



**MIKE DEWINE**  
★ OHIO ATTORNEY GENERAL ★



Ohio  
Peace Officer Training Commission  
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**Ohio Peace Officer Training Commission**  
**Thursday, January 12, 2017**  
held at the  
**Ohio Peace Officer Training Academy**  
1650 State Route 56 SW  
London, Ohio 43140

**Minutes**

**I. Opening**

**Call to Order**

Chairperson Vernon Stanforth called the meeting to order at 10:00 a.m.  
Chief Harris led the Pledge of Allegiance.  
Ms. Donna Long called the Roll Call.

Chairperson Stanforth introduced Dr. Reginald Wilkinson who joins the OPOTC as the representative of the public and Ms. Sarah Pierce who will be counsel for the commission.

**Commission members present**

Chairperson Sheriff Vernon P. Stanforth  
SAC Stephen Anthony  
Chief Clayton Harris  
Sheriff Michael Heldman  
Chief Kimberley Jacobs  
Colonel Paul Pride  
Mr. Stephen Schumaker  
Dr. Reginald Wilkinson

**Guests and Staff**

**Attorney General's Office**

Mr. Louis Agosta  
Ms. Julia Brinksneider  
Mr. James Burke  
Ms. Jill Cury  
Ms. Mary Davis  
Ms. Courtney DeLong  
Ms. Arienne Fauber  
Ms. Kim Hahn  
Mr. Justin Hykes  
Ms. Donna Long

OPOTA Deputy Director  
Attorney General's Office  
OPOTA Director of Advanced Training  
OPOTC Staff  
OPOTC Executive Director  
OPOTC Staff  
OPOTC Staff  
OPOTC Staff  
OPOTC Deputy Director  
OPOTC Staff/OPOTC Secretary

OHIO PEACE OFFICER TRAINING COMMISSION

Ms. Sarah Pierce  
Mr. Eric Porter  
Ms. Lori Rinehart  
Ms. Alice Robinson-Bond  
Mr. Eric Schaefer  
Mr. Jim Seaman  
Ms. Lori Wachtel

Attorney General's Office  
Attorney General's Office  
OPOTC Staff  
OPOTC Deputy Director  
OPOTC Staff  
OPOTC Staff  
OPOTC Staff

### **Guests**

Captain Geoff Barnhardt  
Mr. Gary Burden  
Ms. Keziah Burden  
Captain Art Combest  
Director James Copeland  
Captain Lee Graf  
Lieutenant David Matthews  
Mr. Robert Meader  
Ms. Lisa Murray  
Mr. Tim O'Hare  
Mr. Tim Sansbury  
Mr. Jeff Sowards  
Ms. Tammy Yates

Cleveland Heights Police Academy  
Civilian  
Civilian  
Ohio State Highway Patrol  
Tri-C Public Safety Institute  
Springfield Police Department  
Dayton Police Department  
Columbus Police Department  
Columbus Police Department  
Cleveland Heights Police Academy  
Columbus Police Department  
Central Ohio Technical College  
Columbus Police Department

## **II. Chairperson Report**

**Sheriff Vernon Stanforth  
Chairperson**

Chairperson Stanforth welcomed the guests and asked those in attendance to introduce themselves and then moved for approval of the minutes.

### **MOTION**

**Sheriff Heldman moved that the minutes of the November 10, 2016, meeting be approved. The motion was seconded by Mr. Schumaker. No discussion was forthcoming; a vote was taken and passed unanimously. Yes-8 / No-0**

A quick review was given of the commission committee assignments. See **Addendum handout 1** for the complete committee assignment list and descriptions of each committee. The addendum reflects the assignment of Dr. Wilkinson to the Continuing Professional Training Committee.

There was nothing further to report at this time, concluding the Chairperson report.

## **III. Curriculum Committee**



**Chief Kimberly Jacobs  
Committee Chairperson**

Chief Jacobs advised there was nothing to report at this time. That concluded the Curriculum report.

#### IV. Legislative Committee

**Chief Clayton Harris**  
**Committee Chairperson**

Committee Chairperson, Chief Harris stated there were four updates.

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- 1) SB322, New Chief's Training. Passed by the Senate, but did not pass the House. Ms. Davis stated it didn't pass through of the House before the session ended for the year. It's believed it will be reintroduced.
  - 2) The definition of full-time officer became effective on January 1, 2017.
  - 3) The additional criminal disqualifiers for peace officer basic became effective on January 1, 2017.
  - 4) New rules 109:2-1-05 (BAS) school commanders and 109:2:3-04 (PS) school commanders have been filed. A public hearing is scheduled for February 7, 2017 at 9:00 a.m. at OPOTA. It will then go before the JCARR Hearing (TBA). If there are no barriers, the new rules will take effect on July 1, 2017. Ms. Davis stated the rules would establish a renewal cycle and require a commander's course to be issued a certification.
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That concluded the Legislative Committee report.

#### V. House Committee

**Colonel Paul Pride**  
**Committee Chairperson**

Committee Chairperson Pride stated there was nothing new to report. That concluded the House Committee report.

#### VI. Continuing Professional Training Committee

**Sheriff Michael Heldman**  
**Committee Chairperson**

Committee Chairperson Heldman state there was nothing new to report. That concluded the Continuing Professional Training Committee report.


#### Staff Reports

#### VII. Commission And Academy Updates

**Mary Davis**  
**Executive Director**

##### 2016 Stats

Ms. Davis stated the 2016 stats were being finalized and would be provided at the March 9, 2017 meeting. Some of the preliminary numbers for advanced training have almost doubled enrollment from 2014 to 2016. Staff is working hard and a lot of interest is being shown in the courses. We had nearly 127,000 completions of our eOPOTA courses. This signifies the importance of keeping the courses up- to- date; an initiative we started working on in the Fall. In 2011, there were just fewer than 40,000 eOPOTA completions.



**Question:** Dr. Wilkinson asked in referring to completions, does that mean there people who don't complete training?

**Answer:** Ms. Davis explained a completion is the measure used for the number of courses competed. If they complete one training course, it counts as a completion. With a completed

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on-line course, the student receives an on-line certificate which could count towards their continuing professional training.

### **119 Hearing**

Ms. Davis advised the commission they are expecting a 119 hearing after the March 9<sup>th</sup> OPOTC meeting. Chairperson Stanforth stated depending on the length of the OPOTC meeting, the 119 hearing could resume after a lunch break.

### **Department of Education OPOTC Appointment**

A recommendation by the Department of Education has been submitted to the Governor's office for the open seat on the commission. The Governor's office is working with the individual to get the paperwork completed. We are hoping the appointment will be in place by the OPOTC March 9<sup>th</sup> meeting, giving us a full commission.

### **Pre-Entrance Physical Fitness Assessment (PFA)**

The pre-entrance physical fitness assessment isn't cover by rule, but by the commander's manual. Ms. Davis stated it has been brought to the attention of staff that some academies are having difficulties because of legal interpretation within their agencies, requiring a certain order for job offers to be made and the type of requirements they can set on the incoming cadets. There's a request to extent the time period for the first initial physical fitness assessment by 30 days, allowing up to 120 days, to complete it. This would help the hiring process.

The increased time was discussed with staff, and physical fitness subject matter experts. The obvious question is, if somebody is just barely getting in shape enough to pass at the 15<sup>th</sup> percentile at 90 days and don't put in the extra work, will they be behind the eight ball starting the academy in terms of completing at the 50<sup>th</sup> percentile. While a possibility, no one consulted thought it was a deal breaker to give them the extra 30 days. Ms. Davis would like to extend the 30 extra days, if the commission didn't have any concerns.

**Comment:** Sheriff Heldman confirmed that they would be giving the cadet an extra 30 days to get into condition prior to the start of the academy.

**Response:** Ms. Davis stated that currently when the cadet has to pass at the physical fitness assessment 15<sup>th</sup> percentile, they have to accomplish it from 90 days out to day one of the academy. We are extending that by 30 days and giving them 120 days. This will benefit the larger classes.

No commissioners voiced concerns and Chairperson Stanforth confirmed it was up to the executive director to make the decision, and that the change would be included in the commanders' manual. Ms. Davis will send an email out to all commanders' stating that effective immediately schools have up to 120 days from the academy start date to run the initial physical fitness assessments and the commanders' manual would be changed for July 1, 2017.

### **Department of Justice Investigation**

Ms. Davis referenced the handout of a letter which was served on OPOTC from the U.S. Department of Justice stating the commission was under investigation for requiring citizenship

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to be a peace officer. (**handouts #2, #3, #4, and #5**) Last week, we received a letter stating their investigation was unfounded and was closed without charge. The DOJ sent out a letter, dated the following day, to all Ohio chiefs and sheriffs advising them citizenship wasn't a requirement for basic training. It further provided that if it's a requirement for their law enforcement agency, and they don't have the correct regulations in place, it could be discrimination. Ms. Davis opened it for discussion with the commissioners in case they have heard anything from their chiefs or sheriffs constituents.

Both Chairperson Stanforth and Sheriff Heldman had heard from a few of the sheriffs and the association executive director, with concern we were allowing non-citizens to attend the academies. This body (the OPOTC) in the opinion of Chairperson Stanforth, is not our place to stipulate who agencies hire. It's for the agencies and those jurisdictions to set their own criteria as to who they are going to hire. If they can comply with this federal law, they aren't discriminatory; they can imbed this in their own local legislative process. Chairperson Stanforth doesn't believe the commission has the authority it set the training requirement.



Ms. Pierce, legal counsel for the commission gave a follow up summary on the DOJ investigation which was closed against the commission. To Chairperson Stanforth's point, the commission is not the employer, for the employment action that was taken. So that distinction between the commission as hiring said employee and a body that makes training requirements is an important one to keep in mind. The DOJ investigation was closed against the Commission, so no further action needed.



**Question:** Chief Harris questioned if this is related to mostly open academies that don't have employment regulations to rule out someone by being a noncitizen?

**Answer:** Ms. Pierce stated this would apply to all the academies and programs the commission oversees or offers. There is no hiring component involved.



Mr. Schumaker stated he thought the DOJ was informed that we simply don't have the requirement. They started with "are you requiring citizenship?;" and we weren't. He advised they did move forward with a fine against a Denver sheriff and referenced an article of the Denver investigation that was included in the handouts. If there is a state statute or a municipal ordinance that mandates peace officers be United States citizens within that jurisdiction if you are going to serve as a police officer, you would have to be a United States citizen; that is something that the legislature could do. It's something that a municipal council could do. He doesn't believe that the commission can do it, and if they did, the Department of Justice would most likely be back.



**Question:** Ms. Davis asked if sheriff's offices are included under civil service?

**Answer:** Chairperson Stanforth stated, no, they are covered in a section which is equivalent to serve as the civil service.



Ms. Davis responded that yesterday one of the attorney's had found a Revised Code Section in 124 that stated to be eligible to take the civil service exam, you had to be a United States citizen. Agencies under civil service would already have a regulation requiring citizenship.

Chairperson Stanforth provided that is not this body (the commission) making legislative decisions or making that regulation. The counties have no authority to make regulations unless they are a charter county. However, it's not up to this body to dictate who is going to be hired,

we don't hold their commissions, we hold their certifications. We certify that they are trained, not that they are commissioned. The commission is up to the individual entities around the state.

Mr. Schumaker stated we have had officers from other countries who take our training courses; do we want to continue that? Sheriff Heldman stated he has heard concern that noncitizens are coming and being trained; how does this reflect on us? Ms. Davis agreed we often have foreign contingencies come in and take classes. It shows the significance to how people look at our law enforcement training. What would be the value in precluding that? Colonel Pride confirmed that the patrol is preparing to go to Bangkok Thailand to provide training. Dr. Wilkinson responded we may have something to learn from them; instead of them just learning from us. A lot of countries around the world are experiencing challenges that differ from what we are experiencing.

Colonel Pride stated there's a lot of space between the actual training and certifying and commissioning somebody as a peace officer, our agencies have some duties that include protection of dignitaries, and those kinds of things. When you have someone from another county that is in the United States and wants to become a trooper, what is the answer there without some kind of U.S. citizenship or some kind of commitment to being willing to uphold the Constitution of the United States and the Constitution of the state of Ohio? They aren't even a citizen. In our efforts to be political correct or be tolerant of all these things, we are going into a dangerous place. If there is not something that says there is a requirement to at least be an U.S. citizen, in commonsense there should be.

As the Superintendent of the Highway Patrol, how would I process a background check to eliminate somebody from a county that is designated as a terrorist country? How do I process a background check on anyone who lives outside of the United States? And what if someone from another country, who is not a U.S. citizen, decides they want to be a trooper? Then I have to give them training, give them the opportunity to do the training, even though they can't stay in U. S. forever, because they would be illegal. So they are here illegally, but they have a job being a person who enforces the law.

Mr. Schumaker responded he doesn't think the statute would apply to individuals who aren't in the country legally. Colonel Pride responded, but if you are here legally, on a temporary visa work permit, and decide they want to be a peace officer at the university we can't say no, that's what this U.S. code is telling us. Unless, you already have something already in place, whether its municipal code, civil service process, or it's a sheriff's deputy. This is telling us there is nothing in place to prevent this from happening in our country. Which is concerning.

Mr. Schumaker recommends that agencies check with their legal counsel and make sure that there is legislation in place that indicates that they need to do this (i.e., have a regulation if citizenship is a hiring requirement) because this is an exception to this Federal statute. Mr. Schumaker asked SAC Anthony, does the United States Department of Justice require all the U.S. attorneys, assistant U.S. attorneys; FBI agents, DEA agents, Secret Service agents, and HHS agents be United States citizens?

SAC Anthony responded it (Federal code) is telling the States to do the same thing, to have a legitimate reason as to why and a regulation in place. Those departments listed above whose duties are to protect the United States from terrorist threats and counter intelligence threats have a legitimate reason. SAC Anthony would think the state would need to do the same thing; if

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read correctly the Department of Justice is saying basically do the same, but you can't do it as a blanket way if they are here legally and apply.

Sheriff Heldman responded that either he or Chairperson Stanforth should respond back to the BSSA with some information, possibly checking with county prosecutors as to if or how Revised Code Section 124 affects the operation of our agencies.

Chairperson Stanforth responded he went on-line to research some of the applications he has read, and at the bottom of every application he reviewed was in very fine print at the bottom of the application that they are compliant with all federal regulations. However, if they do require citizenship are they in violation of that fine print on their applicant? Yes, unless there is legislature power over them who have made the decision, so they carry the burden. We don't have that authority to make that legislation as a commission, if the state legislature decides to do that; they can oppose that on us by legislative rules.

Although he agrees with Colonel Pride, who do you let into these basic academies? There has to be some stipulation as to who can attend. We don't even dictate an age limit of anyone attending an academy. Some departments do have an age requirement. Chief Jacobs responded they have an age requirement on the entrance to the academy of 21 years. Chairperson Stanforth asked if the OPOTC has an age limit of entry of 21 years; can an 18 year old attend our academies? Yes. As a sheriff, he can appoint an 18 year old as a deputy sheriff and empower them to enforce the laws under his authority as a sheriff. Or he could choose it to be a required 21 years of age. But, it's not this commission dictating the age my deputy can be.

Chairperson Stanforth asked with the concerns that were brought forward, is there anything we as a commission needs to do? Do we need to review this, to dig a little deeper? He feels we are where we should be. Colonel Pride asked does the commission give guidance out to all the different municipalities on this as to what we know about it and what they have to do to comply with it. Ms. Davis responded the Attorney General's Office did not, but the Department of Justice did. Ms. Davis referred to **(handout 3)** the letter which was sent to law enforcement agencies.

Chief Jacobs stated there had to be open academies that have students that are not citizens taking the open academies. Ms. Davis shared that when she was still in the field, as a campus Chief, she was asked if non U.S. citizens could attend their academy. She called OPOTC and was told the same thing, there is no citizenship requirement; that was the concern of the school, but how could they deny one of the international students a right to get this education. Chief Jacobs stated again that is training not hiring.

Chairperson Stanforth stated that is why we maintain that separation; we are not a commissioning agency. It is up to the local agencies to go to their legislative bodies to make that decision. This is basic training, we aren't giving out state secrets, and everything being taught in the basic academies is available.

Colonel Pride responded the commission would be the part that would give the opportunity to expose someone to secured or sensitive information, not the training. The training is fundamental, it is the foundation. Colonel Pride asked if there was a requirement to be a U.S. citizen to have a security clearance. SAC Anthony answered yes, that's why at the national academy, international students are not able to attend certain classes and certain things that they

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are not allowed to attend and others that they can. They do an analysis to figure out which is for training verses other areas.

Ms. Davis confirmed Sheriff Heldman would get back with Mr. Cornwell, Buckeye State Sheriff's Association. Chairperson Stanforth asked for Ms. Pierce to help draft the letter that would be going out.

### **Attorney General's UAS Advisory Group**

Ms. Davis shared one final thing with the OPOTC. Since the last OPOTC meeting, the Attorney General has convened another advisory group, one on "Unmanned Aircraft Systems" (UAS). Chief Harris is one of the UAS experts in the state and is chairing that advisory group. Ms. Davis wanted to notify the commission and those agencies who read the OPOTC minutes about the advisory group which will have the goal to come up with model policy that agencies may choose to adopt or use in part. The second meeting is scheduled to take place in two weeks. A survey was sent out to the Ohio agencies on their uses and needs of UAS's and what they would like to see in a model policy and training.

Chief Harris hopes for a great amount of participation with the agency survey to allow the group to get a feel about what is occurring, the concerns of the chiefs and sheriffs, and how the committee can best serve everyone in accomplishing that goal in the state. The group consists of experts to help move our state to a higher level with the drones.

Dr. Wilkinson asked if there were correction representation on the advisory group. The prisons are having a great deal of difficulty with the drones, and would have a lot to add. Ms. Davis asked who would be a good contact with the department of corrections? Dr. Wilkinson responded to call the director. It is also an issue at the jails as well.

### **Continuing Professional Training (CPT)**

Mr. Schumaker asked to he could make a comment on CPT. The legislature is starting the budget process. The last two years we've had 11 hours mandated and now 20 hours mandated and there was funding, but all one time provisions in the last budget. So as the next budget comes out, there could be zero funding for CPT, there could be zero hours required for CPT; it depends on what the legislature does. If anyone has any interest in CPT, you may want to discuss it with your legislator.

Chairperson Stanforth stated some of the discussion he has heard from the law enforcement community is now that we are reimbursing full time peace officers, no longer (fully reimbursing) the specials or auxiliary; they are questioning if they are going to take away the reimbursements permanently. At this time, this is the only thing keeping things in control as far as throwing hours at us. The reimbursement part has kept it somewhat in control and manageable as a new requirement.

Sheriff Heldman stated he has received a few calls questioning how the agencies were going to get everyone trained with the 20 hours. Chairperson Stanforth clarified the 20 hours could be anything in advanced training, it doesn't have to be the mandated topics. The mandated topics are only for reimbursement purposes. Sheriff Heldman feels that should be reiterated again because a lot of people think they have to take the mandated courses. Ms. Davis responded the

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last email she sent out with the frequently asked questions document, she tried to simplify requirements and to break it out. For example, How do it meet CPT? Take 20 hours of law enforcement training that meets administrative rules. How do I it get reimbursed, etc. trying to give clarity, to help them understand it.

Chairperson Stanforth stated he is still sensing the question out there; he doesn't know if they just don't understand or if we aren't getting the message to the right people; those that make these things happen in the agency. He was asked a few weeks ago, what if I sent someone to a forty hour investigation course; would I still have to do the 20 hour CPT? His response was no.

Ms. Davis commented she takes phone calls daily, and the staff take even more from agencies stating, "I don't know how I will get this all done." Just talking through their specific agency needs about all the options, we're able to talk them through and lay out a training plan specific for them. They then see it is doable and are usually surprised how easy and affordable it is. Please encourage them to call in and speak with someone about it.

Chairperson Stanforth asked if anyone in attendance had any questions regarding CPT? There were no questions brought forth.

Dr. Wilkinson replied we don't want to discourage them from taking the 20 hours we've recommended for CPT. Ms. Davis clarified the critical subjects must be taken for reimbursement and we encourage them to take the courses. Chief Jacobs commented its leaving money on the table that goes towards those recommended courses and other courses. Chairperson Stanforth explained his small department can work with a bigger department training academy and be able to get his full-time staff enrolled for the training throughout the year and be reimbursed for it to cover that cost. But for the auxiliary and special deputies who attend, someone is going to have to pay for that training. He can put something on with his own instructors that doesn't have to be the 2017 CPT (critical subject) courses; which can be very cost effective.

Dr. Wilkinson commented the smaller agencies may not have that luxury, so partnering with another agency may be a good idea for some.

Chairperson Stanforth asked if there was any other discussion. Hearing none, that concluded the Executive Director's report.

## VIII. Old Business

**Sheriff Vernon Stanforth  
Chairperson**

Ms. Davis discussed the Corrections, Jailer, and Bailiff basic commander renewals and qualifications. During the November meeting the commission voted to bring back rules for these other basic programs to bring them all in line with the peace officer and private security basic programs. **(handouts #6, #7, and #8)**

On **handout 6**, for corrections basic commanders it would require a five year renewal for commanders, commanders must conduct at least two corrections training schools within the renewal period, attend at least one commanders conference, and complete at least 24 hours of training relevant to conducting and overseeing a corrections training school. Those applying for certification would have to attend a commander course to qualify as a commander.

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On **handout 7**, for jailer basic commanders it would require a five year renewal for commanders, commanders must conduct at least two jailer training schools within the renewal period, attend at least one commanders conference, and complete at least 24 hours of training relevant to conducting and overseeing a jailer training school. Those applying for certification would have to attend a commander course to qualify as a commander.

On **handout 8**, for bailiff basic commanders it would require a five year renewal for commanders, commanders must conduct at least two basic training schools within the renewal period, attend at least one commanders conference, and complete at least 24 hours of training relevant to conducting and overseeing a basic training school. Those applying for certification would have to attend a commander course to qualify as a commander.

**Question:** Sheriff Heldman inquired how many jailer basics have been running.

**Answer:** Ms. Cury responded we're averaging one the past few years.

Ms. Davis responded if the draft language is approved at this meeting it would be filed with JCARR. The desire is to have them effective by July 1, 2017.

#### **MOTION:**

**Sheriff Heldman made a motion to approve the Corrections, Jailer, and Bailiff basic commander renewal and certification rules. Chief Jacobs seconded the motion. After the brief discussion below a vote was taken and passed unanimously. Y-8 / N-0**

#### **DISCUSSION:**

**Question:** Mr. Meader asked if there were any changes in the legislation or the rules that were just discussed in regards to a grandfather clause for current commanders once this takes effect on July 1, 2017 or do current commanders have to attend commander course?

**Answer:** Ms. Davis responded it would only be for certification applicants.

**Comment:** Mr. Meader clarified for anyone certified after July 1, 2017.

**Question:** Mr. Meader asked once an academy starts, are there any rules in the legislation as to when the commander has to be certified? In other words, can an academy start without a certified commander or does there have to be a certified commander on day one as identified under the new rules.

**Answer:** Ms. Davis responded her understanding is that commanders currently have to be certified as a commander on day one; there is no change in that requirement with the new rules.

**Question:** Mr. Meader asked if there were circumstances where the certified commander was removed from that position, is there a timeline for the replacement commander to come in and be certified?

**Answer:** No, there would not be. There is no grace period allowing an uncertified commander to run an academy; there is not now and there'll be no change in that with the new rules.

Chairperson Stanforth asked if there was any other old business, with none forthcoming, that concluded the old business report.

**IX. New Business**

**Sheriff Vernon Stanforth  
Chairperson**

Chair Stanforth asked if there was any new business.

Dr. Wilkinson stated he had recently had a conversation with the Chairperson and Ms. Davis' counterpart in the state of Vermont; on an unrelated matter. Vermont has promulgated something called the "Fair and Impartial Policing Policy." He just forwarded the document to the executive director via email. He feels it would be worth the commission taking a look at and discussing the impartiality they are speaking about in another jurisdiction. It sounds on the surface like procedural justice, but it is a separate document they have generated. Ms. Davis will forward the email to the commissioners to review.

Dr. Wilkinson read the purpose that they listed at the top of the policy.

"The purpose of this policy is to communicate, the requirement that all "agency or department" conduct policing in a fair and impartial manner to clarify the circumstances in which officers can consider personal characteristics when making law enforcement decisions and to reinforce processes and procedures that enable us to provide services and enforce laws in equitable and impartial way."

Ms. Davis responded it reminded her of some of the language from the Ohio Coalition needed for agency certification. Chief Jacobs stated they were working on a draft with regards to racial profiling; coming up with some recommendations for agencies with regards to how to prevent profiling. It is at the draft stage.

Chairperson Stanforth stated with nothing further forthcoming that concluded the New Business report.

**X. Guest Forum**

**Sheriff Vernon Stanforth  
Chairperson**

Chair Stanforth asked if the guest had anything to discuss. He thanked the various academies for attending, stating their presence is valuable to the commission. Hoping, they feel free enough to bring their issues back to the OPOTC or to the staff. Having nothing brought up for discussion, the guest forum was concluded.

**MOTION**

**Chief Harris moved to adjourn the meeting. Chief Jacobs seconded the motion. A vote was taken and passed unanimously. Meeting adjourned. Y-8 / N-0**

Time: 11:01 a.m.

  
Chairperson, Vernon Stanforth

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

OHIO PEACE OFFICER TRAINING COMMISSION



## *Ohio Peace Officer Training Commission*

Vernon P. Stanforth, Chairperson

### *2017 Proposed Committee Assignments*

#### *Curriculum Committee*

Vacant, *Chairperson*  
Chief Clayton Harris

The Curriculum Committee will oversee the curriculum development and present proposals for updates. The committee should be composed of at least a law enforcement representative and the education representative, with the Commission chairperson appointing the committee chair.

#### *Legislative Committee*

Chief Kimberley Jacobs, *Chairperson*  
Sheriff Michael Heldman

The Legislative Committee should be composed of representatives of each type of entity represented on the Commission. These representatives should be versed in pending legislation both state and federal which may affect law enforcement training. The committee will propose legislative changes and initiatives to the Commission. The Commission Chairperson will name the committee chair.

#### *House Committee*

Colonel Paul Pride, *Chairperson*  
SAC Stephen Anthony  
Stephen Schumaker

The House Committee, formally the Nominating Committee, will establish house rules under which the Commission should function. This will include the procedures and protocols for conducting business. The House Committee will establish rules for the nomination of executive officers. Therefore, it is suggested the House Committee composition be made of members not subject to nomination. The Commission Chairperson will appoint the committee chair and that chair will be a uniform law enforcement representative.

#### *Continuing Professional Training Committee*

Sheriff Michael Heldman, *Chairperson*  
Dr. Reginald Wilkinson

The Continuing Professional Training Committee will recommend rules for the implementation and operation of the Continuing Professional Training program. The Commission Chairperson will appoint the committee chair.

**Ohio Peace Officer Training Commission**

Sheriff Vernon P. Stanforth  
SAC Stephen Anthony  
Chief Kimberley K. Jacobs  
Chief Clayton Harris



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**Mary Davis, Executive Director**

Sheriff Michael Heldman  
Mr. Stephen Schumaker  
Colonel Paul Pride  
Dr. Reginald Wilkinson

## **2.7 Pre-Entrance Physical Fitness Assessment (PFA)**

Students are required to meet the 15<sup>th</sup> percentile of the Cooper Institute Standard for age and sex norms, as determined by a pre-entrance physical fitness assessment. The pre-entrance PSA must be completed before the school's opening audit, but no earlier than 90 days before the academy start date. In the event of a late enrollee after the opening audit, the pre-entrance PFA must be successfully passed by the third day of the academy.

The Commander and a physical fitness instructor will administer this assessment, and it shall be conducted in the same order and manner as it is during the final PFA, except that a Field Compliance Officer is not required to be present. A prospective student may attempt the pre-entrance PFA as many times as the commander deems appropriate. The ultimate passing score must be documented on the SF195bas.

## **2.8 Review by Certification Officer**

- 2.8.1** After the Field Agent meets with the School Commander and approves the appropriate documents, the documents will be forwarded to the OPOTC Certification Officer, who also will review the application. If approved, the Certification Officer will issue a distinctive school number and appropriate curriculum code and send an "opening letter" to the School Commander. The opening letter will indicate that the school has been approved and may proceed according to the school calendar. The opening letter also will include the class' curriculum code, which will correspond with the appropriate version of the state certification examination. No school may begin classes unless and until an OPOTC school number has been issued. The OPOTC will not recognize any training class, or portion thereof, conducted prior to the issuance of the opening letter and school number.
- 2.8.2** If a School Commander does not receive written approval at least five (5) days prior to the first scheduled day of training, the School Commander should contact the assigned Certification Officer to inquire as to the status of the application.
- 2.8.3** If the start date for the school changes for any reason, the assigned school number shall immediately become void and the School Commander must re-apply for a new school number at least 21 days prior to the new start date.
- 2.8.4** If the application is denied, the School Commander will be notified of the denial and the reasons for it, along with suggested corrective measures to remedy the problem. No application will be approved unless and until any problems have been corrected to the satisfaction of the OPOTC Executive Director.



**U.S. Department of Justice**  
Civil Rights Division

*Office of Special Counsel for Immigration-Related  
Unfair Employment Practices - NYA  
950 Pennsylvania Ave, NW  
Washington, DC 20530  
Main (202) 616-5594  
Fax (202) 616-5509*

January 3, 2017

**BY EMAIL**

Ohio Attorney General  
Employment Law Division  
Attn: Sloan Spalding, Section Chief  
30 E. Broad Street, 14th Floor  
Columbus, OH 43215

Re: Independent Investigation of Ohio Peace Officer Training Commission  
Charge Number 197-58-64

Dear Mr. Sloan:

The Office of Special Counsel for Immigration-Related Unfair Employment Practices ("Office" or "OSC") has completed its investigation of the Ohio Police Officer Training Commission's (OPOTC's) employment practices under 8 U.S.C. § 1324b. Based on its investigation, this Office has determined that there is insufficient evidence of reasonable cause to believe that Respondent discriminated against protected non-citizens in violation of 8 U.S.C. § 1324b. Therefore, this Office has dismissed this charge and will not file a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) regarding this matter.

However, as this Office has advised you, our investigation revealed continuing uncertainty in the Ohio law enforcement community regarding whether OPOTC requires incoming trainees to be United States citizens in order to be eligible for certification. As recently as January 2016, OPOTC received questions from members of the law enforcement community regarding its position on non-citizen trainees, demonstrating that some community members were still unaware that OPOTC does not require trainees to be United States citizens. While OSC appreciates OPOTC's position that it has no such requirement, within the past year this uncertainty resulted in an unnecessary restriction of the employment opportunities available to non-citizens in at least one instance that OSC has identified. This restriction was a direct result of a particular law enforcement agency's reliance on what it believed to be OPOTC's policy.

This Office is concerned that such unlawful restrictions will recur, negatively impacting the employment opportunities available to Ohio non-citizens who are authorized to work and who wish to work in the law enforcement field and exposing law enforcement agencies and possibly OPOTC to liability under 1324b, unless clarification is broadly disseminated throughout Ohio's law enforcement community. Despite this Office's request, OPOTC has refused to disseminate any additional clarifications on this point, based on its view that there is no need for it.


Accordingly, to address OSC's ongoing concern that at least some of Ohio's law enforcement community remains confused about this issue, this Office has decided to undertake its own efforts to inform the Ohio law enforcement community and affected stakeholders that OPOTC does not require citizenship as a prerequisite to providing training for Ohio peace officers, in accordance with OPOTC's January and March 2016 meeting notes.

If you have any questions regarding this matter, please do not hesitate to contact me at (202) 305-1291. Thank you for your cooperation during the investigation of this charge.

Sincerely,

Alberto Ruisanchez  
Deputy Special Counsel

By:

  
Hillary K. Valderama  
Attorney

U.S. Department of Justice

Civil Rights Division

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Office of Special Counsel for Immigration-Related  
Unfair Employment Practices - NYA  
950 Pennsylvania Ave, NW  
Washington, DC 20530  
Main (202) 616-5594  
Fax (202) 616-5509

January 4, 2017

Richland County Sheriff's Office  
Attn: J. Steve Sheldon, Sheriff  
597 Park Avenue East  
Mansfield, OH 44905

Dear Sir or Madam,

The Office of Special Counsel for Immigration-Related Unfair Employment Practices ("OSC") writes this letter to provide you with important information regarding the training and certification requirements for peace officers in Ohio and compliance with federal law under 8 U.S.C. § 1324b.

OSC enforces the anti-discrimination provision of the Immigration and Nationality Act ("INA"), as amended, 8 U.S.C. § 1324b. The anti-discrimination provision prohibits citizenship and immigration status discrimination in hiring, firing, and recruitment or referral for a fee, by employers with more than three employees. 8 U.S.C. § 1324b. Such discrimination violates the INA unless required by a law, regulation, executive order or government contract.

It has come to our attention that some members of the Ohio law enforcement community, including some charged with recruiting and/or hiring candidates for peace officer positions, may be uncertain about whether the Ohio Peace Officer Training Commission (OPOTC) requires incoming trainees to be United States citizens in order to be eligible for certification. According to OPOTC's recent meeting notes, OPOTC does not require trainees to be citizens. See Ohio Peace Office Training Commission, *Meeting Minutes of the Ohio Peace Officer Training Commission Meeting: Thursday, January 14, 2016*, at p. 12, available at <http://www.ohioattorneygeneral.gov/getattachment/3d392645-7058-4df4-a9b5-8d8751c7df98/Final-Draft-January-14th.aspx>; Ohio Peace Office Training Commission, *Meeting Minutes of the Ohio Peace Officer Training Commission Meeting: Thursday, March 10, 2016*, at p. 8, available at <http://www.ohioattorneygeneral.gov/getattachment/5b888af4-1ff7-46d0-9e9b-73f26db7483a/March-10th-Minutes-and-Addendums-Final-Draft.aspx>). According to OPOTC, if trainees "are here legally with a visa and are able to have a firearm," they can take and pass basic training if they are otherwise eligible to do so. Ohio Peace Office Training Commission, *Meeting Minutes of the Ohio Peace Officer Training Commission Meeting: Thursday, January 14, 2016*, at p. 12; see also Ohio Peace Office Training Commission, *Meeting Minutes of the Ohio Peace Officer Training Commission Meeting: Thursday, March 10, 2016*, at p. 8 ("there is nothing prohibiting a non-citizen [from] taking Peace Officer Basic Training and receiving certification").



We hope you will use this information to ensure that your hiring practices comply with 8 U.S.C. § 1324b, and encourage you to distribute it to other individuals who may benefit from it. Please feel free to contact us through our toll free number at 1-800-255-8155 if you have any further questions.

Sincerely,



Alberto Ruisanchez  
Deputy Special Counsel

Excerpt for January 14, 2016 OPOTC Meeting

**VIII. Guest Forum**

**Sheriff Vernon Stanforth**

**Question:** [Commander Valone] Are there any restrictions for international students without U.S. citizenship taking POBT?

**Answer:** Mr. Clark looked at this a while back and replied. There's no express provision in Ohio law that prohibits a non-citizen from being a peace officer; however, at times there are statutes that can affect that one word that's a defined term in other statutes somewhere else. Some states have a specific exclusion of non-citizens of eligibility to be a peace officer.

**Question:** Do you think there would be any purpose to visit that officially to make a determination on whether or not a non-U.S. citizen should or should not be accepted?

**Answer:** Mr. Clark said that as far as if they should or should not, that's a policy and legislative issue, but I can research whatever the Commission would like me to research.

Chairperson Stanforth asked if it's been an issue before. Mr. Clark responded it came up tentatively once and he couldn't remember the circumstances. It was a while back. Director Hykes stated that he's been asked about it before as well and the only restrictions currently are the Federal Weapons Disability. The federal statute is that if they are here legally with a visa and are able to have a firearm, they can take POBT. Mr. Clark stated he will look into it if the Commission would like him to. They would.

Excerpt for March 10, 2016 OPOTC Meeting

**VII. Commission and Academy Updates**

**Executive Director Mary Davis**

During the January meeting a question was brought up regarding U.S. Citizenship, training, and certification. Mr. Clark responded there is nothing prohibiting a non-citizen can take Peace Officer Basic Training and receiving certification. It depends on whether there are any specific prohibitions in local ordinances, resolution, city charter, etc., of the village, city, township, county, etc. and by virtue of not being a citizen, there are any state or federal weapons disqualifiers in regards to a non-citizen being hired by an agency.

In 1993, the Attorney General was asked these same questions. Mr. Clark provided a copy of the responding letter. (**Addendum 3**; July 7, 1993, OPINION NO. 93-01).



## Denver Sheriff's Department fined \$10K for hiring only US citizens

Published November 22, 2016 | FoxNews.com

The intention, Denver officials said, was benevolent.

The Denver Sheriff's Department set out to hire scores of deputies last year to lessen the burden on its staff and cut millions in overtime.

It advertised for prospects, and included U.S. citizenship as a requirement.

By this past spring, it had hired 200 deputies.

The Justice Department did not congratulate the agency – instead, it slapped Colorado's largest sheriff's department with a \$10,000 fine and a host of steps it must take to address what was described as discriminatory hiring.

In a summary of the settlement on its website, the Justice Department said that in insisting on citizenship, the Denver Sheriff's Department violated an anti-discrimination provision in the Immigration and Nationality Act (INA) that forbids employers from hiring only U.S. citizens except in cases where it is mandated "by law, regulation, executive order or government contract."

The Justice Department said that the opportunity to work for the department should be open to anyone with the necessary skills who is authorized to be employed in the United States. That could be a legal permanent resident who has not naturalized, for example, or someone on a temporary visa who has a work permit.

In a statement, the Denver agency said it would abide by the ruling.

"The Denver Sheriff Department maintains its commitment to treat all people with dignity and respect, and is proud to have one of the most diverse workplaces in Colorado," said Denver Sheriff's Department spokesman Simon Crittle.

"While we didn't commit this violation intentionally, we accept responsibility and are taking steps to clarify policy and amend language in hiring documents," he added.

Many police departments around the country with positions they say are difficult to fill have sought to cast a wider net for job prospects by considering legal immigrants as well as others who have work permits.

Chicago and Hawaii police departments accept job applicants who have a work permit, according to USA Today.

The fine against the Denver agency was the target of criticism on social media, including on the Facebook page of the group "Blue Lives Matter."

Critics said that law enforcement agencies at local, state and federal levels routinely make citizenship a requirement of those they employ, and that the nature of the job should always make it a condition.

Many government jobs are open to non-citizens who are in the country legally, such as legal permanent residents, commonly known as green card holders.

Some law enforcement agencies hire non-U.S. citizens, and require them to obtain citizenship within a specific time frame.

Denver would have been within its rights to require citizenship if a local or state public agency allowed it.

On its website, the Justice Department commended the Denver Sheriff's Department for being cooperative and agreeing to take steps to address the hiring controversy.

"We commend the Denver Sheriff Department for its cooperation and commitment to removing unnecessary and unlawful employment barriers," said Principal Deputy Assistant Attorney General Vanita Gupta, head of the Justice Department's Civil Rights Division. "Eliminating this unlawful citizenship requirement will help ensure that the Denver Sheriff Department hires the best and most qualified individuals to protect and serve. The entire community will benefit from these reforms."

Beyond the fine, the sheriff's department must review applicants who were disqualified because they lacked citizenship and consider them for future openings if they meet other criteria.

Ira Mehlman, spokesman for the Federation for American Immigration Reform, told FoxNews.com that hiring people who are not permanent residents and have temporary visas does not seem feasible.

"They're making a long term investment, paying for training, for someone who might be ineligible to work in a few years," Mehlman said of the police departments.

Mark Krikorian, executive director of the Center for Immigration Studies, told USA Today last year that while he supports the idea of opening up hiring at police departments to non-citizens who are in the U.S. legally, he worried about security risks of police officers who have only work permits.

"We're handing over a gun and a badge to somebody whose background we don't really know a lot about," Krikorian said.

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**URL**

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109:2-9-04 Approval of commanders.

Each school commander is required to have the approval of the executive director to conduct a school for which commission certification is sought. Such approval shall be based upon the submission of a typewritten statement of qualifications by the person seeking approval on a form prescribed by the executive director.

(A) Minimum qualifications for approval as a commander shall be as follows:

- (1) High school graduate or possession of a "General Education Development" certificate;
- (2) Written approval from a sheriff or designee or a criminal justice agency administrator who is the executive head of a full-service jail;
- (3) Three professional references from criminal justice agency administrators;
- (4) No convictions for a felony or crime of moral turpitude, offense of violence, sexually oriented or child-victim oriented offense, or any other peace officer disqualifying offense;
- (5) Completion of an instructor training program approved by the executive director which shall include the following: instruction in the theories of learning and adult education, teaching techniques, lesson plan development and usage, behavioral objectives, student evaluation and measurement, role playing, the use of audio-visual aids, and an exercise in practice teaching. Instructor training programs taught by the Ohio peace officer training academy, the Ohio department of education, the Ohio state highway patrol, a college or educational institution, or other programs which in the opinion of the executive director are equivalent will be acceptable; and
- (6) Completion of an Ohio peace office training commission corrections school commander's conference.

(7) For applicants applying to be commanders on or after the date of this amendment, completion of a commander training program approved by the executive director.

(B) Upon receipt and verification of an application form, the executive director may issue a certificate to the commander. Unless the decision is of a ministerial nature, should the executive director refuse to issue a certificate, the executive director shall notify the applicant in writing and shall advise the applicant that he or she may request a hearing before the commission as provided in sections 119.06 and 119.07 of the Revised Code. The commission shall conduct the hearing as required by sections 119.01 to 119.13 of the Revised Code.

(C) Certification shall be renewed every five years. At least sixty days and no more than ninety days prior to expiration of the certificate, the individual shall submit, on a form prescribed by the executive director, an application for renewal that indicates the applicant has complied with the following:

- (1) The applicant has conducted at least two corrections training schools within the renewal period;

- ~~(2) The applicant has attended at least one commander conference within the renewal period if commander conferences are offered; and~~
- ~~(3) The applicant has completed at least 24 hours of training relevant to conducting and overseeing a corrections training school.~~

~~(C)~~ The executive director shall deny, refuse to renew, or revoke the certification of any commander for the following reasons:

- (1) Failure to meet the minimum qualifications for certification or renewal of a commander listed in paragraphs (A) and (C) of this rule;
- (2) Unacceptable performance evaluations;
- (3) Conviction for a felony or crime of moral turpitude, offense of violence, sexually oriented or child-victim oriented offense, or any other peace officer disqualifying offense;
- (4) A written request showing cause from the incumbent sheriff of the county in which the commander was originally certified or from a criminal justice agency administrator who is the executive head of a full-service jail facility;

~~(5) Failure to conduct a commission approved school within a five year period;~~

- ~~(6)~~ Failure to attend two consecutive commander's conferences;
- ~~(7)~~ Falsifying information to obtain a commander's certificate;
- ~~(8)~~ Submission of falsified records, application, or other documentation;
- ~~(9)~~ Allowing a person not approved as a school commander to function as a school commander; or
- ~~(10)~~ Any other good cause shown.

~~(D)~~ The executive director may suspend the certification of any commander that is charged with any felony, crime of moral turpitude, offense of violence, sexually oriented or child-victim oriented offense, or any other peace officer disqualifying offence.

~~(E)~~ Should the executive director suspend or revoke a certificate, the executive director shall notify the commander in writing of the decision and shall advise the commander that the commander may request a hearing before the commission as provided in sections 119.06 and 119.07 of the Revised Code. The commission shall conduct the hearing as required by sections 119.01 to 119.13 of the Revised Code.

109:2-11-04 Approval of school commanders.

Each jailer training school commander is required to have the approval of the executive director to conduct a training program. Such approval will be based upon the submission of a ~~notarized~~ statement of qualifications by the person seeking approval to be designated a training school commander on a form prescribed by the executive director.

(A) Minimum qualifications for certification as a jailer training school commander shall be as follows:

- (1) High school graduate or possession of a "General Education Development" certificate;
- (2) Three professional references from law enforcement administrators of the rank of lieutenant or above;
- (3) No convictions for a felony, crime of moral turpitude, offense of violence, sexually oriented or child-victim oriented offense, or any other peace officer disqualifying offense.
- (4) Completion of an Ohio peace officer training commission conference for jailer training school commanders.
- (5) Completion of an instructor training program approved by the executive director which shall include the following: instruction in the theories of learning and adult education, teaching techniques, lesson plan development and usage, behavioral objectives, student evaluation and measurement, role playing, the use of audio-visual aids, and an exercise in practice teaching. Instructor training programs taught by the Ohio peace officer training academy, the Ohio department of education, the Ohio state highway patrol, a college or educational institution, or other programs which in the opinion of the executive director are equivalent will be acceptable; and;
- (6) For applicants applying to be commanders on or after the date of this amendment, completion of a commander training program approved by the executive director.

(B) Upon receipt and verification of an ~~notarized~~ application form and completion of school commanders' conference, the executive director may issue a certificate to the school commander. Unless the decision is of a ministerial nature should the executive director refuse to issue a certificate, the executive director shall notify the applicant in writing and shall advise the applicant that he or she may request a hearing before the commission as provided in sections 119.06 and 119.07 of the Revised Code. The commission shall conduct the hearing as required by sections 119.01 to 119.13 of the Revised Code.

(C) A corrections training school commander approved under rule 109:2-09-04 of the Administrative Code may perform the functions of a jailer training school commander upon approval from the executive director.

(D) Certification shall be renewed every five years. At least sixty days and no more than ninety days prior to expiration of the certificate, the individual shall submit, on a form prescribed by the executive director, an application for renewal that indicates the applicant has complied with the following:

- (1) The applicant has conducted at least two jailer training schools within the renewal period;
- (2) The applicant has attended at least one commander conference within the renewal period if commander conferences are offered; and
- (3) The applicant has completed at least 24 hours of training relevant to conducting and overseeing a jailer training school.

(DE) The executive director shall deny, refuse to renew, or revoke the certificate of any jailer training school commander for the following reasons:

(1) Failure to meet the minimum qualifications for certification or renewal of a commander listed in paragraphs (A) and (D) of this rule

(2) Unacceptable performance evaluations;

(3) Conviction of a felony, a crime of moral turpitude, offense of violence, sexually oriented or child-victim oriented offense, or any other peace officer disqualifying offense;

(4) Separation from the agency or institution for which the individual was approved to conduct the programs;

~~(5) Failure to conduct a commission approved school within a five year period. This paragraph shall not apply if the individual can produce written verification that the need did not exist for such training within the given period;~~

~~(6)~~ Falsifying information to obtain a certificate;

~~(7)~~ Failure to attend two consecutive jailer training school commanders' conferences;

~~(8)~~ Violation of rules promulgated under Chapter 109:2-11 of the Administrative Code;

~~(9)~~ Submission of falsified records, application, or other documentation;

~~(10)~~ Allowing a person not approved as a school commander to function as a school commander;

~~(11)~~ For any other good cause shown.

~~(E)~~ The executive director may suspend the certification of any commander that is charged with any felony, crime of moral turpitude, offense of violence, sexually oriented or child-victim oriented offense, or any other peace officer disqualifying offense.



(FG) Should the executive director suspend or revoke a certificate, the executive director shall notify the commander in writing of the suspension or revocation and shall advise the commander that the commander may request a hearing before the commission as provided in sections 119.06 and 119.07 of the Revised Code. The commission shall conduct the hearing as required by sections 119.01 to 119.13 of the Revised Code.

109:2-5-05 Approval of commanders.

Each commander is required to have the approval of the executive director to conduct a basic school.

Such approval will be based upon the submission of a ~~notarized~~ statement of qualifications by the person seeking approval as a commander on a form prescribed by the executive director. All persons seeking approval to be a commander on or after the effective date of this rule, who have not previously been designated a commander, shall conform to the minimum qualifications for certification as a commander as established herein and must be associated with an established or proposed basic school.

(A) Minimum qualification for certification of commanders shall be as follows:

- (1) High school graduate or possession of a general education development certificate;
- (2) Five years of relevant law enforcement experience or five years of experience as a bailiff or deputy bailiff;
- (3) Successful completion of a basic school or peace officer basic training school;
- (4) Successful completion of an eighty-hour instructional skills course or equivalent as approved by the executive director;
- (5) Three professional references from individuals currently serving as any of the following: a judge, court administrator, prosecutor, magistrate, chief of police, or sheriff;
- (6) No conviction for a felony, crime of moral turpitude, offense of violence, sexually oriented offense or child-victim oriented offense, or firearms disability offense per Chapter 2923. of the Revised Code.

(7) For applicants applying to be commanders on or after the date of this amendment, completion of a commander training program approved by the executive director.

(B) Upon receipt and verification of an ~~notarized~~ application form for commander certification and completion of a commander conference, the executive director may issue a certificate to the applicant. Should the executive director refuse to issue a certificate, the notice of this action shall be sent to the applicant. Unless the decision was of a ministerial nature the applicant shall be advised that he or she may request a hearing before the commission as provided in sections 119.06 and 119.07 of the Revised Code. The commission shall conduct the hearing as required by sections 119.01 to 119.13 of the Revised Code.

(C) Certification shall be renewed every five years. At least sixty days and no more than ninety days prior to expiration of the certificate, the individual shall submit, on a form prescribed by the executive director, an application for renewal that indicates the applicant has complied with the following:

- (1) The applicant has conducted at least two basic training schools within the renewal period;

~~(2)~~ The applicant has attended at least one commander conference within the renewal period if commander conferences are offered; and

~~(3)~~ The applicant has completed at least 24 hours of training relevant to conducting and overseeing a basic training school.

~~(C)~~ The executive director shall deny, refuse to renew, or revoke the certification of any commander for the following reasons:

(1) Failure to meet the minimum qualifications for certification or renewal of a commander listed in paragraphs (A) and (C) of this rule;

(2) A commander's evaluation reflecting unacceptable performance;

(3) Conviction for a felony, crime of moral turpitude, offense of violence, sexually oriented or child-victim oriented offense, or any other disqualifying offense;

~~(4)~~ Failure to conduct a basic school within a five-year period;

~~(5)~~ Falsifying information on records, application, or other documentation;

~~(6)~~ Violation of rules promulgated under this chapter; or;

~~(7)~~ For any other good cause shown.

The executive director shall notify the commander in writing of this revocation. The commander shall be advised that he or she may request a hearing before the commission as provided in sections 119.06 and 119.07 of the Revised Code. The commission shall conduct the hearing as required by sections 119.01 to 119.13 of the Revised Code.

~~(D)~~ The executive director may suspend the certification of any commander that is charged with any felony, crime of moral turpitude, offense of violence, sexually oriented or child-victim oriented offense, or any other disqualifying offenses.

~~(E)~~ Should the executive director ~~suspends~~ suspend or revoke the certificate, the executive director shall notify the commander in writing of this decision. The commander shall be advised that he or she may request a hearing before the commission as provided in sections 119.06 and 119.07 of the Revised Code. The commission shall conduct the hearing as required by sections 119.01 to 119.13 of the Revised Code.

~~(F)~~ Current, approved peace officer, parole officer, or probation officer school commanders can also administer basic schools approved by the executive director.