



**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

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**OHIO PEACE OFFICER TRAINING COMMISSION MEETING**

**THURSDAY, NOVEMBER 17, 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 9:03 a.m.  
Ms. O'Connor led the pledge of allegiance.  
Ms. Donna Long called the Roll.

**COMMISSION MEMBERS PRESENT**

Chairperson Vernon P. Stanforth  
Sheriff Thomas G. Maurer  
Chief Paul Denton  
Ms. Linda O'Connor  
Mr. Stephen Schumaker  
Colonel John Born  
Chief Ronald Ferrell  
SAC Stephen Anthony

**B. WELCOME AND INTRODUCTION OF GUESTS AND STAFF**

**ATTORNEY GENERAL'S OFFICE**

Matt Kanai

Attorney General's Office

## **GUESTS AND STAFF**

S/LT Mike Crispen	Ohio State Highway Patrol Academy
Lt. Steve Mahl	Ohio State Highway Patrol Academy
Mr. Gary Obermiller	ODNR
Ms. Kathleen Barch	COTC
Mr. Robert Fiatal	OPOTC Executive Director
Ms. Donna Long	OPOTC Secretary
Ms. Amy O'Grady	OPOTC Deputy Director
Mr. Lou Agosta	Asst. Director of L.E.S.
Mr. Aaron Coey	OPOTC Law Enforcement Training Officer
Ms. Mary Davis	Deputy Director Education & Policy
Ms. Jill Gregory	OPOTC Staff
Ms. Arienne Fauber	OPOTC Staff
Ms. Tiffany Cerana	OPOTC Staff
Ms. Mary Broyles	OPOTC Staff
Ms. Lori Wachtel	OPOTC Staff
Mr. Justin Hykes	OPOTC Staff
Ms. Brittany Thompson	OPOTC Staff
Ms. Kelly Shore	OPOTC Staff

## **II. CHAIRPERSON REPORT**

### **Approval of Minutes**

Sheriff Maurer motioned the minutes of the September 15, 2011, meeting be approved. Chief Paul Denton seconded the motion. A vote was taken and the motion passed favorably.

Chairperson Stanforth stated that he forwarded inquiries to legal counsel and the Executive Director regarding concerns to the chairperson's position. Those items will be covered under those individual reports. Chairperson Stanforth had nothing further to report.

## **III. CURRICULUM COMMITTEE**

Chief Paul Denton  
Committee Chairperson

Committee Chairperson Denton stated that there was nothing for the OPOTC

## **IV. LEGISLATIVE COMMITTEE**

Troy Mineard  
Committee Chairperson

Mr. Fiatal gave the Legislative Committee report on behalf of Committee Chairperson Sgt. Mineard.

Mr. Fiatal stated that 84 bills are being tracked by the OPOTC staff. Staff members have been assigned to analyze and monitor them. The following bills have been signed and enacted.

- House Bill 86, Criminal Sentencing Revision – effective September 30, 2011
- Senate Bill 17, Concealed Carry in Liquor Permit Premise – effective September 30, 2011
- House Bill 54, Civil Firearms Rights – effective September 30, 2011
- House Bill 64, Controlled Substances (synthetic cannabinoids) – effective October 17, 2011

Mr. Fiatal added that OPOTC has already added all those statutory changes in our basic peace officer lesson plans. That concluded the Legislative Committee Report.

Chairperson Stanforth welcomed new OPOTC Member Ronald Ferrell, Chief Mason Police Department aboard. Mr. Fiatal stated that Chief Ferrell has been appointed by the Governor and is prepared to serve the remaining term of Chief Ronald Williams expiring in September 2013. All OPOTC Member are current with their appointments.

## V. HOUSE COMMITTEE

Colonel John Born  
Committee Chairperson

Chairperson Colonel Born stated that the House Committee met this morning and reviewed the last four of five years of House Committee Minutes. In reviewing those minutes there were a few things that were found to be inconsistent. One was the nominating of the OPOTC Chair position. Several minutes were spent going over the minutes for July 2008. One question was if the chairperson position should be opened to all members of the Commission or should it be restricted to sworn law enforcement members. In 2008 the House Committee resolved that there were no concerns as to which OPOTC Committee member should be appointed to the OPOTC, rather law enforcement or non-law enforcement. The House Committee carries on that recommendation.

These items were also discussed:

1. Term limit of Chairperson

**The Committee resolved there were no concerns' regarding the term limitation of the Chairperson.**

2. Vote of Chairperson

**The Committee resolved there were no concerns whether the Chairperson voted or not.**

3. Who assigns Committee Chairpersons

**The OPOTC Chairperson currently assigns the Committee Chairpersons and the House Committee determined it was not necessary to change this appointment process at this time.**

4. What is a quorum?

**The Committee resolved the quorum should remain at five Commission members until the time more members are appointed and then a majority of the number of membership would define a quorum.**

5. Establish the number of issues to come before the Commission body at each meeting.

**Unless it became a concern, the Committee resolved not to limit the number of issues placed on the meeting agenda to be discussed before the Commission.**

6. Determine if Commission members can vote by proxy if unable to attend the meeting.

**The Committee resolved members should not vote by proxy if they are unable to attend the OPOTC meetings.**

7. Determine administrative hearing protocol.

**The Committee resolved that no changes were needed at this time.**

House Committee Chair recommended that chair nominations be deferred to the full OPOTC Board. No changes were recommended for the eight items discussed above.

Chairperson Stanforth stated in the future it would be the responsibility of the House Committee to set the next year calendar dates for OPOTC meetings. Since this was the last meeting of 2011, House Committee Chair recommended that the meetings be established under new business today by the OPOTC Board. That concluded the House Committee Report.

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

At the recent Ohio Attorney General's 2011 Law Enforcement Conference there was a Sheriff's breakfast held. CPT Chair Sheriff Maurer asked Attorney General, Mike DeWine if there were any anticipated funds for the CPT for the next several years. Attorney General, Mike DeWine quickly replied that there was not.

CPT Chairperson Maurer stated that knowing the hard work that this staff and Executive Director Fiatal has done over the past several years maintaining and performing the roster and increasing the professionalism of law enforcement through it, we felt it was very essential to try to establish some kind of format for the CPT to continue.

CPT Chairperson Maurer met on Veterans Day with Chief Doug Knight-Vandalia PD, and 50 sheriffs from the Buckeye State Sheriffs Association (BSSA) regarding their position on Continuing Professional Training. Sheriff Maurer also stated the BSSA acknowledges the need to step it up. All are in agreement that we need to move forward with some type of format to continue the CPT as is, however, there is no funding available. The OPOTC CPT Committee met this morning and again it was reestablished to move forward to a minimum of four hours and a maximum yet to be set. As far as a topic that would have to be set by the CPT Committee and the OPOTC. Executive Director Fiatal, as stated that he has funding to manufacture four, one hour CPT clips for law enforcement each year. Let's say for the next three years at least. Hopefully, we will be out of the economic situation by then. If not we have to move forward and secure what we have.

CPT Chairperson Maurer added that OPOTC Member Stephen Schumaker, Deputy Attorney General for Law Enforcement with the Attorney General's Office will be checking along his guidelines as to change in legislation. The Sheriffs have also requested that the twenty four hours that is currently involved with the Corrections Officers be moved back to whatever we set forth as a total blanket of law enforcement. With the Bureau of Adult Detention in the crisis that they are in, Sheriff's in Ohio are readjusting their schedules accordingly. The twenty four hours that was mandated to have a corrections officer training every year, we want that reviewed and lowered, probably to that that is set for the CPT levels.

CPT Chairperson Maurer went on to state that they are reaching out to the Sheriff's Association, Executive Director Fiatal and Sheriff Maurer will go to the next executive meeting if they request to explain what the thought matter is. We are sending out a survey to get the input, put the unanimous vote was that yes we want it, we want to continue with CPT training, the benefits are overwhelming, we can't let the CPT die at this point. Even though it's a non-funded and non-mandated, we feel that in our profession, we need to step forward and carry this on to the best of our ability. We are policing ourselves. The Patrol is going to be incorporated into this, they already have the training, and we are just asking that they continue reporting.

CPT Chairperson Maurer stated that we have a lot of work ahead of us, both legislatively, collectively, to establish something here, to continue the CPT as a mandated roster item, to be reported. With the help of Mr. Fiatal, we can get this accomplished.

Mr. Fiatal stated that we want to make this probable for all law enforcement. The Attorney General's Office paid out around \$700,000.00 in funds for reimburse of the one hour of mandated training under the current standards. That is how much it cost to reimburse for training of 34,000 officers in the state of Ohio. We feel this is a much more efficient way to mandate training. The changes would be left to the discretion to the agencies as to how those hours are met by the law enforcement agencies. The Ohio Peace Officer Training Academy would maintain its efforts in regional training as well as in skilled course development. We want to be able to give those opportunities free of cost to eliminate any hardship on those departments that can't solve that four hour training mandate.

Chief Ferrell asked what happens to an agency that doesn't comply. Sheriff Maurer responded that the agency would be non-compliant and it would be the call of the Executive Director. Executive Director, Mr. Fiatal responded that we have the authority if it's mandated to apply a cease function status. Mr. Fiatal stated that OPOTC goes out their way to work with the agencies and to advise them when they are in jeopardy of falling into non-compliant and facing cease function status. Most agencies will work to be compliant with the mandated rules.

Chief Ferrell asked if it would help if a window of structured time line was in place for reporting, Mr. Fiatal responded that the statute is already pretty clear, that they must report within one year. They must report by the 31<sup>st</sup> of the following calendar year.

After a lengthy discussion regarding the mandated hours, the training available via computer, free regional training and the types of training needed for each agency the OPOTC Members agreed that Sheriff Maurer would continue to look into the matter and the issue would be revisited after the first of the year.

That concluded the Continuing Professional Training Committee report.

### **STAFF REPORT**

#### **VII. COMMISSION AND ACADEMY UPDATES**

Executive Director Robert Fiatal

Mr. Fiatal gave an update on the breakout of the qualification standards, will be voluntarily effective beginning January 1, 2012 and mandated effective on January 1, 2013. A copy of an email and packet that was sent out to all heads of agencies of the state and 7,000 certified firearms instructors in the state. This email was to apprise them of these substantial changes and to let them know about the availability of the qualification targets. There are currently three businesses with licenses with the Ohio Attorney General Office to print these targets. If anyone would like to print them on their own, they can contact Mr. Fiatal or Mr. Justin Hykes who can give access to the copyrights.

Mr. Fiatal also stated that information was included for the availability of a comparable revolver qualification course. It is basically the same as the new Semi-Auto Pistol Qualification Course with the exception that in stage four, two seconds have been added for the reloading. This accommodates those in the state who use the revolver.

Mr. Fiatal also stated that the secondary backup weapon would be determined by the agency and the requalification is up to the agency, we only have a suggested secondary backup weapon requalification course.

Mr. Fiatal discussed the upcoming video of demonstrations of the course of fire. It will be mailed out due to the size of the video. Over three hundred requests have been received as to date. The video covers all stages of fire; there is also a narrative as well as text included in the video. There are also eight scoring seminars for the new course of fire. They are set for

January and February 2012. They can be located on the on-line OPOTC Course catalog and can be done regional as well. All are classroom courses. They will take place at the following locations: Owens Community College in the Northwest; OPOTA Richfield for the Northeast; Hocking College for the Southeast and OPOTA London covering Central and Southwestern Ohio. Hopefully, these courses will answer most of the questions on scoring.

Mr. Fiatal also brought up that by the statute this qualification standard the OPOTC sets can be equivalence, an agency can submit to OPOTC for approval of their own course of fire. There are currently over 2,000 approved courses of fire. On January 1, 2012, we will try to make this a more universal standard and also cut down on the arbitrary discussions on these equivalent courses of fire. On January 1, 2012, you have a choice to either fire any of your pre-approved courses of fire requalification or you may start using the recommended OPOTC new course of fire. Then on January 1, 2013 you essentially have the option of shooting the 25 round course of fire and supplement it with whatever you want. No OPOTC approval is required for what your agency supplements.

Mr. Fiatal moved to the next issue, the OPOTC has a basic responsibility to provide mandatory curriculum as well as lesson plans to be used in our basic training for all programs: Basic, Corrections, Jailers, Probation, Humane Agents, Canine 9, and Bailiff, that is our core function. And as part of that function we set the standards for certified officers to teach the various topics in those schools. All new instructors are now required to take the 80 hours instructional skills and some are subject to instructional level courses such as firearms, driving, and etc., in order to meet the certification standards.

Although it is not addressed in the code or the statute for at least the last twenty years, the OPOTC staff, including the executive director has been granting individuals upon their request the authority to train instructors (TOT, Train the Trainer). Example, we run firearm instructor courses at OPOTA, OSP does the same thing. But, we also have 75 individuals in the state that have what is called course equivalency. They can run the same courses that OPOTA has with less people as instructors. The thing that troubles Mr. Fiatal is that some of these people go back to 1993. We don't know if they are still instructing, if they've had instructor skills course or any training since. It has gotten out of hand; we tracked this in our Polaris Database and found over 7,000 qualified, certified firearms instructors in the state. There is one out of every four officers is a certified firearms instructor. How do they meet their three year requalification requirements and the twenty four hours of instruction and twenty four hours of receiving?

With the 75 TOT out there, any individual that goes to one of their schools, completes it and that school gives them a certification. They mail us a copy of that certificate which OPOTC looks up to verify their status as a TOT and we turn around and issue them an OPOTA certificate. In effect what we are doing is promoting a private proprietary interest to sell our certificates. This is not saying anything about the quality of the training, but it cost us \$12.00 for each certificate that we produce, with all the mailing cost, printing and resources, we are subsidizing people out there and supporting their business. When they run these courses they are putting OPOTA's name out there with it. What this has brought to our attention is that one TOT that ran a rifles course under equivalency standard in eastern Ohio, two of the

instructors used for that course were not even from the State of Ohio. When we received the copies of the certificates and saw the names of the TOT they were issued OPOTA certificates. How do we rein this back in? The firearms and instructional skills courses are two that are out of control. Mr. Fiatal would like to propose that if it's an in house course equivalency request, such as OSHP, Columbus Police Academy, Cleveland Police Academy, these agencies have the ongoing need to have instructors, but if its proprietary organizations that are requesting TOT status, we have to have some other type of requirements in place. At a minimum have them come back for some type of update training, where we can measure both their skills training as well as they instructional training. This is going to upset some people, and that is why I am bringing this to the OPOTC for your input. You know the law enforcement community better than anyone.

Chief Ferrell stated that many people have not touched on the issue due to the grandfather issues and it hasn't been tracked well. Chief Ferrell asked of the firearm instruction situation, are there a lot of those instructors that have qualified with that certificate to teach the CCW as well? Mr. Fiatal responded that he did run that in the data received, but obviously anyone who is certified as basic firearms instructor, by statue can teach concealed carry.

Mr. Fiatal proposes to set up some kind of standard for outside agencies with the exception to the real agency training facilities. Mr. Fiatal stressed that the excuse of having to travel several hours to London for training is no longer an acceptable excuse, because OPOTA is taking many of the courses on the road with regional training. If there is enough demand for it, we can work it into our regional training program. Sheriff Maurer agreed that if OPOTA's name is going out OPOTC needs to be in control of it. Chief Denton asked if any of these were being done at facilities such as community colleges or open enrollment colleges that may be affiliated with legible academic programs. Mr. Fiatal responded, that is a thought, if they are obviously connected to some place like for example, any ongoing peace officer basic training academy. That should be recognized, but most of the ones we are seeing are incorporated, they aren't coming from an educational institution, or vocational center. Mr. Fiatal agreed that if an individual comes in as a representative of an educational institution that handles their own academies, they should also fall under the exceptions. Ms. Kathy Barch, COTC will back that even the TOT should come back for training updates.

Chief Ferrell stated that the approach on the firearms is good; they have a window of time to make the adjustments. If we were to approach this problem in the same manner, things would go more smoothly. Mr. Fiatal stated that we would definitely do that, just like any breakouts that we are having along without curriculum changes now, we are going to have some increased instructor requirements. We have to give them a year to make the transition over to the new procedures. Sheriff Maurer asked where the authority comes from to do this, Mr. Fiatal responded that there is no authority. There is no statutory or code authority to do any type of training the trainer training. Colonel Born asked if protocol would change, would there be an in-house policy. Mr. Fiatal proposes:

- In-house only, or associated with some type of ongoing police academy that will be approved.
- OPOTA will provide regional instructor level courses if demand warrants



- Current Firearms and Instructional Skills TOTs will be required to complete update as developed by respective LETO's.

Chief Ferrell asked if originally they had to be a peace officer for certain amount of time before they could conduct TOT courses. Mr. Fiatal responded that that is the criteria used to certify basic police officers as instructors. But as far as training that they have to receive there is nothing, it's not addressed in the code. Chief Ferrell asked if there was anything in the sunset requirement that says that once you leave the law enforcement service. Mr. Fiatal stated that no there isn't anything. Chief Ferrell agrees that we need a re-trainer.

Mr. Fiatal stated that the raw data from Job Task Analysis is being reviewed and applied to our curriculum as well as lesson plans breakouts. Recently the breakout for POBT lesson plans went out with an effective date of January 1, 2012. Ms. Mary Davis, Deputy Director of Education & Policy stated that 19 lesson plan revisions are in the process. Those consisted of 19 Basic Peace Officer; 3 Basic Peace Officer Refresher and 6 Private Security.

Mr. Fiatal introduced Aaron Coey, LETO Training Coordinator and John Green, Deputy Director, Regional Training.

Mr. Fiatal introduced some of the regional training that is available through OPOTA. Recently, Issues of Combat Veterans Training and First Responder/Sexual Abuse were completed with a large attendance.

Several of the one day training courses are being converted into eOPOTA courses for on-line training. There are currently over sixty courses in the eOPOTA Catalog. We most recently broke out courses:

- Dealing with Recognition and Dealing with Autism individuals
- Dealing with Asperger Syndrome Individuals
- Four more that are in the process of being posting.
  - Stress Awareness
  - Stress Management
  - Crime Scene Processing
  - Collect of Evidence in Sex Crimes.
- Also in the planning stage are:
  - Campus Security Issues
  - OH1 Crash Report

Mr. Fiatal announced the Ohio Peace Officer Basic Training Academy is scheduled for January 16, 2012. Currently, Ohio Department of Natural Resources will be the major population. The academy has been opened up to other law enforcement agencies. There is a tuition cost and they are required to hold a commission and be a hired officer.

That concluded the staff report.

**VIII. OLD BUSINESS**

Chairperson Vernon P. Stanforth

Sheriff Maurer complimented the OPOTA/OPOTC Staff on an excellent Attorney General's 2011 Law Enforcement Conference and the workshops.

Mr. Fiatal thanked the staff as well as the people from the OSHP, the Sheriff's Offices, the Police Departments, and FBI who also participated and helped to make the conference a success.

Chief Ferrell asked for an update on the gambling funding. Mr. Fiatal stated that there were no updates at this time. Mr. Fiatal stated that the focus is on getting the gaming agents trained.

**IX. NEW BUSINESS**

Chairperson Vernon P. Stanforth

Colonel Born, House Committee Chairperson would like to nominate the 2012 OPOTC Chairperson.

**MOTION**

Colonel Born asked if there are any nominees for the position of OPOTC Chairperson for 2012. Stephen Schumaker made the nomination for Sheriff Vernon Stanforth as the 2012 OPOTC Chairperson. Chief Paul Denton seconded the motion. No discussion was made and the motion passed with all in favor of the vote.

Chairperson Stanforth went on to discuss the 2012 OPOTC meeting dates. The following dates were selected by the OPOTC members with a start time of 9:00 a.m.:

- January 19, 2012
- March 15, 2012
- May 17, 2012
- July 19, 2012
- September 20, 2012
- November 15, 2012

**MOTION**

Colonel Born moved for a motion to set the above dates and time for the 2012 OPOTC meetings. The motion was seconded by Sheriff Maurer. Motion passed by favorable vote.

**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.

Chairperson Stanforth called for a 10-15 minute recess before going into the Prior Equivalency Hearing. Recess started at 10:01 a.m. and at 10:24 a.m., with all OPOTC Members with the exception of Sgt. Mineard present, the meeting was convened.

#### **XI. Prior Equivalent Hearing**

Chairperson Stanforth stated that the purpose of this portion of the meeting was to discuss some certification issues. At that time the meeting was turned over to OPOTC Executive Director, Robert Fiatal.

Mr. Fiatal reported that the hearing was conducted in pursuant to the Ohio Revised Code OAC 109:2-1-12 (D)(3), as an appeal of the prior equivalency training analysis that had been conducted by the OPOTC staff. By code requirements individuals are allowed to appeal this to the OPOTC. Mr. Fiatal introduced Assistant Attorney General, Justin Hykes for OPOTC and the appellant Mr. Dale Gillette and his attorney Mr. Kevin Shoemaker.

Mr. Hykes briefed the OPOTC on history of the situation regarding Mr. Gillette's employee history and OPOTC's involvement. After a lengthy discussion it was suggested that the OPOTC members go into executive sessions.

#### **MOTION**

**Sheriff Maurer made the motion that the OPOTC Members go into executive chair to discuss the prior equivalency matter. The motion was seconded by Chief Paul Denton. A roll call vote was taken with all OPOTC Members voting for executive session. The vote passed favorably.**

Sheriff Maurer also requested the Executive Director, Robert Fiatal and OPOTC Legal Advisor, Matt Kanai be present for the executive session. At 11:11 a.m. OPOTC went into executive session.

At 12:15 p.m. the OPOTC Meeting reconvened from the executive session.

Chairperson Stanforth stated for the record that all OPOTC Members were present, along with guest, staff and court recorder.

Chairperson Stanforth stated that the chair would entertain a motion at this time.

**MOTION**

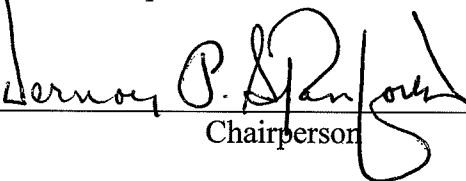
**Mr. Schumaker moved that the Executive Director's determination be modified to not require Mr. Gillette to complete the additional 204 hours of training, but to however require him to take and pass the Basic Peace Officers Test in order to demonstrate proficiency in the matters covered by the curriculum. The motion was seconded by Chief Denton. Chairperson Stanforth asked for any discussion, hearing none the motion was voted on with all voting in favor of the motion with the exception of Chief Ferrell who stayed on the motion. The motion passed favorably.**

Chairperson Stanforth asked if there was any other matter for the OPOTC.

**XII. MOTION TO ADJOURN**

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

Time: 12:18 p.m.

  
\_\_\_\_\_  
Chairperson

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