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OHIO PEACE OFFICER TRAINING COMMISSION MEETING

THURSDAY, MARCH 21, 2013

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 10:08 a.m.
Chief Ronald Ferrell led the Pledge of Allegiance.
Ms. Donna Long called the Roll.

COMMISSION MEMBERS PRESENT

Chairperson Vernon P. Stanforth
Chief Ronald Ferrell
Sergeant Troy Mineard
Ms. Linda O'Connor
Chief Paul Denton
Colonel John Born

B. WELCOME AND INTRODUCTION OF GUESTS AND STAFF

ATTORNEY GENERAL'S OFFICE

Mr. Jeff Clark

Attorney General's Office

GUESTS AND STAFF

Mr. Thomas Quinlan
Mr. Mike Crispen
Ms. Kathleen Barch

Columbus Police Academy
Ohio State Highway Patrol Academy
COTC

Ms. Chelley Shibert	Dayton Police Department
Mr. Gregg Gaby	Dayton Police Department
Ms. Arienne Fauber	OPOTC Staff
Mr. Robert Fiatal	OPOTC Executive Director
Ms. Donna Long	OPOTC Secretary
Ms. Mary Broyles	OPOTC Staff
Ms. Lori Wachtel	OPOTC Staff
Mr. Aaron Coey	OPOTC LETO
Ms. Mary Davis	OPOTC Deputy Director
Mr. Eric Schaefer	OPOTC Staff
Ms. Sarah Thomas	OPOTC Staff
Mr. Scott Weimer	OPOTC Business Manager
Mr. Louis A. Agosta	OPOTA Deputy Director
Ms. Jessica Didion	OPOTA Deputy Director
Ms. Alice Robinson-Bond	OPOTC Deputy Director
Mr. John Green	OPOTA Deputy Director
Mr. Justin Hykes	OPOTC Assistant Attorney General

II. CHAIRPERSON REPORT

Approval of Minutes

Colonel John Born motioned that the minutes of the January 17, 2013 meeting be approved, Sgt. Troy Mineard seconded the motion. A vote was taken and the motion passed favorably.

We have received word on the appointment to the OPOTC for Sheriff Michael Heldman, we are waiting for the documentation from the Governor's office.

III. CURRICULUM COMMITTEE

Chief Paul Denton
Committee Chairperson

Chief Paul Denton and the OPOTC Curriculum committee met prior to this meeting, with all members in attendance. The committee had received in advance a packet of materials for the changes to the following curriculums: peace officer basic, peace officer refresher, corrections basic, private security and humane agents. Each OPOTC Member was given a copy summarizing those curriculum changes in their folders.

Chief Denton highlighted a few of the changes. Topics 3-6 The Missing & Human Trafficking hours have increased from 8 to 12 and the Human Trafficking Addendum and Missing Persons have been incorporated. Topic 3-10 Community Diversity which the updated content covers such things as culture, race, age, and sexual orientation. Those hours will decrease from 24 to 12. These changes were the recommendations of the Subject Matter Experts and represent several groups. There also included a research and teach back component, which enhances the learning modules for that particular topic.

Topic 8-1 Patrol techniques are a combination incorporating 8-2 Foot Patrol, 8-3 Responding to Crimes in Progress, 8-8A Radio Procedures, and 11-6 Arson Scene Investigation. This will be a mandatory topic. The hours increased from 8 to 12, with 6 hours for practical exercise. Ratios added for practical exercise, 3 instructors per scenario and 2 vehicles per scenario. This course becomes a skill topic and it does incorporate the single officer response tactics.

Several topics were merged into other content areas. All of these changes are the result of the Job Task Analysis identified as important or required as part of the basic training.

Chief Denton asked the OPOTC members to review all the changes and to consider a motion from the committee for the OPOTC to approve all of the revisions as submitted.

MOTION

Chief Denton made the motion to approve the recommended changes to the submitted curriculums. The motion was seconded by Sgt. Troy Mineard. No discussion was brought forth, the vote passed favorably.

Chief Denton spoke about the current mandatory topics verses the non-mandatory topics. It currently stands that approximately 5% of the basic peace officer training curriculum is deemed not mandatory, which means the students are not required to make up those topics. Based on the curriculum committee discussion this morning, it is the goal of the committee and OPOTC staff to make the entire curriculum mandatory for students, which would require topics missed be made up.

MOTION

Chief Denton would like to make a motion to make all hours of basic peace officers' training as mandatory attendance. Sgt. Troy Mineard seconded the motion.

DISCUSSION

Chief Denton stated that as a committee member, he believes this will require some additional research and evaluation as to the impact. The implementation period would need to be considered along with the full impact on agency academies and open enrollment academies.

Sgt. Troy Mineard stated that the processing for audits would be a lot simpler. Currently, they have to look at what training was missed, depending upon mandatory, non- mandatory, does it have to be made up. With all topics mandatory, anything missed would have to be made up.

Another concern is that the students miss days for non-mandatory topics. Since these items are not mandatory, a hiring agency will not know what block of training was missed by the student. Sgt. Mineard feels if this is their chosen field, everything should be mandatory.

Mr. Fiatal stated that the financial impact would probably be on the open enrollment academies. Generally, open enrollment academies charge for instructor fees to make up courses. Ms. O'Connor pointed out that the mandatory topics come with safety and liability issues. Most of these topics have safety and high liability concerns. How will we determine what is sufficient information that can be skipped and what is relevant information?

Chairperson Stanforth asked the OPOTC staff if they were seeing an abuse. Mr. Fiatal referred to Ms. Kathleen Barch, Director of Central Ohio Technical College who voiced concerns in the OPOTC Curriculum meeting earlier.

Ms. Barch stated that she brought her concern to the table during the OPOTC Curriculum meeting during open discussion. There has never been an official study completed, but as the

director of many basic police training academies, she has witnessed up to 12 hours of missed training. Yes, there is a financial impact, but as far as the academy is concerned the commanders would have the burden off their shoulders, by removing the non-mandatory courses, and making them all mandatory courses. The college itself has to review all the courses, determine the non-mandatory courses and reschedule the make-up sessions for the mandatory trainings. If the OPOTC is interested, Ms. Barch would go back through a number of her academies and provide data.

Mr. Fiatal stated that many of the commanders do not know that a student has missed more than 5% until the final audit has been completed. Then the dilemma is getting those students trained in time or it delays the whole academy in testing.

Chief Ferrell asked Ms. Barch how many opportunities are given to the students to make up the missed work. Ms. Barch stated that they privately discuss the matter with the student and if we see an abuse, it is viewed differently than one who is sick and obviously can't attend for a reason. They are all viewed on a case by case basis.

Chief Denton stated that the advantages can be easily seen, but it is the consequences that need to be looked into before making a decision.

Chief Denton made the motion to table this decision and to refer back to the OPOTC Curriculum Committee for further review and assessment.

Mr. Fiatal suggested adding this topic to the agenda for the Commander's Conference scheduled for May.

MOTION

Chief Denton made the motion to table the motion to consider making all hours mandatory. We are voting on tabling the motion until at least the next meeting. The motion was seconded by Chief Ferrell. The vote passed favorably.

Chief Ferrell suggested that the feedback from the commander's conferences be discussed at the July 18th OPOTC meeting.

Chief Denton commended Director Davis and her staff for their work on the curriculum.

Chairperson Stanforth stated that he has received several phone calls from students regarding the physical fitness testing. Mr. Fiatal stated that he also gets calls from students. A lot are from students who have failed the physical fitness test and they want a third attempt to pass the test. We look into each complaint; we speak with the field agent who is at the physical fitness assessment test; we make sure that all protocols are properly followed. Depending on the situation, there may be opportunities to get a medical extension, each request is investigated fully.

Ms. Robinson-Bond stated that one of the things that will be shared at the commander's conference is how to get the students prepared for the physical fitness testing.

Chief Denton asked if there was an appeal process. Mr. Fiatal stated that there is no appeal process, because they are not certified officers, or instructors, they cannot file for a 119 hearing.

Mr. Fiatal stated in all the investigations, there has been only one incident that I have approved for a retest. A student tripped and fell to the ground on their last lap due to a mat that was left on the running track. That was a protocol situation. If we start make determinations based upon the worthiness of character, it puts me at an unfair disadvantage.

Ms. Barch stated that their institute actually gets a signature from each candidate prior to enrollment demonstrating where their standard has to be at the end of the academy. She asked if this was just something done only by their agency or is it something that OPOTA recommends. Mr. Fiatal responded that it is part of the field agents briefing to everyone on the third day; this is what you have to do to pass the physical fitness testing. There is a statement of understanding signed.

Mr. Fiatal stated that students who can't do the running portion of the test are given the opportunity through medical documentation to offer them the test on a Schwinn Airdyne Bike. All the standards are researched by the Cooper Institute. Some academies are doing pre-PT Testing and the result is very low failures in the P.T. testing area.

Ms. Davis stated that the standard of two attempts came from the fact that in code, the students are given two chances to take the state exam. That standard was applied to the curriculum.

Mr. Fiatal stated that the exam is a code and statute provision. The actual SPO's would fall on the OPOTC.

Mr. Clark said that there are four minimums scattered throughout the code. The statute on the code, as far as the SPO's set by the Executive Director, that is in the explanation of the basic training course 109:2-1-16 it is understood that the units, topics, hours and student performance objectives are recommended by the Ohio Peace Officer Training Commission and approved by the Attorney General are established as mandatory minimums for obtaining certification. It encourages Instructors and Commanders to exceed those minimums. The retest limitations that we are familiar with are for the final state examination.

Gregg Gaby, Dayton Police Department stated that he is glad the standards are in place, they are there for a reason.

Chairperson Stanforth felt this was a good place to stop and table the discussion.

That concluded the Curriculum Committee Report.

IV. LEGISLATIVE COMMITTEE

Sergeant Troy Mineard
Committee Chairperson

Sgt. Troy Mineard stated that the academy staff is tracking 21 bills that have been introduced. Two stand out; the Bill to Regulate Internet Cafes' has passed the house and is now in the senate. The second Bill is the transportation bill which passed, to increase the speed limit from 65 mph to 70 mph.

Mr. Fiatal mentioned an amendment to HB 59 proposed by the BSSA that would allow jail officers to attend peace officer firearms programs.

In reference to using corrections officers to transport inmates, Chief Ferrell asked how the Carry Concealed Weapon's would work with that. Mr. Fiatal responded that they already open carry, it should not matter that they carry concealed. We are trying to assure that they have taken the steps that might be necessary to assure those transporting corrections officers. The goal is for us to look over the statutes and share comments with them, to help them to meet their goals.

That concluded the Legislative Committee Report.

V. **HOUSE COMMITTEE**

Colonel John Born
Committee Chairperson

Colonel John Born stated there was nothing to report. That concluded the House Committee Report.

VI. **CONTINUING PROFESSIONAL TRAINING COMMITTEE**

Committee Chairperson

Mr. Fiatal stated that in 2013 there was no mandatory CPT for any law enforcement officer. Going back to the requirements, for there to be a mandate for continuing professional training, it has to be supported by reimbursement dollars to those agencies. Our business manager estimated the cost to be about \$680,000 dollars per hours per CPT required hour of training. It is essentially a funding matter.

Chairperson Stanforth asked if CPT was to be set for 2014, what date would it have to be done by. Mr. Fiatal stated by October 15th or October 31st.

That concluded the Continuing Professional Training Committee Report.

STAFF REPORT

VII. **COMMISSION AND ACADEMY UPDATES**

Executive Director Robert Fiatal

Mr. Fiatal spoke about the Police Rifle/Carbine Standard Qualification Course. Each OPOTC Member had a copy of the draft in their folders. This was introduced at the January 17th OPOTC meeting. Mr. Fiatal asked if any of the OPOTC had the opportunity to share this with their agencies firearms instructors or experts to see if there was any additional feedback. We have developed this with a lot of our law enforcement partners, including the firearms instructors at the OSHP. We were hoping to get some kind of a consensus on this proposal, so that we could build in a long term transition period like we did with the pistol and shotgun course, which would include a one year voluntary use of the qualification course prior to it going into effect. This gives them time to build a familiarity with the course. Again, this would be a minimum qualification standard, we are urging the agencies to go beyond this in their training. We are trying to come to a universal qualification standard across the state.

Mr. Fiatal urged the OPOTC member's to take it to their agency firearm instructor(s) and get their input on it.

Mr. Fiatal asked Deputy Director Robinson-Bond to give an update of the K-9 proposal to require K-9 units to be re-evaluated annually as opposed to every other year, which was brought forth by one of our constituents. Colonel Born had requested during the January 17, 2013 OPOTC meeting that a survey be sent out to current evaluator and K-9 units to obtain feedback.

Ms. Robinson-Bond stated that as recommended from the OPOTC in January, an email was sent to certified evaluators and unit officers. We received a number of responses, one being negative and the rest were positive. Each OPOTC member received a copy of the responses.

If the OPOTC decides that they want to change to an annual certification now or in a future meeting, that would require a vote from the OPOTC.

Mr. Fiatal stated regardless what the OPOTC decides to do with this; we are scheduling new evaluator training for K-9's once a year. This will help keep up with demand of this process.

Colonel Born asked if Mr. Fiatal was looking for a vote or a motion at this time. Mr. Fiatal said they were prepared to continue whichever way the OPOTC decided to proceed.

MOTION

Chief Ferrell made the motion to accept the change to an annual K-9 Certification from its current 2 year certification. The motion was seconded by Colonel Born. After a short discuss the motion was voted on and passed favorably.

DISCUSSION

Chairperson Stanforth asked for discussion. Chief Denton stated that he felt fully briefed from the last meeting and supported calling for a vote. Mr. Clark stated per Administrative Code 2-7-05(B) any change in the certification process would require going in front of the Legislature for change.

For the second item under Academy Updates, Mr. Fiatal asked Ms. Robinson-Bond to give a report on suspensions/revocations.

Ms. Robinson-Bond stated that OPOTC was not receiving information on felony arrest involving police officers. She has been using a search website that helps her keep track of what is going on around the state. As a result of that, peace officers have had the second highest decertification in the last 9 years. In the months of January and February of this year, we have already decertified 14 officers who have been convicted of a felony, or those who plead to a misdemeanor, and agreed to relinquish their certification.

Mr. Fiatal stated that it is a statutory requirement that the head of an agency advise us of felony convictions or misdemeanor where they agree to give up their certificate. Ms. Robinson-Bond stated that many times the officer is terminated from the agency before the felony conviction and we do not find out about it through the agency.

Mr. Fiatal said that another issue is that prosecutors have an officer who is facing a felony charge and will plead down to a misdemeanor forgetting the fact that we cannot revoke them unless it is part of the plea bargain. We rely on news reports and internet computer searches. Chairperson Stanforth stated that an officer changing departments can also be a red flag.

That concluded the staff report.

VIII. OLD BUSINESS

Chairperson Vernon P. Stanforth

Mr. Clark updated the OPOTC on the Craig vs. OPOTC. The new date for the Appellate Brief is a week from tomorrow. Mr. Fiatal and Chairperson Stanforth have been kept updated. Judge Ruehlman will be the judge.

That concluded the old business.

VIII. NEW BUSINESS

Chairperson Vernon P. Stanforth

Colonel Born had four items to discuss. First, we have been getting calls regarding the TOT Instructor and the outside agency impact. Colonel Born introduced Sgt. Mike Crispen to discuss this matter.

Sgt. Crispen said that they have had to cancel some of their outside agency partners from the course, who have counted on us for the past couple decades to get their training. They are all police officers.

Sgt. Crispen is asking for clarification and maybe even asking if the OPOTC would consider allowing OSP to continue training those officers for their outside agency partners. Sgt. Crispen stated, we understand that firearms are a little different, but this is just for peace officer basic training. Could we be allowed to continue with that service to these agencies? They come to them for Electronic Speed Measuring Device and other training; this just happen to be one of them. We are asking if we are able to continue to offer them the training.

Mr. Fiatal responded you might remember that we had a runaway Trainer of Trainer program here at OPOTA, which in order to bring it under control, mainly the firearms and instructor skills TOT's, it was required that anyone having a TOT for the firearms or instructor skills had to attend an update training required to be completed by the end of 2012. We even did special trainings for those OSHP and Columbus Police Academy. We were at the time mandated by the OPOTC to only approve new TOT's to teach students from the TOT's own agency.

Sgt. Crispen was hoping to receive a little leeway by the OPOTC to allow them to continue with the training to certify students from outside agencies. Colonel Born stated that it doesn't benefits O.S.H.P.

Chief Ferrell asked if they were all current peace officers. Sgt. Crispen replied that they had to be current police officers. Chief Ferrell asked if there were provisions to have them active within certain amount of time. Sgt. Crispen replied following OPOTA's requirements.

Colonel Born stated they brought it up for the OPOTC to consider.

Colonel Born attended a presentation from Colonel Danny Stebbins who was the Connecticut Police Colonel from the Newtown Connecticut Shootings. Colonel Born was one along with 42 other Colonels, Chiefs or commissioners who met regarding the Newtown Connecticut shooting. Law Enforcement agencies are all aware of the tragedy that occurred there, the tragedy to the families, country, and community and to the victims. This was a two and half hour briefing, and one of the things that came from the briefing that I thought might be beneficial to this commission was the impact on the first responders.

The one thing that Colonel Born saw as an advantage is that they have very uniform application assistance to the first responders. Some of them are struggling traumatically with what they have seen and what they are going through. Agencies throughout Ohio have what we call the Critical Incident Response Team (C.I.R.T) assistance team, consisting of a psychiatrist, and counselors. Is this something that we offer, is it uniformly with other branches of law enforcement training throughout Ohio. Maybe this is something that OPOTC could look into.

Mr. Fiatal responded that the Critical Incident Management Network has been devoted to that area. It has been run by the Fraternal Order of Police for about twenty years. About three months ago they approached the Attorney General about taking it over. We are working with FOP to make a statutory revision. The basis is to train peer counselors to go out and handle the first responder's needs or any other officer need.

Right now there is a privileged communication between that officer and the critical incident management team. We are working with the FOP to change the statute, so that this critical incident management network will be controlled by the Attorney General's Office.

We have already held 5 sessions regionally on Critical Incident Management Awareness. We are doing 4 hour sessions on the basic things that you might expect from a critical incident and also the ability to seek peer counseling through the Critical Incident Management Network or any other type of counseling. The goal is to maintain that training, measure responses to get more team training, and familiarize management networks.

Chief Denton stated that each agency has their information of best practices. This could be the opportunity of sharing information and expanding the network and training. Sgt. Mineard agreed with Chief Denton stating that most of the leg work is done. Mr. Fiatal stated that our issue will be basically formalizing the management of the network; in addition to building and maintaining a strong network.

Colonel Born updated the OPOTC on Trooper Brent Hill who was critically injured at a crash scene a month ago. Trooper Hill's prognosis is good. Colonel Born appreciated the well wishes and concerns of the OPOTC members.

Colonel Born finished up with the announcement that Staff Sgt. Michael Crispin was being promoted to Captain and reassigned. This will most likely be his last OPOTC Meeting.

The OPOTC members congratulated Sgt. Crispin and wished him well.

Chief Ferrell asked Mr. Fiatal if at the next OPOTC meeting that they could speak further on the TOT training, the impact on the academy and the effect on other agencies. Mr. Fiatal agreed.

Chairperson Stanforth asked if there was any further new business. That concluded the new business.

X. **GUEST FORUM**

Chairperson Vernon P. Stanforth

Chairperson Stanforth opened the meeting to public comments and/or concerns. None were forthcoming that concluding the guest forum.

XI. **MOTION TO ADJOURN**

Colonel John Born motioned to adjourn the meeting. Chief Paul Denton seconded the motion. The vote passed favorably. Meeting adjourned.

Time: 11:29 a.m.


Chairperson

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