



Ohio Peace Officer Training Commission
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OHIO PEACE OFFICER TRAINING COMMISSION MEETING

THURSDAY, JULY 18, 2013

HELD AT THE

OHIO PEACE OFFICER TRAINING ACADEMY

1650 STATE ROUTE 56 S.W.

LONDON, OHIO 43140

MINUTES

I. OPENING

A. CALL TO ORDER

Chairperson Vernon Stanforth called the meeting to order at 10:01 a.m.
Colonel John Born led the Pledge of Allegiance.
Ms. Donna Long called the Roll.

COMMISSION MEMBERS PRESENT

Chairperson Vernon P. Stanforth
Sergeant Troy Mineard
Ms. Linda O'Connor
Chief Ronald Ferrell
Chief Paul Denton
Colonel John Born
Sheriff Michael Heldman
Mr. Stephen Schumaker

B. WELCOME AND INTRODUCTION OF GUESTS AND STAFF

ATTORNEY GENERAL'S OFFICE

Mr. Jeff Clark

Attorney General's Office

GUESTS AND STAFF

Mr. Eric Landversicht	Ohio Department of Education
Staff Lt. Chuck Jones	Ohio State Highway Patrol
Mr. Tom McAllister	Sinclair College
Lt. Gregg Gaby	Dayton Police Dept.
Ms. Chelley Siebert	Dayton Police Dept.
Officer Jack Stoll	Dublin Police Dept.
Mr. Arnie Schropp, Deputy Director	Ohio Dept. of Public Safety
Mr. Irwin "Mike" Cohen	P.I.S.S.C.
Mr. Dwight Holcomb	P.I.S.S.C.
Ms. Mary Davis	OPOTC Acting Executive Director
Ms. Donna Long	OPOTC Secretary
Ms. Jessica Didion	OPOTA Deputy Director
Ms. Alice Robinson-Bond	OPOTC Deputy Director
Mr. Justin Hykes	OPOTC Assistant Attorney General
Ms. Lori Rinehart	OPOTC Staff
Ms. Jill Curry	OPOTC Staff
Ms. Arienne Fauber	OPOTC Staff
Ms. Mary Broyles	OPOTC Staff
Mr. Lou Agosta	OPOTA Deputy Director
Mr. Mike Roever	OPOTC Staff
Ms. Sarah Thomas	OPOTC Staff
Mr. Aaron Coey	OPOTC Staff
Mr. Eric Schaefer	OPOTC Staff

II. CHAIRPERSON REPORT

Approval of Minutes

Chief Paul Denton motioned that the minutes of the May 16, 2013, meeting be approved, Sheriff Michael Heldman seconded the motion. A vote was taken and the motion passed favorably with a vote of 7 out of 8. Chief Ferrell abstained from the vote due to being absent of the May 16, 2013, meeting.

Chairperson Stanforth credited his training during a recent automobile accident that his wife and he were involved in recently. They were very fortunate to have survived with only minor injuries.

That concluded the Chairperson's Report.

III. CURRICULUM COMMITTEE

Chief Paul Denton
Committee Chairperson

Chairperson, Chief Paul Denton stated that the OPOTC Curriculum Committee met prior to the OPOTC meeting. Four items are currently under development for peace officer basic training. The OPOTC Curriculum Committee would like to recommend a motion to the OPOTC.

MOTION:

Chief Denton made a motion recommending to the OPOTC that these courses be continued in their development for the basic training academy. The motion was seconded by Sgt. Troy Mineard.

After the discussion below, with no further discussion brought forth, the motion was voted on and passed unanimously.

DISCUSSION/EXPECTATIONS

Chief Denton introduced Acting Executive Director Mary Davis to explain the changes.

Ms. Davis explained that of the four items, there are three topics that the Education and Policy Section is looking to add to the July 1, 2014, peace officer basic curriculum release. Those topics were:

- **Impact Weapon** which was identified by the JTA as needed to provide the basic cadets the ability to utilize the training straight from the academy. We are looking at adding an 8-hour Impact Weapons course to the Subject Control Unit. The approval of this new course would allow for implementation of the two day impact weapon instructor course. The new basic course would include the ratios of 1 instructor per 10 students. If approved, it would be announced immediately to the field to give the instructors a year to get their applications in and be certified to instruct the course by the July 1, 2014 effective date.
- **Standardized Field Sobriety Testing** training comes from the NHTSA manual which is currently being updated. The new lesson plan will include the updated terminology from NHSTA along with updating case law. Education and Policy Section would like to add an 8 hour SFST Instructor Update course to be completed prior to July 1, 2014.

Chairperson Stanforth asked how long it would be for NHTSA manual to be completed. Ms. Thomas replied that NHTSA has the manual in house and finalizing edits. Once Education and Policy Section receive the new manual, the update courses will start.

- **Electronic Evidence** would be added to the Investigation Unit, incorporating technology updates for the basic cadet. This would be an additional 4-6 hours for the basic cadets. The instructor qualifications would be an 8 hour Computer Crimes for First Responder course.

The fourth item in the curriculum changes would be:

- **Officer Wellness** would add an additional 2-4 hours to the Physical Conditioning Unit, and offer training on how to deal with the stress encountered, the shifts they are required to work, and the equipment they will be using. The instructor qualifications (upon approval) would be an 8 hour advanced training course. The time would allow the instructors to get certified to instruct by July 1, 2014.

Chairperson Stanforth asked if these changes were going to result in additional hours. Ms. Davis replied that she won't know until closer to the July 1, 2014 release date. Education and Policy Section is trying to offset some of the hours, covering what is needed in the basic curriculum. If everything stays on course and these changes are implemented, it would be around 596 hours for basic curriculum. Chief Denton stated that the SFST was a 32 hour revision. Ms. Davis said they were not looking to increase or decrease it. The motion was made for the curriculum to be continued in its development, with a review process as they are developed and report back to the OPOTC for final approval, as done in the past.

Chief Denton introduced the second item of discussion, SMG and the M16/M4 Qualification courses of fire, which fall under the advanced training curriculum. Chief Denton introduced Deputy Director Lou Agosta to discuss the recommendations.

Mr. Agosta explained that currently, many departments are receiving M16/M4s which are a select fire rifle. OPOTA currently has a police rifle carbine course of fire, but that is not considered a select fire weapon. OPOTA also has a submachine gun course of fire which is more of an automatic weapon.

Currently, OPOTA is developing a M16/M4 course of fire, so that officers who carry that weapon only have to qualify with one course of fire, rather than both the submachine gun and the police rifle course of fire.

Chief Denton stated that it would be the recommendation of the curriculum committee to the OPOTC to continue with the development of the M16/M4 and the SMG qualification courses of fire. This will include test firing, getting the proposals out to the field for agency review and input; this was put in the form of a motion.

MOTION

Chief Denton recommended to the OPOTC for the continued development of the M16/M4 and the SMG qualification courses of fire, which would include test firing, and getting the proposal out to the field for agency review. The motion was seconded by Sgt. Troy Mineard. After the discussion below, a vote was taken and passed unanimously.

DISCUSSION

Chief Ferrell asked if these would be mandatory for those agencies that use these weapons. Mr. Agosta responded that eventually, it would be phased in, and then become mandatory. Ms. Davis explained that there are already course of fire for SMG requalification; that will be a revision. The M16/M4 is a totally new course that advanced training has developed so that officers who carry those select fire weapons don't have to shoot both the SMG and the Police Rifle Carbine course of fire in order to qualify with one weapon.

Chief Denton stated that one point that came up in the OPOTC Curriculum Committee meeting was that range lengths, and target sizes would be evaluated in terms; considering smaller targets for smaller ranges. This would accommodate agencies that don't have the longer ranges to still be able to qualify.

Chief Ferrell asked if there was input from the field. Mr. Agosta stated that the goal is to get the courses of fire out to the agencies for their input. Chairperson Stanforth asked if 150 ft. is a normal range. Mr. Agosta responded that they would only be shooting 3 rounds; it is a test for proficiency/marksmanship.

Chief Denton replied that the new course proposal which was discussed are designed more on the principal of marksmanship, weapons handling, and weapons familiarity. This is similar to what we have done with the pistol qualification courses and not necessary tactical or shooting from cover. These would be covered during training rather than during the qualification courses.

That concluded the Curriculum Committee Report.

IV. LEGISLATIVE COMMITTEE

Sergeant Troy Mineard
Committee Chairperson

Sgt. Troy Mineard stated there was nothing to report. That concluded the Legislative Committee Report.

V. HOUSE COMMITTEE

Colonel John Born
Committee Chairperson

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

VI. CONTINUING PROFESSIONAL TRAINING COMMITTEE

Sheriff Michael Heldman
Committee Chairperson

Sheriff Heldman stated there was nothing to report. That concluded the Continuing Professional Training Committee Report.

STAFF REPORT

VII. COMMISSION AND ACADEMY UPDATES

Acting Executive Director Mary Davis

Ms. Davis stated that upon taking the position of Acting Executive Director, the release of OPOTC approved Rifle Carbine course of fire was sent out. We starting receiving questions on the 150 foot stage and range accommodations (could agencies use reduced targets and adjust their distances). After speaking with the SMEs (Subject Matter Experts) the decision was agreed upon with what the OPOTC had previously approved.

After meeting with Chief Denton and some members of the Chiefs Organization to discuss these matters, we have re-evaluated and are working to accommodate those requests. A notice was to be sent out to the field in a few days. Moving forward, those accommodations were carried into the development of the M16/M4 course of fire.

Chief Denton introduced Officer Jake Stoll of the Dublin Police Department. Officer Stoll, who attended the meeting, provided input regarding the same issues. His perspective as a firearms instructor was reasonable accommodation to further the simplification not making it easier, but making it enforceable, so that it can allow more time for training.

Ms. Davis reported that on May 30, 2013, the Chief Craig 119 hearing was voluntarily dismissed. Mr. Jeff Clark explained the case was mooted in Ohio by Chief Craig's acceptance of the Chief of Police in Detroit Michigan. The City of Cincinnati, which had joined the case separately from Chief Craig, chose not to continue with the appeal, so the case is closed.

The last item was concerning the Continuing Professional Training hours. Ms. Davis asked Mr. Stephen Schumaker to give the report. Mr. Schumaker reported on July 17, 2013, there was an advisory group meeting with numerous stake holders, including Chiefs, Sheriffs, Public Safety, and the Attorney General's Office regarding the report due on September 1, 2013 on the Law Enforcement Training Fund and recommendations of fund spending. There will be additional meetings; the Attorney General's hope is that all law enforcement can come together in how the casino money will be used. That report and the results of those meetings could affect what is brought to the next OPOTC meeting in terms of available CPT reimbursements.

Chief Ferrell asked what the estimated amount of the pool money is. Mr. Schumaker replied they estimated \$6 million, which encompasses the OPOTA share and the Public Safety share. There has been a recent decline in the casino revenue, and there are still several casinos to come online as well as the internet café situation which could or could not affect the revenues. The dollar amount is greatly flexed.

The cost of CPT hours is over \$700,000.00 per hour. Presently, there isn't enough in the fund to cover one hour.

Mr. Schumaker stated that the Attorney General is looking at funding the current Mobile Academy initiative, which is expanding with portable shoot houses, and determining the funds available to reimburse for CPT. A training fund report is due to the legislature by September 1, 2013, so the money available for 2014 CPT will be known at the September 19, 2013, OPOTC meeting.

Mr. Schumaker also stated that the search for the executive director position is ongoing. He encourages the OPOTC's involvement. Chairperson Stanforth appointed the OPOTC House Committee to work with the Attorney General in this process.

Chief Ferrell asked how the code read. Mr. Clark responded that Revised Code 109:7-3b read that the OPOTC shall appoint an executive director with the approval of the Attorney General who shall hold office during the pleasure of the commission.

That concluded the staff report.

VIII. OLD BUSINESS

Chairperson Vernon P. Stanforth

Ms. Davis referenced the 2013 Commander Conference Survey handout, which each OPOTC member received in their packet. **(See addendum 1)** The overall results were based on 113 out of 171 commanders who responded. The questions and the response percentages are listed below.

1. Have you held a Peace Officer academy within the past 12 months?
Yes, n=92 (81%)

No , n=21 (19%)

2. Do you currently require mandatory attendance for the entire Peace Officer Basic Training program?

Yes, n=33 (29%)

No, n=80 (71%)

3. Do you think that the entire Peace Officer Basic Training program should be mandatory attendance?

Yes, n=60 (53%)

No, n=51 (45%)

Undecided, n=2 (2%)

Chief Denton asked if Ms. Davis could generalize out of the survey, open enrollment academies verses agency academies. Ms. Davis stated that she couldn't make that assumption, but it would appear that the majority of the academies that run are open enrollment academies. We have fewer closed agency academies.

Chief Denton stated that in reading the comments he got the sense for the desire for flexibility and accommodation's to pursue other real life problems; every chief and sheriff out there deals with mandatory training issues on a daily basis.

Chief Ferrell asked what the current mandatory hours were. Ms. Thomas replied that there were around 160 hours mandatory. There are currently 6-8 hours that a student can miss. Ms. Thomas replied that they can miss up to 5%. Chief Ferrell responded that would equal out to about 8 hours.

Ms. Davis clarified that mandatory hours is referring to attendance. The discussion was originally brought up during an OPOTC Curriculum meeting in March 21, 2013, by Commander Kathy Barch, COTC.

Sgt. Mineard stated he looks at this as a basic competency to hold a job. "If he hires a new officer, he wants to know he has been through the complete course of instruction". It removes the questions of what training that officer may have missed in the 5% that is allowed to be missed. If something happens, and it becomes an issue, because an officer missed the training, it becomes a concern.

Chief Ferrell replied that several commanders made comments that mandatory hours would be a nightmare he thought it would be the opposite. Commander Lt. Gregg Gaby of Dayton Police Academy agreed with Chief Ferrell. He believes that it would be a lot simpler to have everything mandatory. He shared Sgt. Mineard's concern with something happening down the road due to missed training on what should have been covered in the basic academy. Commander Tom McAllison, Sinclair College, stated that if a student misses mandatory hours, it is their responsibility and obligation to get the makeup training scheduled and completed.

Ms. Jill Cury, Certification Officer stated that field agents are finding some students are missing more than the 5% allowed, which is requiring them to make up the hours. In many situations this is not being discovered until the final audit, which then causes concern for the trainings to be made up in time for the testing of the cadets.

Ms. Davis stated that she receives emails asking for approval to make up missed training on a regular basis.

Ms. Cury stated that there are 200 questions on the test. As an example, the legal section has 75 total hours, 40 of those hours are mandatory and 35 hours are not mandatory. The students are missing out on essential about of training. Chairperson Stanforth asked if there was an idea of how many students chose to be absent in the non-mandatory hours.

Commander McAllister, Sinclair College stated that they see a high number of students that choose to miss up to the 8 hours allowed. Chief Ferrell questioned the cost of instructors for the makeup hours. Ms. Davis stated that would depend upon the academies. Lt. Gabby, Dayton Police Department, said that they build in time for that purpose, there is no overtime and they double up on firearms instructors' time for the purpose of making up hours.

Chairperson Stanforth asked if OPOTC was prepared to make a motion.

MOTION:

Sgt. Mineard made the motion that from here on in every topic is mandatory. After the discussion below, the motion was withdrawn.

DISCUSSION

Jeff Clark clarified that OPOTC has the authority to recommend rules to the Attorney General that attendance requirements are set by. In order to change those rules it would be a recommendation to the Attorney General who would bring the rule change to JCARR to be revised in Administrative Code.

Mr. Schumaker asked how many students are pushing the limit, are most of the students missing right up to the line. Lt. Gabby replied absolutely. Sgt. Mineard stated that their agency is hiring more open enrollment because they don't have their own academy. What he has found is that one person may have gone through the complete training with no problem, and then you notice a deficiency in another that causes his training staff to go crazy. Some students do well and some don't with the SPOs, why give those breaks and make it a nightmare down the road?

Mr. Schumaker asked if operations would improve significantly if attendance was mandatory. Sgt. Mineard replied yes it would, it would provide a floor that everyone has gone through that training and everyone is the same. The commanders here are saying that students are pushing it to the end, and then what do they miss? Chief Denton replied that then you find yourself using tax-payers' funds out of your agency to pay for mediocre training that they should have, could have or may have had.

Sgt. Mineard withdrew the motion and made a new motion.

MOTION

Sgt. Mineard made the motion to recommend to the Attorney General, that Ohio Administrative Code 109:2-1-09 attendance, be amended to require attendance at all sections of the basic course, which the commander must require any student to make up this training to assure that the student has the required mastery of the subjects taught during the school. The motion was seconded by Chief Denton. After the discussion below, a vote was taken and passed favorably with OPOTC Members: Chairperson Stanford, Sgt. Mineard, Ms. O'Connor, Mr. Schumaker, Chief Denton, Colonel Born and Sheriff Heldman all voted in favor of the motion, Chief Ferrell voted against the motion and SAC Mr. Anthony was absent from the vote.

DISCUSSION

Chief Ferrell asked if we would see this at a later date. Mr. Clark, responded that was between the Attorney General and the OPOTC; considering the good relations there he would expect it to be available. Chief Ferrell asked how many other states have 100 % mandatory hours. Ms. Davis replied that most states are POST states, and she would guess that they would be mandatory.

Chairperson Stanforth asked if the OPOTC September 19, 2013 meeting would give us time before the mandatory time for JCARR. Mr. Hykes stated that JCARR takes about 90 days, requiring a public hearing, filing of the rules and hearing date to final file the rule change. Ms. Davis questions the date coinciding with the curriculum updates. Staff would need to know prior to the September OPOTC meeting. Mr. Hykes stated that he could go straight to filing – if OPOTC doesn't review the rule, it could be filed within the next two weeks.

Chief Ferrell suggested that personally he was probably in agreement with Sgt. Mineard comments, but we don't need to be in an hurry with this. He asked if it could be an agenda item and invite the commanders to come. He would like to know how many states that have open enrollment have mandatory attendance.

Chairperson Stanforth asked if we could meet JCARR timeframe by the first of January 2014. Mr. Hykes stated that the issue is that regardless of when the rule goes into effect, it will all be mandatory. After the rules are adopted, you can write in an effective date.

Ms. Cury stated the non-mandatory attendance does not have to be made up; mandatory attendance, if missed, must be made up. Example, a student misses firearms; it must be made-up because it is a mandatory topic.

With no further discussion, the motion was voted on.

DISCUSSION AFTER VOTE

Chief Ferrell explained that he was not opposed to the concept, but with the explanation; with a little more deliberation, at the end of the day he believed he would be in support of it.

Chief Denton responded that he respected Chief Ferrell's processing, and asked if there was something that could be done to allow further deliberation. Chief Ferrell stated that he feels the commanders should have the opportunity to state any arguments and express their

concerns to the OPOTC. The survey showed a margin of 53% for and 45% against the mandatory attendance. He personally thinks it should be mandatory. He agrees with what Sgt. Mineard said earlier. This is a pretty essential change, which we are not under a gun to do.

Chief Denton agreed with Chief Ferrell and made a motion to guide that, he does agree and respects the chairperson deliberations; he would support further discussion if needed.

Chairperson Stanforth stated that the earlier motion was to “recommend” to the Attorney General for approval and see if the Attorney General wants to kick it back for discussion. It can be put on the agenda for the September 19, 2013, meeting and have those commanders voice their concerns. We will recommend it to the Attorney General, with the proper terminology and research. Then once we have the final recommendation from the Attorney General, Mr. Schumaker stated that we can always pull the JCARR Rule if the commanders wanted to come in. Mr. Clark stated effectively there are no set deadlines, either in a motion or other processes here; the informal back and forth between the Attorney General and scheduling seems to be available to take care of seeking further input from the commanders. Chief Ferrell asked if it would be appropriate to make a motion for it to be an OPOTC agenda issue.

MOTION

Chief Ferrell made a motion to bring the issues on the agenda for the OPOTC September 19, 2013 meeting for further discussion; making sure the commanders are aware that they have invested interest if they want to attend. The motion was seconded by Chief Denton. No discussion was brought forth and the vote was taken and passed unanimously.

That concluded the old business.

VIII. NEW BUSINESS

Chairperson Vernon P. Stanforth

Chairperson Stanforth stated to be discussed under new business was Private Security Requalification Changes.

Ms. Davis and Colonel Born met with members of the Ohio Private Investigators Security Services Commission to discuss request and concerns that they have in regards to private security firearms. Commission Chairperson, Corwin “Mike” Cohen was in attendance to address the OPOTC. Included in each member’s packet was a proposal from the Private Security Commission, and a counter proposal from Mr. Hykes for the OPOTC.

Mr. Cohen stated that they were in the process of rewriting of Ohio Revised Code 479 as it pertains to private security. **(See Addendum 2)** There had been no updates since 1978. The objective is to try increase training in a more positive image through the State of Ohio, to better serve Ohio. It is in the draft stage, they are asking for the cooperation and assistance of the OPOTC.

Mr. Hykes presented a copy of his counter proposal to Mr. Cohen with an apology for not getting it to him earlier. **(See Addendum 3)** Mr. Hykes went over the document covering 109.78 Certification of special police, security guards, or persons otherwise privately

employed in a police capacity; 109.801 Annual firearms requalification program; and 109:2-3-10 Firearms Certification, stating changes and recommendations.

Mr. Schumaker asked if there would be a firearms test for the prior equivalency. Mr. Hykes stated that OPOTA would have no input; this would fall under the Ohio Department of Public Safety. It is a DPS statute. There would be financial implications. Currently, the fees are \$125.00 academy and \$100 Basic Firearms. Chief Ferrell asked if shotgun was optional. That question will be determined as they work through the changes.

After a discussion of application fees, Mr. Cohen asked for time to review the counter changes, stating that they would work with Mr. Hykes. They will plan for the OPOTC to vote at the meeting in September. Ms. Davis proposed that the OPOTC discussion be postponed until further discussion with the Private Security Commission. Chief Ferrell asked Mr. Hykes to summarize the private security point of view and our recommendations for the September 19, 2013 OPOTC Meeting. Mr. Hykes agreed.

Chairperson Stanforth brought up further discussion on the CPT. OPOTC Members spoke regarding the need for the CPT Committee to assign members and the need to hold public meetings to allow consideration of CPT effectiveness, funding, process practicality for agencies and commission staff.

Mr. Schumaker stated that in the advisory meeting there have been discussions concerning both the ability to mandate certain training topics and give flexibility in some hours to agency administrators.

After a lengthy discussion on the advisory board and its role and the OPOTC-CPT Committee and its role, Chairperson Stanforth stated that they were separate committee's and that it was at the Attorney General's discretion as to whether to invite Sheriff Heldman to the advisory board meetings.

The OPOTC will need staff in place for the October 15, 2013, deadline to announce the CPT for 2014. For the OPOTC September 19, 2013, meeting, we will need to have reinvented the group for the CPT Committee; which may mean looking over the past CPT Commission Minutes and meeting prior to the September 19th meeting. We need to get the word out and have the committee in place.

Chief Ferrell asked if the CPT monies can be rolled over or combined over two years, or if it is an annual requirement. Mr. Hykes stated he believed that it was annually, by month and date. Mr. Clark stated that month and date are given and based upon available funding for reimbursement as described in the division if no funds are available, no continuing professional training will be required.

Ms. Davis wants the OPOTC to keep in mind that in addition to the deadline of the October 15, 2013, for announcing the CPT for 2014, once announced, the OPOTC is responsible for providing the e OPOTA courses and lesson plans on-line for the allotted hours. We are trying to go forward in this, but if there is going to be a special topic for an hour or multiple hours that requires new on-line course development, it's an expense and a time sensitive process.

Chairperson Stanforth asked for any other new business. With none forth coming, that concluded the new business.

X. GUEST FORUM

Chairperson Vernon P. Stanforth

With none forth coming, that concluded the guest forum.

XI. MOTION TO ADJOURN

Chief Ronald Ferrell motioned to adjourn the meeting. Colonel John Born seconded the motion. The vote passed unanimously. Meeting adjourned.

Time: 11:59 a.m.


Chairperson

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