concerns for the guest forum.

XI. **Presentation for Criminal Justice Skills USA**

As mentioned in the July meeting, Commissioner Linda O'Connor invited students from the Skills USA program to speak at this month's meeting. Ms. O'Connor and Doug Daniels, a Law Enforcement Training Officer for OPOTA, work closely with the Skills USA program career technical students. The Skills USA competition is judged through a written examination and practical exercises, which assess students' knowledge in the criminal justice field. Ms. O'Connor announced that Ohio has taken the top prize in the event for two years.

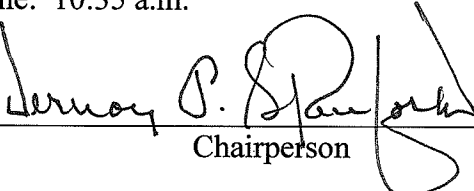
Skills USA participants including Nicholas McCullough, Past President of the Ohio Chapter, Matthew Herring, Zack Sanford, Caleb Houston, Jeffrey Piper, Katherine Berry, Eric Wallace, and James Goodman addressed the Commission, discussing their experiences in the program

and their future career plans. A plaque was presented to Chairman Stanforth thanking the Commission and its staff for its contributions to the competition.

XII. MOTION TO ADJOURN

Sheriff Maurer motioned to adjourn the meeting. Chief Denton seconded the motion. All were in favor. Meeting adjourned.

Time: 10:35 a.m.



Chairperson

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