



DAVE YOST

OHIO ATTORNEY GENERAL



Ohio Peace Officer Training Commission
Office 800-346-7682
Fax 740-845-0362

Ohio Peace Officer Training Commission Meeting

January 13, 2022

Held at 1650 State Rt. 56 S.W., London, Ohio 43140

Meeting was held in the cafeteria

Minutes – January 13, 2022

A. Opening- Call to Order

Chair Stanforth called the meeting to order at 10:05 a.m.

Colonel Fambro lead the Pledge of Allegiance. Mrs. Lopez-DeLaet called the roll.

Commissioners Present:

Chair, Sheriff Vernon Stanforth
Vice-Chair, Chief Clayton Harris
S.A.C. Eric Smith
Ms. Carol O'Brien
Colonel Richard Fambro
Lieutenant James Fitsko
Sheriff Michael Heldman

Commissioners Absent:

Ms. Leah Amstutz

Commissioners called in via the phone:

Chief George Kral- via phone
Ms. Wynette Carter-Smith- via phone

Ms. Lopez-DeLaet confirmed there was a quorum with 7-Present, 1-Absent, 2- via the phone.

Attorney General Staff in Attendees:

Mr. Dwight Holcomb, Executive Director - OPOTC
Richard Hardy, Director Professional Standards and Education - OPOTC
Erica Wilson, Director of Training Curriculum - OPOTC
Laura Lopez-DeLaet - OPOTC Staff
Carol Simon - OPOTC Staff
Arienne Fauber - OPOTC Staff
Courtney DeLong - OPOTC Staff
Brittany Brashears - OPOTC Staff
Lori Rinehart - OPOTC Staff
Cynthia Peterson - OPOTC Staff
Deana Leffler - OPOTC Staff

Doug Dumolt - Director of Law Enforcement Operation - AGO
Michael Walton - Associate Assistant Attorney General - AGO
Garret Anderson - Assistant Attorney General - AGO

Guests in Attendance:

Paul R. Weber - Clark State Community College
Chuck Crosby - Sinclair College
John Altman - Ohio State Highway Patrol
Mark Lang - Columbus Police Department
Matthew Dickey, Dayton Police Department
Charles Henry - Sentry Security Solutions
Ron Morenz- Lakeland Community College
David Wiseman - Delaware County Sheriff's Office
Curtis Baker - Franklin County Chiefs Association
Bill Holland - Summit County Sheriff's Office
Robert Lehman - Akron Police Department
Gerald Forney - Akron Police Department

Chair Stanforth Welcomed everyone to the meeting. He stated that two commission members would be joining via phone. The two members would be able to participate in the discussion, but due to them not being present, they would be unable to vote in any proceedings.

Chair Stanforth Announced that there were two sets of meeting minutes to approve.

Motion a motion for the approval of the September 9, 2021 and November 10, 2021 minutes by Ms. O'Brien. Chief Harris seconded the motion. A vote was taken and passed unanimously. Yes- 7, No-0, Absent- 1, Abstained- 2.

B. Chair Report

Chair Stanforth asked all the commission members to review the handout labeled 2022 Commission members. He asked that they make sure their contact information was correct and up to date. Chair Stanforth reminded the members that they are required to file their ethic reports by March 2022.

Chair Stanforth announced the 2022 Committee Assignments.

Curriculum Committee-

- Sheriff Michael Heldman, Chairperson
- Chief Clayton Harris
- Ms. Leah Amstutz

Legislative Committee-

- Lt. James Fitsko, Chairperson
- Sheriff Michael Heldman
- Ms. Wynette Carter-Smith

House Committee-

- Colonel Richard Fambro, Chairperson
- Chief George Kral
- SAC Eric Smith

Continuing Professional Training Committee-

- Sheriff Michael Heldman, Chairperson
- Lt. James Fitsko
- Ms. Wynette Carter-Smith

C. Continuing Professional Training Committee Report

Sheriff Heldman, Continuing Professional Training Committee Chair stated the Continuing Professional Training Committee had not met.

Sheriff Heldman stated that there had been some discussion about attendance in person for the Cultural Humility, Diversity, Inclusion CPT class. Executive Director Holcomb was looking for clarification for his staff on whether it was determined that the course had to be done in person or could be completed online. After some discussion, Sheriff Heldman stated that the decision should be left to the agency head.

Sheriff Heldman stated there were also questions about the signing off on letters. The question arose that if a training is being done regionally, does the trainer need to have a letter signed off for each individual agency?

Director Holcomb clarified that CPT training is agency driven. It is in the Ohio Administrative code that it has to come through the appointing authority. Once you have an appointing authority, an agency then submits the curriculum to be provided to OPOTA for approval. Once it's approved by OPOTA, that agency can provide it to any peace officer in the state. They can open it up so that neighboring agency staff can come. The neighboring agency staff do not have to do anything but show up to the training. The hosting staff would then issue a certificate that the individual can take back to their academy or to their department and then turn in for the records. Therefore, once it's approved for an agency to give a training, they can provide that training to whomever they'd like to invite.

Director Holcomb then gave a recap on the CPT process. He thanked the OPOTA staff for their work with the salary data workbooks. He stated that the first payments for the CPT distribution should be going out in January. The Director also gave some statistics on Ohio agency payrolls, and salaries for Ohio Peace Officers. Director Holcomb stated that the information was being shared with the new committee at the State House that is looking towards long term funding of CPT.

Director Holcomb went on to discuss the curriculum aspect of the CPT process. He first thanked the OPOTA staff for their diligent work in designing and reviewing the seven CPT topics. He stated once the curriculum is designed and a legal review is completed,

it can be posted to OPOTA Online. Director Holcomb stated that topics 8-17 were topics from the Ohio Collaborative, and that OPOTA would not be designing curriculum for those topics. OPOTA was only designing curriculum for topics 1-7 which was sufficient to fulfill all CPT requirements. He stated that agencies that elect to do topics 8-17 are able to do that if they want to be more specific on some training topics in their agencies. OPOTA has told the agencies that on those topics they need to at least be in multiple increments of one hour. Director Holcomb gave the examples they could do (1) eight-hour class, (2) four-hour classes, it would be up to the agency how they want to design it.

Director Holcomb went on to discuss the three different ways an agency can provide the CPT training.

- 1) Agencies can use the curriculum that OPOTA has designed, and is going to post on OHLEG. This can be taught by an instructor in their agency that meets the Ohio Administrative Code.
- 2) Agencies can create their own curriculum for the topics. This would require the pre-approval forms that are available online. The appointing authority is the initiating person. The curriculum is developed and reviewed by the appointing authorities legal counsel. That information is sent to OPOTA for approval, and once approved can be used for training.
- 3) Agencies can use a third-party provider. OPOTA cannot approve curriculum from a third-party provider so it has to come through the appointing authority. The agency would submit the information of the third-party vendor for approval. Once approved by OPOTA, that vendor can be used by the agency for training. An agency could invite other agencies or staff to attend the training.

Director Holcomb stated an officer has three different options available for them to complete their CPT requirement.

- 1) The officer can take the training online through OPOTA Online. Reminder that topic 1 is mandatory.
- 2) The officer could take in-person training available at OPOTA.
- 3) The officer can go to another agency. If the officer works for agency A and agency B is putting on a class. As long as agency B's class is OPOTA approved they can take the class there.

Director Holcomb showed some screen shots of where to go in OHLEG to locate the 2022 CPT lesson plans. He stated that OPOTA hoped to have all the lesson plans posted by the first week of February. Director Holcomb then went on to show where on OPOTA Online the videos for the 2022 CPT training are located.

Director Holcomb gave a demonstration of the new OPOTA Portal that was going to be launching the following week. This portal was created for peace officers to have more control over their information and to streamline registration. Previously, an officer had to register for training through OHLEG. This new portal removes the training registration from OHLEG, and makes it easier for officers to search, find, and register for courses. Director Holcomb demonstrated some of the functions that an officer would be able to perform on the portal such as: search and register for a class, see previous

courses taken in person, view and print certificates, download and export employment history.

That concluded the Continuing Professional Training Committee Report.

D. Curriculum Committee Report

Sheriff Heldman, Curriculum Committee Chair stated he had nothing to report.

E. House Committee Report

Colonel Fambro, House Committee Chair stated the House Committee had nothing to report. Colonel Fambro did take the opportunity to thank Chief Kral for filling in for him at the last House Committee meeting. That concluded the House Committee Report.

F. Legislative Committee Report

Lt. Fitsko, Legislative Committee Chair reported that there were two bills: Senate Bill 215 and House Bill 227 that they were concerned with. Lt. Fitsko stated that if the bills pass in their current state, it would change the way new recruits would be trained. He stated the bills would eliminate the requirement that conceal and carry holders have to notify the police officer of the weapon, and to keep their hands in plain sight. Lt. Fitsko reported that the bills would change how police officers would handle Terry stops.

G. Commission and Academy Reports

Director Holcomb reported that the academy continues to stay open and provide in person training despite the heightened number of Covid cases in Ohio. He reported that the academy has not cancelled any classes, or had any reported Covid cases. Director Holcomb stated that the housekeeping staff does a great job of sanitizing and disinfecting between classes every night, trying to keep the academy a safe environment.

H. New Business

Director Holcomb presented to the Commission some Administrative Rule changes for Rule 109. The Rule would need to be altered to adjust for the role that Pearson Vue is now taking in the preparing, conducting and scoring of tests. Director Holcomb also talked about the need to make changes that would allow for an easier equivalency transfer for out-of-state officers. Another proposed addition would be adding language that would allow federal law enforcement officers to be given prior equivalency ability.

Lt. Fitsko asked for clarification if the changes would mean two separate tests? Mr. Fitsko wanted to know if everyone would be taking the same test, or if somebody from out of state would take a different test than the in-state graduate.

Director Holcomb stated that we would be talking about two different tests if that is what the commission wants. He stated how it could potentially work would be that depending on the student performance objectives and topics from the basic academy the questions for those topics can be pulled from the full test and made into a smaller test. It would be the same questions as the full test, just not the entirety of the test.

Brittany Brashears explained the two-tier current process that is used in Ohio to determine what courses and training are needed for out of state officers.

Doug Dumolt stated that Ohio compared to other states falls in the middle on how they handle reciprocity. Doug mentioned that IADLEST put together a 50-state summary back in 2018 that showed how reciprocity is handled in every state.

S.A.C. Smith asked if there was a timeframe for a break in service that would make the officer have to go back and take the whole program over.

Director Holcomb stated that would not change. You still have to have five years of law enforcement experience within the last four years.

Lt. Fitsko asked if there was a minimum or maximum time to be eligible to take the test?

Director Hardy stated that currently there is a 30-day test window that testing must be completed in, unless an extension is provided.

S.A.C. Smith asked when OPOTA asks for the certifications from other states, how forthcoming are they? Is it dependent on the officer to provide it, or does the state readily give that to you?

Brittany Brashears answered that the officers should be providing the information. It is easier to get it from the officers rather than the institutions.

Colonel Fambro asked if the information that was provided was affidavits, or just records not certified by anyone?

Brittany Brashears stated she mostly gets certificates and training transcripts from the academies.

Arienne Fauber stated they can get transcripts, audit sheets, syllabuses, etc. The problem is sometimes it's hard to make the determinations with what is being provided. Ms. Fauber stated that you request more information, but it's not always provided.

Doug Dumolt reminded the group that we still have the revocations process. That if someone tries to take advantage of the process by submitting fictitious or inappropriate documents we are not stuck with keeping them as a peace officer.

Chair Stanforth asked what was the timeline is for JCARR?

Doug Dumolt explained that if a majority of the Commission recommended the adoption of this rule, it would give them permission to move forward with the adoption

in the JCARR process which was meeting in February. Doug reminded the group that the recommendation was just the first step in the process and it would be placed in the JCARR system. At that point, there is a required public hearing, where the public has the opportunity to voice opinions, ask for changes or other things of that nature. A recommendation of the rule adoption should not be seen as a final step in the process.

Lt. Fitsko asked for clarification, that the commission would be voting on the way the rule was written in their handout? He stated that it still had not been answered if it would mean one test, two separate tests, the same test or a different test for certain people.

Doug Dumolt clarified that this merely allows the commission to establish the option of having a second test. This rule requires that, after the JCARR process, the commission would have a subsequent meeting to determine what the reciprocity examination would look like. Moving forward on the rule doesn't settle the question of what is on the test, but it does allow the development of a second test. It allows it, but does not require it.

Motion a motion for the adoption of OAC Rule 109:2-1-11 and 109:2-1-12, and 109:2-1-13 by SAC Smith. Sheriff Heldman seconded the motion. A vote was taken and passed. Yes- 6, No-1, Absent- 1, Abstained- 2.

I. Old Business

Chair Stanforth asked if there was any old business to discuss. Hearing none, that concluded the old business report.

J. Guest Forum

Charles Henry proposed that the commission consider the adoption of a proposed rule change to Chapter 109:2-3 of the Administrative Code (Private Basic Course Training Program) to require all OPOTC-approved instructors and school commanders, through the executive director, shall issue students a certificate of completion on the last day of the course when they have successfully completed all the course requirements. Mr. Henry stated the reason he was asking for this proposed change was to eliminate the time delay of typically two to three months between when a student finishes the course to when they receive their certificate, and are then able to carry a firearm when working.

Lt. Fitsko asked what was happening during the two to three month delay?

Brittany Brashears stated most of the time the delay is caused by the commanders getting the paperwork to OPOTA timely.

Charles Henry stated that according to the guidance put out through OPOTA, commanders have 10 days to submit that paperwork. He referenced page 14 in the packet he had provided to the commission which gave a breakdown of his own two experiences with the process.

Chair Stanforth asked what other entity would allow the school commander to be the issuer of the certificate? What other school commander would have that authority? Chair Stanforth pointed out that it doesn't exist. It's the State of Ohio by virtue of the Executive Director that issues certificates, not a school commander. If this was being asked for private security then that would mean all commanders would be able to issue certificates not just those for private security.

Sheriff Heldman asked Mr. Walton to explain the liability that this would create to the commission?

Mr. Walton stated that it would just become a slippery slope, of if you do it for one then everyone else might want to do it. Mr. Walton stated that the commission does not need to make any decision about this topic today. He stated that this was something that can be brought up at a future meeting. If brought up at a future meeting, it would fall on the individual members, and voted upon by a final vote.

Ms. O'Brien recommended that the commission members take the time to review the packets provided by Mr. Henry. If after review someone wanted to add this topic to a future agenda they could inform the Chair or the Executive Director to have it added.

Chair Stanforth stated the he did appreciate that Mr. Henry brought up the issue. As the Chair sees it, there are two issues, one being the delay and one being the solution needed to fix it. The delay is something that the commission should be addressing. As far as the solution, there might be many different ways to solve the issue. If the issue is brought back on the agenda that may lead to a committee to review. There is a lot of work that goes on behind the scenes, and it is an in-depth process to making a rule change.

Chief Harris recommended to Mr. Henry that he may want to work with a larger body that represents all of private security. An example that was given was Private Investigator Security Guard Services (PISGS). Chief Harris stated he felt that would have more of an impact on some of the issues, and some of the things that were brought up to the commission without seeming to only be acting in the interest of one certain organization.

K. Adjournment

MOTION: Motion to Adjourn moved by Sheriff Heldman. The motion was seconded by Chief Harris. A vote was taken and passed unanimously. Yes- 7, No-0, Absent- 1, Abstained- 2.

The meeting stands Adjourned.

Time: 11:50 a.m.



Vice-chairman Clayton Harris

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