

School Commander Manual for Private Security Firearms Basic Training and Firearms Requalification

Ohio Peace Officer Training Commission

Effective 01/01/2017



MIKE DEWINE
OHIO ATTORNEY GENERAL





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**School Commander Manual
for Private Security
Firearms Basic Training
and
Firearms Requalification
Courses**

**OHIO PEACE OFFICER
TRAINING COMMISSION**



Dear Commander,

On behalf of the Ohio Peace Officer Training Commission, (OPOTC) I'm pleased to provide you with the Private Security Firearms and Firearms Requalification Commander's manual. This manual is designed to assist you with conducting OPOTC approved Peace Officer Basic Training Programs. You can find the current version of the manual and basic training school forms at our website, www.OhioAttorneyGeneral.gov/OPOTA.

Revised lesson plans will be released twice a year for schools beginning on or after January 1st and July 1st. The current Private Security Training curriculum and lesson plans can be found on the Ohio Law Enforcement Gateway (OHLEG), which can be found at www.ohleg.org.

In order to provide you with up-to-date information, we are providing numerous resources on our website. We will also continue to send you e-mails about training opportunities and other pertinent information that may affect the status of your School Commander and Instructor certification. To that end, please ensure that we have your current contact information by filling out our online contact update form, located at www.OhioAttorneyGeneral.gov/OPOTAUpdate.

We welcome your comments on these efforts and thank you for your service.

Sincerely,

A handwritten signature in cursive script that reads "Mary E. Davis".

Mary E. Davis, Executive Director

DIRECTORY

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Certification Officer

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Co. #	County Name	Cert Officer (PS/CPT/JBT/Req)
1	Adams	Jill Cury
2	Allen	Courtney DeLong
3	Ashland	Courtney DeLong
4	Ashtabula	Courtney DeLong
5	Athens	Jill Cury
6	Auglaize	Courtney DeLong
7	Belmont	Jill Cury
8	Brown	Jill Cury
9	Butler	Jill Cury
10	Carroll	Jill Cury
11	Champaign	Jill Cury
12	Clark	Jill Cury
13	Clermont	Jill Cury
14	Clinton	Jill Cury
15	Columbiana	Courtney DeLong

Co. #	County Name	Cert Officer (PS/CPT/JBT/Req)
45	Licking	Jill Cury
46	Logan	Jill Cury
47	Lorain	Courtney DeLong
48	Lucas	Courtney DeLong
49	Madison	Jill Cury
50	Mahoning	Courtney DeLong
51	Marion	Courtney DeLong
52	Medina	Courtney DeLong
53	Meigs	Jill Cury
54	Mercer	Jill Cury
55	Miami	Jill Cury
56	Monroe	Jill Cury
57	Montgomery	Jill Cury
58	Morgan	Jill Cury
59	Morrow	Courtney DeLong

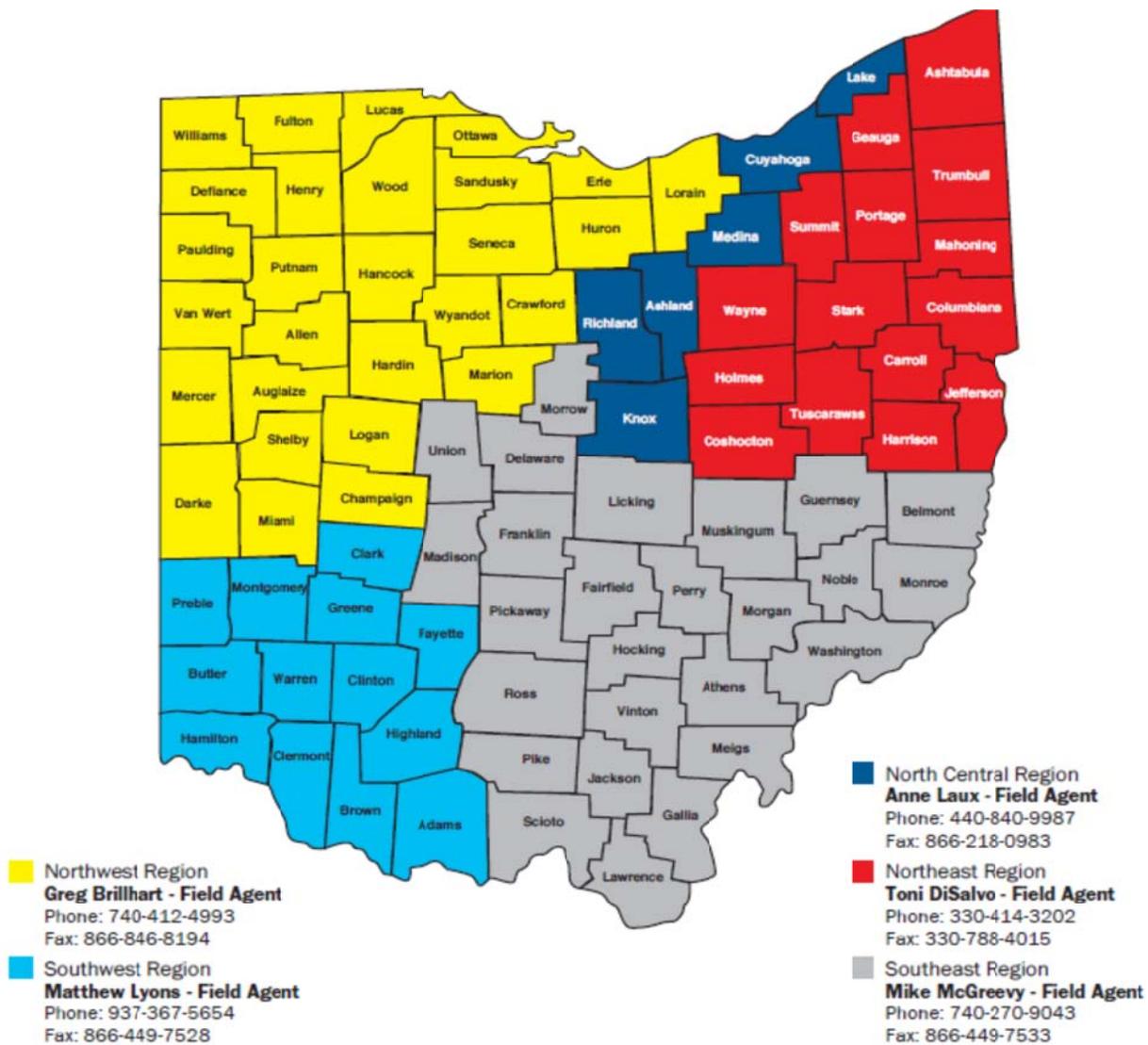
16	Coshocton	Jill Cury
17	Crawford	Courtney DeLong
18	Cuyahoga	Courtney DeLong
19	Darke	Jill Cury
20	Defiance	Courtney DeLong
21	Delaware	Courtney DeLong
22	Erie	Courtney DeLong
23	Fairfield	Jill Cury
24	Fayette	Jill Cury
25	Franklin	Jill Cury
26	Fulton	Courtney DeLong
27	Gallia	Jill Cury
28	Geauga	Courtney DeLong
29	Greene	Jill Cury
30	Guernsey	Jill Cury
31	Hamilton	Jill Cury
32	Hancock	Courtney DeLong
33	Hardin	Courtney DeLong
34	Harrison	Jill Cury
35	Henry	Courtney DeLong
36	Highland	Jill Cury
37	Hocking	Jill Cury
38	Holmes	Courtney DeLong
39	Huron	Courtney DeLong
40	Jackson	Jill Cury
41	Jefferson	Jill Cury
42	Knox	Courtney DeLong
43	Lake	Courtney DeLong
44	Lawrence	Jill Cury

60	Muskingum	Jill Cury
61	Noble	Jill Cury
62	Ottawa	Courtney DeLong
63	Paulding	Courtney DeLong
64	Perry	Jill Cury
65	Pickaway	Jill Cury
66	Pike	Jill Cury
67	Portage	Courtney DeLong
68	Preble	Jill Cury
69	Putnam	Courtney DeLong
70	Richland	Courtney DeLong
71	Ross	Jill Cury
72	Sandusky	Courtney DeLong
73	Scioto	Jill Cury
74	Seneca	Courtney DeLong
75	Shelby	Jill Cury
76	Stark	Courtney DeLong
77	Summit	Courtney DeLong
78	Trumbull	Courtney DeLong
79	Tuscarawas	Courtney DeLong
80	Union	Jill Cury
81	Van Wert	Courtney DeLong
82	Vinton	Jill Cury
83	Warren	Jill Cury
84	Washington	Jill Cury
85	Wayne	Courtney DeLong
86	Williams	Courtney DeLong
87	Wood	Courtney DeLong
88	Wyandot	Courtney DeLong

Field Agents

Please contact the Field Agent for on-going issues directly related to your particular school. You can use the regional map on the next page to determine the assigned Field Agent.

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Administrative Professionals

Please contact the Administrative Professionals about forms and certificates.

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Commander Manual for Private Security Firearms Basic and Requalification Training Course

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Commander Manual for Private Security Firearms Basic and Requalification Courses

This manual has been designed to assist the Commander in conducting Ohio Peace Officer Training Commission approved Private Security Firearms Basic Training and Firearms Requalification Courses. The format is broken down into five sections:

Section One:	Application and Pre-Opening Organization
Section Two:	Opening Audit
Section Three:	Ongoing Procedures
Section Four:	Closing Audits Procedures
Section Five:	Post-Closing Procedures

Each section includes requirements, procedures, policies and explanations for proper completion and sequence of the required OPOTC forms for Private Security Academic Training. You may find all OPOTC Private Security Training Forms by visiting our website at www.OhioAttorneyGeneral.gov, and selecting Law Enforcement Training Forms.

School Commanders should immediately contact and consult with their respective Field Agent with questions. If the Field Agent is unavailable, please contact the assigned Certification Officer.

Firearms Basic and Requalification Glossary of Terms

A number of terms and phrases are used throughout the discussion of OPOTC regulations and requirements pertaining to Private Security Training programs. While not comprehensive, the following glossary shall help familiarize School Commanders with this terminology.

- a. **Application:** School Commanders intending to conduct an OPOTC Private Security Firearms Basic Training program must first apply for OPOTC approval of their proposed training academy.
- b. **Attendance:** The OPOTC Private Security Firearms Basic and Requalification course hours are all mandatory. Any time missed must be made up by the close of the final day of class for either course in which a student is enrolled.
- c. **Audit – Firearms Basic/Requalification:** Review of all records for a Private Security Academic Training Course which is conducted by Commission staff.
 - Opening Audit:** A review of the Training Course application and supporting documents by the Certification Officer. The Commander must submit the paperwork and associated fee, to the OPOTC twenty-one (21) days prior to the first day of class.
 - Final Audit:** A review of all course records conducted by the Certification Officer. Certificates of completion will be issued to successful students.
- d. **BCI&I:** Bureau of Criminal Identification and Investigation.
- e. **Commander:** The individual appointed or employed by a training institution and certified by the Executive Director as chief administrator of a Private Security Training Program.
- f. **Commander Conference:** A meeting conducted by the Commission to fulfill one of the requirements for Commander renewal defined in OAC 109:2-3-04(F).
- g. **Commission:** The Ohio Peace Officer Training Commission.
- h. **Course:** The Private Security Academic, Firearms Basic, or Requalification course conducted by a Commission certified Private Security Commander.
- i. **Credit:** Schools cancelled five business days prior to the first scheduled day of class, shall result in fees being credited to the academy account. Schools cancelled with less than five days prior to the first day of class will forfeit their application fee, unless the Executive Director determines that the cancellation is due to a weather emergency, an instructor illness, or other unforeseen event.
 - a. **Use of Credit:** Commanders must notify the Certification Officer in writing (or email) that they choose to use a portion or all of their current credit on file with OPOTA to apply towards opening or closing fees.
- j. **Curriculum:** OPOTC official lesson plans containing Student Performance Objectives for all topics taught in a Private Security Training Program. The curriculum is released January 1st and July 1st each year.
- k. **Curriculum Code:** Specific number assigned to each school identifying OPOTC official curriculum in effect at the time the school was opened. The curriculum code is required for state certification

examination purposes.

- l. Executive Director:** The Executive Director of the Ohio Peace Officer Training Commission.
- m. Firearms Basic Training Course (PSB):** The training consists of a minimum of twenty (20) hours for handgun training and/or a minimum of five (5) hours for shotgun training.
- n. Firearms Certification:** The renewal date for the initial firearms certification shall be established as eighteen months from the date of completion of the firearms basic training course. **Thereafter, the firearms certification must be renewed each year prior to the expiration date printed on the certificate.** In order to renew, the individual must successfully complete an OPOTC approved Private Security Requalification Course (PSR). If someone completes requalification more than 90 days prior to the renewal date, the new renewal date becomes the last day of the requalification class.

Otherwise, the renewal date shall remain constant each year, until such time as the individual fails to requalify prior to the expiration date of a current certification period. Failure to act shall void the renewal date and the firearms basic training course must be repeated.
- o. Firearms Requalification Course (PSR):** The training course required to renew a firearms certification. A minimum of four (4) hours is required for the requalification course.
- p. Lesson Plan:** Instructional materials provided in outline form by OPOTC to School Commanders and Instructors which contain the Student Performance Objectives.
- q. OAC:** Ohio Administrative Code.
- r. On-site Inspection:** A review of the training facilities by the Field Agent during which the Commander must be present. The inspection is to be conducted on or before the opening audit.
- s. ORC:** Ohio Revised Code.
- t. PSC:** Private Security Commander for Academic and Firearms Schools.
- u. PSF:** Private Security Commander for Firearms only.
- v. Scannable:** All forms, packets, correspondence, and other documentation submitted to the OPOTC shall be scannable. A scannable document uses only blue or black ink for any signature or writing on the document, is a one-sided document, and has no staples, wrinkles, or folds.
Sending in documents that are already pdf electronic documents is preferred when possible, except that documents that accompany payments to OPOTC must still be submitted as a hard-copy document.
- w. School Number:** Once OPOTC approval is granted for a class of students, a school number will be assigned that is unique to that individual class. For example, PSB10-025, which includes the type of school (Private Security Firearms Basic Training), the school year (2010), and the number assigned to that particular class (the 25th Private Security Academic Training class of the year 2010).
- x. School/Training Facility:** The physical site used to conduct training as approved by the Field

Agent.

- y. **Signature.** Original signatures are required for all forms. The Commander may submit a training form that includes a signature via fax or as an email attachment, provided the Commander maintains the original document with the original signature for three years or for the time period required by the academy's retention schedule, whichever is longest.
- z. **Skills Topics:** Topics of the Training Course which must be successfully completed and passed by each student: Firearms, First Aid/CPR/AED, Subject Control Techniques, Incident Command System, National Incident Management System.
- aa. **SPO:** Student Performance Objectives are concepts or particular items within the curriculum upon which the written SPO test (SF145ps) for firearms basic and requalification courses are based. Student Performance Objectives are also listed on the Proficiency Testing record for the weapon for which certification is sought.

Section One – Firearms Basic and Requalification

Pre-Opening Organization

This section explains requirements for commanders, Instructors and Teaching Facilities.

1.1 School Commanders

- 1.1.1** A person desiring to become a School Commander for any OPOTC approved training must submit an application to the OPOTC for approval. The School Commander's application must be filed and approved by the OPOTC before any other action can be taken.
- 1.1.2** A person applying to become a School Commander must be associated with an existing or proposed training academy.
- 1.1.3** The minimum qualifications for a Private Security Firearms Commander are:
- a. High school graduate or possession of a General Education Development (GED) certification; and
 - b. Five years full time experience in the private security field, a security-related field or the equivalent, as determined by the executive director. Law enforcement experience does not automatically qualify as security-related experience. The determination of applicability will be based upon the functions performed as a law enforcement officer; and
 - c. Three professional references from individuals currently employed in security or a security-related field in a management-level position, who have known the individual for at least three years; and
 - d. No convictions for a felony, crime of moral turpitude, offense of violence, or sexually oriented or child-victim oriented offense. Evidence of a current criminal records check through the Bureau of Criminal Identification and Investigation must be submitted with the application. OAC 109:2-3-04.
- 1.1.4** Once the application is approved by the Executive Director, a site inspection and commander orientation will be conducted by Commission staff prior to a commander certificate being issued.
- 1.1.5** Only Commission certified Commanders may conduct the Private Security Basic and/or the Requalification Training Courses. The Commander of record for a specific school may not allow any person not approved by the Commission to function as the Commander. If this occurs, the Commander will be in violation of Commission policy and is subject to de-certification. The course approval may also be revoked.
- 1.1.6** A School Commander may not participate as a student in any portion of a private security training program for which the student is serving as Commander of record.
- 1.1.7** If at any time the Commander learns of criminal charges, disciplinary actions, or official complaints regarding any instructor or commander, whether made in reference to their position as an instructor or commander or otherwise, the Commander must inform the Field Agent.
- 1.1.8** School Commanders approved for a particular school may not permit any other person to

function as the School Commander. If the School Commander of record will be absent for an extended period of time (e.g., vacation, illness, etc.), a written request to substitute commanders must be made to the Executive Director, detailing the reason for the need for a substitution.

1.2 Teaching Facilities

1.2.1 Certain facilities and equipment are required to be available to conduct a course. See OAC 109:2-3-03(A) for guidance on proper facilities and their composition. Classroom occupancy must not hinder the training or safety of the students.

- a. Each facility shall have available the following:
 1. A classroom with adequate heating, lighting and ventilation, that is relatively free from external distractions;
 2. A chalkboard or other marking board with chalk or equivalent;
 3. Tables and chairs or seats with arms for writing for each student;
 4. Audio-visual equipment, including but not limited to overhead projector and videocassette player or other comparable viewing apparatus;
 5. A lectern, stand or table for the instructor's use;
 6. Access to a commission-approved firearms range;
 7. Restrooms that will accommodate all students; and
 8. Any other equipment or facilities as required by the Executive Director.

OAC 109:2-3-03(A).

- b. Firearms basic certification or requalification courses will not require audio-visual equipment, or a gymnasium or other large indoor area.
- c. The Executive Director may deny a request for approval of a training facility for failure to meet minimum requirements as set forth in this chapter.
- d. The Executive Director may revoke the approval of a training facility for failure to maintain minimum requirements as set forth in this chapter.
- e. Should the Executive Director deny or revoke approval of a training facility, the affected party may request an administrative hearing before the Commission.

1.2.2 Notwithstanding the provisions of ORC 1533.83(B), all firearms ranges used for OPOTC schools, including those owned or operated by a municipal corporation, county, township police district, or joint police district, must meet the substantive requirements for shooting ranges set forth in OAC 1501:31-29-03. Additionally, all ranges used for OPOTC purposes must have a trauma kit and a working AED (Automated External Defibrillator) on site.

NOTE: During the practical exercise, only students enrolled in the training may share the range, regardless of the number of empty stalls between them.

1.2.3 On-Site inspection by the Field Agent.

- a. An inspection must be conducted and the facility (facilities) must be approved on or before the opening audit and may need to be re-inspected for the reasons cited below. Generally the Commander must be present during all aspects of the inspection. The Field Agent will inspect and approve all facilities for that school once every three years.
- b. Additional site inspections may be conducted by the Commission staff:
 1. When a new Field Agent is assigned (on other than a temporary basis);
 2. When a new Commander is assigned;
 3. When a previously inspected training site is changed;
 4. At the discretion of the Field Agent.
- c. A site inspection of all training sites may be conducted at any time by Commission staff.
- d. If the facility is not approved, the school application will be denied.

1.3 Instructors

- 1.3.1** Only Commission certified instructors may teach OPOTC topics during OPOTC approved training programs. The School Commander is responsible for ensuring that each instructor is properly certified.
- 1.3.2** Prior to the opening audit, the Commander must communicate with each instructor scheduled, to verify their availability for the scheduled topics, dates, and times.
- 1.3.3** No convictions for a felony, crime of moral turpitude, offense of violence, or sexually oriented or child-victim oriented offense. Evidence of a recent criminal record check through the Bureau of Criminal Identification and Investigation must be submitted with the application.
- 1.3.7** An instructor may not be a student in any portion of a private security training program for which the instructor is an instructor of record.

Unit Instructors

- 1.3.8** To become an OPOTC-certified unit instructor, a person must apply to the Commission for certification. Instructor applications must be signed by an OPOTC-certified Private Security School Commander.
- 1.3.9** The minimum qualifications for a unit instructor in the Private Security Training Program are:
 - a. High school graduate or possession of a General Education Development (GED) certificate;
 - b. Five years full time experience in private security or related field;
 - c. Completion of a forty-hour instructional skills course (and 14 hour update) or eighty-hour instructional skills course taken after July 1, 2007 or equivalent;
 - d. Completion of an OPOTC approved instructor level training program approved by the Executive Director which will allow a person to learn specific knowledge and skills in a unit

for which certification is requested.

- e. Firearms Only - Documentation of three years full time experience as an armed security officer with the weapon for which certification is sought;
- f. Certified copy of a current criminal history report conducted by BIC&I and attached to the application;
- g. Recommendation of currently approved OPOTC Private Security Commander.

OAC 109:2-3-05 (B).

- 1.3.10** An instructor's certification must be current and shall not expire prior to the date on which the instructor is scheduled to teach during a training academy. Instructors may only teach topics and/or units for which they have been certified. If any OPOTC topics or units are taught by an expired or non-certified instructor, the class may not be allowed to receive a certificate of completion for a basic or requalification course.
- 1.3.11** Instructors' certification numbers and topics must be verified by the Commander for each topic the instructor is schedule to teach. Commanders are required to keep a copy of each instructor's certificate on file.
- 1.3.12** The School Commander is responsible for ensuring that instructors use the most current version of Firearms lesson plans. The School Commander must provide instructors with copies of the OPOTC suggested lesson plans or review the instructor's proposed lesson plans to ensure that the instructor covers the OPOTC Student Performance Objectives (SPOs), which forms the basis for the completion of written student performance objectives test (SF145ps) and the Proficiency Testing Records (Revolver-SF130ps, Semi-Automatic Pistol-SF135ps, or Shotgun-SF140ps) for the weapon(s) for which the student is seeking certification of completion. New lesson plans are released twice a year for schools beginning on or after January 1st and July 1st.
- 1.3.13** Commanders must maintain a current copy of each instructor certificate to serve as a guide during schedule preparation. This file is subject to inspection by the Field Agent upon request.
- 1.4 Students** - The Commander must inform every perspective student of the following:
 - 1.4.1** All inquiries from the student shall be directed to the Commander. If the Commander cannot resolve the matter, the Commander will contact Commission staff.
 - 1.4.2** Prospective students subject to a state or federal weapons disability, or who are unsure if they are subject to such a disability, may **not participate** in any portion of the optional firearms training, or any classroom training that involves the handling of a firearm, unless and until relieved of the disability and unless and until the OPOTC Executive Director notifies both the student and the School Commander that the potential weapons disability issue has been favorably resolved. (See ORC 2923.13, Appendix A, and USC Title 18 USC 921). This matter shall be strictly interpreted, and, as a violation could lead to criminal or civil liability for the prospective student, the instructor, and/or the commander, such a violation shall be considered a serious commander certification violation.

1.4.3 Pursuant to ORC 2923.21, no person under the age of eighteen may participate in any portion of the firearms training.

Section 2 – Firearms Basic and Requalification Opening Audit

The Commander must submit to the Certification Officer the opening paperwork and the appropriate fee at least twenty-one (21) days prior to the first day of the course in which OPOTC topics will be taught. Violations of this time frame could result in denial of the application and fees held on account. If the appropriate fee or purchase order has not been submitted (See Appendix B); or if any portion of the application is incomplete or incorrect, the school will not be opened until everything has been received and/or corrected.

2.1 Opening Procedures

2.1.1 The School Commander will submit the required paperwork, in the order listed below to the Certification Officer to conduct the opening audit. During the opening audit, the Certification Officer will review opening forms to ensure compliance with OPOTC requirements.

2.1.2 Once the opening paperwork has been approved, a distinctive school number will be issued in the opening letter. The Commander may then proceed in accordance with the school calendar.

2.1.3 Classes shall not begin 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.

2.1.4 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 shall contact the assigned Certification Officer to inquire as to the status of the application.

2.1.5 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.

2.1.6 If the application is denied, the School Commander will be notified in writing 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.

2.2 School Application (Form SF100unv)

2.2.1 This form must be computer generated or typewritten, scannable, and completed in its entirety. Incomplete applications will be returned to the School Commander for completion. Each application must contain the following:

- a. Type of School. Basic or Requalification, the appropriate weapon type must be circled;
- b. Number of firing points on firearms range;
- c. School Name;
- d. County name in which the course or school is located;

- e. Commander's name and Commission issued commander number;
- f. Specify the proposed dates of the course, total hours, and number of students;
- g. Days of the week and hours each day that classes are to be held;
- h. Total number of mandatory hours;
- i. Submit application fee (refer to Appendix B). To cancel a course you must do so in writing by fax, email, or mail addressed to the Field Agent and the Certification Officer. Courses cancelled five business days prior to the first scheduled day of class, will result in fees being credited to the school account. Schools cancelled with less than five days will forfeit their application fee, unless the Executive Director determines that the cancellation is due to a weather emergency, an instructor illness, or other unforeseen event.
- j. Facility address, as the site where the course will be conducted.
- k. Range address, as the site where the firearms training will be conducted;
- l. Mailing address where all correspondence (i.e., certificates, notices, confirmation letters, etc.) is to be sent;
- m. List telephone numbers:
 - 1. Commander (daytime telephone);
 - 2. Facility telephone number;
 - 3. Fax number;
 - 4. Commander cell phone number.
- n. List only instructors who are scheduled to teach Commission topics.
- o. List each instructor alphabetically by last name, first name, and middle initial.
- p. Check the appropriate column(s) for each instructor who is scheduled to teach Firearms. Instructor-to-student ratios must be in compliance with Commission requirements for a skill topic.
- q. List Commission instructor certification numbers for each instructor.
- r. List Commission expiration date for each instructor located on the instructor's certificate.

2.2.2 Sign the application on the second page. Signatures may be original, electronic, or by signature stamp.

2.3 Course Calendar (SF105unv) Must be typed

2.3.1 The School Commander must complete the school calendar using the SF105unv form. The calendar shall contain the topic headings as they appear on the Private Security Academic

Training Curriculum. Only OPOTC topics are to be listed on the calendar.

2.3.2 The training blocks on the school calendar must include:

- a. Date of instruction (e.g., 3/15/11);
- b. Day of instruction (e.g., M, T, or W);
- c. Number of hours of instruction (e.g., 4);
- d. Time (e.g., 6:00 PM to 10:00 PM or 1800 to 2200);
- e. OPOTC topic number (e.g., Topic 9-1);
- f. OPOTC topic title (e.g., Firearms);
- g. Indicate if training is to be held in the classroom or firearms range;
- h. The instructor's last name, first name, middle initial and OPOTC instructor certificate number (e.g., Smith, Mark E. PST 29999);
- i. List only Commission required topics on the course calendar.

2.3.3 If a School Commander adds hours to a mandatory topic, all hours are mandatory for all students.

2.3.4 Training that is scheduled for more than five (5) hours per training day must have at least a 30-minute break period. This break period must be evident on the school calendar, and shall be scheduled approximately in the middle of the training day. If training exceeds ten (10) hours in a given day, an additional 30-minute break must be scheduled so that no one block of training time exceeds five (5) consecutive hours without a break.

2.3.5 Classes from separate academies may not be joined together for the same training session. For example, if a school has both a daytime program and a concurrent nighttime program, they may not be joined together to share the same classroom/range and set of instructors. Should a day class and a night class have training at the same facility at the same time (e.g., on a Saturday), they must be scheduled to be in separate classrooms/ranges with their own instructor(s).

2.3.6 Effective June 29, 2011, the Private Investigator Security Guard Services (PISGS) requires all BCI and FBI background checks to be conducted within thirty (30) days of submitting a PISG application to them per R.C. 4749.031. Students are not required to complete a background check prior to participating in a Private Security Academy for OPOTC. However, a student subject to state or federal weapons disability who participates in firearms training may be in violation of state and federal law, punishable as a felony offense. A School Commander who allows a student with a weapons disability to participate in firearms training may also be criminally liable.

2.4 Skill Topic Ratios

The Commission requires the following instructor-to-student ratios during the practical portion of the Firearms topic:

- a. Unit 9, Firearms, one (1) OPOTC Commission certified Firearms Instructor for every five (5) students at the firing line, 1:5. This ratio would also apply any time practical (e.g., hands-on, inert, simulation, laser, FATS) training is taking place, even if such activities are held in the classroom or in other non-range areas, to ensure consistent instruction and safety.

Unit 4 A certified Firearms Instructor must be present for all other students not on the firing line. An in-service firearms requalification instructor can be considered a “Firearms Instructor” for the purpose of these ratios, and for maintain order and safety for the students not on the line, but cannot be the primary instructor on the range itself. Only a certified Firearms Instructor can do so.

- b. No more than two students per firing point may be present at the range during the practical firing portion of the training.

For example, a ten-point range may only have 20 students, (i.e. two relays of ten students each). A class with 40 students would be split into two squads of 20 students, with each 20 student squad receiving a total of 20 hours of training. The instructor-student ratio does not apply to lecture instruction.

NOTE: During the practical exercise, ONLY students enrolled in the firearms training may share the range, regardless of the number of empty stalls between them.

Section 3 – Firearms Basic and Requalification Ongoing Procedures

3.1 Notification of Changes to School Calendar (SF185unv)

3.1.1 The School Commander shall notify the Field Agent at least 24 hours in advance of any of the following changes to the school calendar:

- a. Dates;
- b. Topics;
- c. Locations (include – facilities, room numbers, range);
- d. Times;
- e. Cancellations;
- f. Instructor(s);
- h. The School Commander should also revise the school calendar as changes occur.

3.1.2 The SF185unv form shall contain the following information:

- a. School name and number;
- b. “A” (add), “D” (delete), or “C” (change) in Instructor Change column (if applicable);
- c. Original date;
- d. Proposed date;
- e. Location of the class;
- f. Proposed time of reschedule;
- g. Correct OPOTC topic number and title;
- h. Instructor’s last name, first, and middle initial, OPOTC certificate number and expiration date;
- i. The reason the change is needed;
- j. Date the School Commander notified the Field Agent of the proposed change;
- k. School Commander Name Typed/Printed;
- l. School Commander Original Signature.

- 3.1.3** In instances of an instructor addition or substitution, the School Commander shall submit to the Field Agent and Certification Officer a copy of the back of the instructor's certificate along with the SF185 Notification of Changes form.
- 3.1.4** For same day changes the School Commander shall contact the Field Agent by telephone or by voice message indicating that a change in the school calendar must occur that day and stating the reason for the change. The School Commander will then prepare and send the SF185unv form.
- 3.1.5** Make-ups must be completed with 14 days of the date that the student who missed the hours returns to class, unless excused by way of a medical extension or a military extension. If the make-ups do not occur within this time frame, the student cannot attend other academy courses until all make-ups have been completed.
- 3.1.6** The School Commander shall submit the SF185unv form in its entirety at the closing audit.

3.2 Monitor classes

- 3.2.1** The School Commander shall be available to answer student questions and provide guidance when appropriate.
- 3.2.2** The School Commander and Instructors are responsible for maintaining discipline during all training activities.
- 3.2.3** The School Commander and Instructors shall ensure that required instructor-to-student ratios are met during skills area training, if applicable. Classroom portions of skill area topics do not require instructor/student ratios.
- 3.2.4** The School Commander and Instructors shall ensure that the correct versions of OPOTC lesson plans are being utilized in class.
- 3.2.5** The School Commander and Instructors shall give due regard to safety considerations during all training activities (e.g., dangerous weather conditions).

3.3 Sign-in Sheets (SF121unv)

- 3.3.1** The School Commander shall maintain an accurate sign-in sheet (SF121unv) for each day OPOTC topics are scheduled and make them available for inspection at any time by OPOTC staff.
- 3.3.2** The scannable sign-in sheets shall contain the following information:
 - a. School name and number, including prefix (PSA11-000);
 - b. Date of class;
 - c. All topic titles, topic numbers, and hours of each topic as scheduled;
 - d. Total number of hours of the training day (OPOTC topics only);

- e. Typewritten name (last name, first name, middle initial) of each student, in alphabetical order;
- f. Signature of each student next to their typewritten name;
- g. Exact time each student arrives at class for the day (e.g., 7:52 a.m. or 0752);
- h. Exact time each student leaves class for a 30-minute break or for an extended amount of time (e.g., court appearances, illness, etc.);
- i. Exact time each student re-enters class after a 30-minute break or other extended absences;
- j. Exact time each student leaves class at the end of the training day;
- k. Signature and instructor certificate number of each instructor teaching topics listed on the sign-in sheet by alphabetic designator;
- l. Indicate instructor by circling letter in the boxes next to the topic and title;
- m. If there is not adequate space on the sign-in sheet for multiple sign-in and sign-out times; the student shall use an additional copy of the SF121unv to record the additional times;
- n. Hours “present” or “absent” for each student.

3.3.3 All scheduled instructors shall sign the sign-in sheets at the conclusion of each class.

3.3.4 The School Commander shall verify the accuracy of each sign-in sheet, then sign and maintain the sheet as indicated above.

3.4 Attendance Roster (SF120unv)

3.4.1 The School Commander shall prepare the attendance roster using form SF120unv. The School Commander shall update this form on a daily basis and keep track of the number of hours and topics that each student must make-up.

3.4.2 The scannable SF120unv shall be completed as follows:

- a. School name and number;
- b. School dates;
- c. Student names - last, first, middle initial listed in alphabetical order;
- d. Dates of classes shall be listed on the top line of the form;
- e. List the number of hours in attendance for each student on each day

- f. Topic numbers shall be listed for all mandatory topics on the last line of the form. If multiple pages are required due to the number of students, the topic numbers for all mandatory topics shall be listed on all pages;
- g. School Commander's signature and date;
- h. Typed name of School Commander.

3.5 Notification of Make-up Hours (SF122unv)

3.5.1 The Commander shall notify the Field Agent and Certification Officer, using the SF122unv, at least 24 hours prior to any student completing a make-up session. The SF122unv shall contain the following information:

- a. School name;
- b. School number;
- c. Student name - last, first, middle initial;
- d. Date original class missed;
- e. Proposed date of make-up class;
- f. Number of hours to be made up;
- g. Time of make-up session;
- h. OPOTC topic number and title;
- i. Instructor's name and certificate number;
- j. Location of make-up session;
- k. Date form was sent to the Field Agent;
- l. After the make-up has been completed the Commander initials form.
- m. School Commander name typed;
- n. School Commander original signature.

3.5.2 The SF122unv is a continuous form. When the next student requires make-up hours, the School Commander will follow the same process and complete the next line on the form.

3.5.3 School Commanders shall maintain the SF122unv and submit it to the Certification Officer for closing audit, along with a separate form SF120unv, Attendance Roster for just those students

who are required to make-up hours. A separate SF121unv Sign-in sheet shall be used for each make-up session. Make-up hours shall not be included on the master SF121unv.

- 3.5.4** If hours are to be made-up on the same day they were missed, the School Commander shall notify the Field Agent and Certification Officer by telephone or voice message in advance and then fax the SF122unv to the Field Agent and Certification Officer as soon as possible.
- 3.5.5** If a student arrives late to class, 15 minutes or less, the time and missed material may be made-up at the end of the class day, if the instructor is amenable.

In this case, the make-up may be noted at the bottom of the Student Sign-In Sheet, SF121unv and signed by the instructor. No entry is required on the Notification of Make-up Hours, SF122unv. Make-ups may not be completed on class breaks.

Example, class time is 1800 – 2200 hours. Student Jones arrives late and signs in at 1812 hours. The student may stay over with the instructor and sign out 12 minutes after class dismissal.

- 3.5.6** If the student is more than 15 minutes late, the time must be made-up in a minimum of one-half hour increments. The missed time must be made up at a later time and documented on the Notification of Make-up, SF122unv and accompanying Student Attendance Roster, SF120unv.

The original instructor who taught a topic may teach a make-up session in the topic on an hour-for-hour basis. If multiple instructors jointly taught the class during the missed hour, any one of them may teach the make-up. Also, it can also be made up by another instructor, provided that first the Commander must contact OPOTC staff and receive confirmation that the other instructor is OPOTC-certified in that topic. Any make up, whether by the original instructor or another certified instructor, must be documented on the Notification of Make-up, SF122unv and accompanying Student Attendance Roster, SF120unv. The make-up can also be conducted by another instructor, provided that first the Commander must contact OPOTC staff and receive confirmation that the other instructor is OPOTC-certified in that topic.

- 3.5.7** All make-up hours must be completed by the last day in which OPOTC topics will be taught in the training academy. If the actual regularly scheduled class that was missed was scheduled on that last day, the student must complete that make-up within three business days.

3.6 Class time

- 3.6.1** The School Commander shall ensure that instructors teach class for the entire time scheduled for each topic.
- 3.6.2** Clock hour requirement is based on a 50-minute hour allowing for a 10-minute break per hour. Breaks may not be combined (i.e. in order to shorten the class day, extend lunches, delay starting time, etc.).
- 3.6.3** Class time may not be used for instructor preparation (e.g., making copies, setting up audio-visual equipment, traveling to and from firearms range, etc.).

3.7 Collect All Written Tests and SPO Proficiency Testing Records

- a. The student must correctly complete each SPO on the written test (SF145ps).

The student must complete and meet the minimum requirements for each SPO listed on the Private Security Proficiency Testing Record(s): SF130ps—Revolver, SF135ps—Semi-Automatic Pistol, SF140ps—Shotgun to receive a certificate of completion.

Each student is afforded two attempts to complete each SPO. Students who are unsuccessful in answering correctly or attaining the minimum level of proficiency within the allotted two attempts must repeat the entire basic course to be certified in firearms.

- b. The SF145ps--Firearms Written Student Performance Objectives Test must be completed in the student's own handwriting and all sections of the questions must be answered correctly. To pass the Test, one must successfully answer each and every question on the test. Students who fail the first attempt are given a second and final attempt. At this second and final attempt, to pass the Test, the students must retake the test as a whole and successfully answer each and every question on the test. If a student fails both attempts, he must retake the entire firearms course and successfully complete all requirements to receive a certificate of completion.
- c. The state certification test is to be taken based upon the knowledge that the student has personally gained. It is not open-book, open-notes, open-blackboard, open laptop, open-notebook, etc.

3.7.1 The School Commander shall ensure that all skill area SPO score sheets have been properly completed by the student and instructor.

3.7.2 The School Commander shall sign the Written Test. The Commander and the Instructor(s) will sign each SPO score sheet for the Firearms Proficiency Testing Records. Original signatures are required; no stamped signatures will be accepted.

3.7.3 The original copy of the Firearms SPO score sheet(s) shall be submitted with the closing packet. The School Commander shall keep copies of these forms for the academy file.

Section 4 – Firearms Basic and Requalification

Closing Audit Procedures

The Commander must submit the closing paperwork and the appropriate fee to the Certification Officer for processing no later than 10 days after the school closing.

The Commander will be required to correct any errors, omissions or discrepancies in the closing paperwork before the closing is approved by the Certification Officer.

4.1 Students

4.1.1 The appropriate paperwork for students shall be submitted to the Certification Officer for the closing audit. All closing documents submitted shall be original, and either computer-generated or typed. All forms shall follow the OPOTC format and contain the same information. The forms to be submitted are as follows:

4.1.2 SF185unv—Notification of Change in Schedule (if applicable);

4.1.3 SF105unv—Revised School Calendar. This form shall include all dates, times, topics and instructors as it was actually conducted;

4.1.4 SF110unv-Student Enrollment List;

4.1.5 SF120unv—Student Attendance Roster;

4.1.6 SF121unv—Student Sign-in Sheets. The School Commander shall submit the sign-in sheets with the closing audit. Copies of the sign-in sheets must be kept on file by the school;

4.1.7 SF122unv—Notification of Make-up Hours. This form shall include a separate SF120unv, Student Attendance Roster, listing only the make-up hours for each student who was required to make up any portion of a training session; if applicable;

4.1.8 The original Firearms SPO proficiency testing record(s) (SF130ps, SF135ps, SF140ps) and the written SPO test (SF145ps) shall be submitted to OPOTC along with the closing paperwork;

4.1.9 SF175unv—Closing Letter.

4.1.10 Student Enrollment List (SF110unv) *Must be typed*

The School Commander must complete the scannable form by typing the required information and must include:

- a. School name;
- b. School number;
- c. Proposed dates of the school;
- d. List of students in alphabetical order, by last name, first name, and middle initial;
- e. SSN (Social Security Number);

- f. Date of Birth;
- g. School Commander's signature and date.

Student Paperwork – Organize Student Paperwork as a collated packet for each student in the following order: SF115unv, SF101unv, SF145ps, and Firearms Proficiency Testing records. Staple each student packet together. Submit the packets in alphabetical order as reflected on the Student Enrollment List.

4.1.11 SF115unv--Student Enrollment Form (must be typed or printed legibly in ink). Each line of the form must be completed.

The following portions of the form are to be completed by the student:

- a. Name (i.e., last name, first name, middle initial);
- b. Social security number;
- c. Home address;
- d. Date of birth;
- e. Home telephone number;
- f. Work telephone number;
- g. Indicate appropriate sex (male or female);
- h. Email address;
- i. Race;
- j. Highest education level completed;

The following portions of the form are to be completed by the Commander:

- a. Student Course status;
 - 1) Mark the weapon(s) to be certified
 - 2) If this is a requalification course, mark REQ
- b. School Commander must sign and date the form;
- c. Include school name and course number where requested;
- d. The Certification Officer will complete the box marked "OPOTC USE ONLY".

4.1.12 SF101unv - Statement of Understanding (must be printed legibly in black ink by the student) – if firearms training will be conducted.

- a. Students must complete the form in its entirety;
- b. Students must truthfully answer each of the questions;
- c. School Commanders could be held liable for allowing any student with a weapons disability to participate in any portion of firearms training. (Refer to Appendix A);
- d. Students must sign the form;

NOTE: If a student answers "YES" to any question other than number 19, the student shall not be permitted to participate in any portion of firearms training until further documentation (i.e. copy, certified by the clerk of courts, of the final journal entry, medical release, etc.) has been submitted to the Executive Director. The Executive Director will make a determination regarding eligibility and will return such in writing.

Each of the following Student Performance Records must be completed in their entirety. Print or type clearly:

4.1.13 SF145ps - Firearms Written Student Performance Objectives Test.

Effective 1/1/17

Student completes the following – print or type:

- a. Student's name – first name, last name, middle initial;
- b. Date;
- c. Agency;
- d. All test questions, and each section of the individual questions;
- e. Student's signature;

Commander MUST complete the following:

- b. Check/mark "1st" attempt or "2nd" attempt if applicable;
- c. School name;
- d. Course number;
- e. Commander's signature – original;
- f. Date;
- g. Commander's name (typed or stamped).

4.1.14 SF130ps; SF135ps; SF140ps - Firearms Proficiency Testing Record for each weapon for which a certificate of completion is sought. Print or type legibly.

The student must complete the following information:

- a. Student name – first, middle initial, last;
- b. Agency (if applicable)
- c. Gun manufacturer;
- d. Model;
- e. Caliber or gauge;
- f. Ammunition manufacturer;
- g. Bullet weight or shot size;
- h. Power factor;
- i. Revolver only – indicate – six or five shot.

The School Commander must complete the following information:

- a. Indicate Pass (P) or Fail (F) for **ALL** Performance Objectives;
- b. Successfully completed – mark or circle Y or N;
- c. Date;
- d. Original signature of each instructor present, instructor number;
- e. School name;
- f. Course number;
- g. Commander signature – original;
- h. Date;
- i. Commander name (typed or stamped).

4.1.15 Federal Educational Rights and Privacy Act (FERPA) Consent to Release Student Information, Form SF104unv

Students who are enrolled in a college, university, or career center academy must complete this form by typing or by printing legibly in black or blue ink.

4.1.16 Firearms Re-qualification courses – Submit a copy of each student's most current OPOTC Basic or Requalification certificate.

Section 5 – Firearms Basic and Requalification Program Post-Closing Procedures

All inquiries from the students regarding certificates and the status of the closing shall be directed to the Commander.

5.1 Certification of Students

5.1.1 The Certification Officer will review all documents submitted in the closing audit.

5.1.2 Private Security Basic or Requalification certificates will only be issued for students who have passed all required student performance objectives for the course.

5.1.3 Certificates will be returned to the Commander for signature.

5.1.4 The Commander is responsible for the distribution of the certificates to the students within five calendar days of receiving them from OPOTC.

5.2 Records Maintenance

School Commanders are strongly encouraged to consult with legal counsel regarding their responsibility to maintain sign-in sheets, SPO score sheets and other school records for each student who attends a Private Security Academic and Firearms Basic Training Program.

Appendix A

DISQUALIFYING CRIMES

Ohio Revised Code 2923.13 Having weapons while under disability.

(A) Unless relieved from disability as provided in section 2923.14 of the Revised Code, no person shall knowingly acquire, have, carry, or use any firearm or dangerous ordnance, if any of the following apply:

- (1) The person is a fugitive from justice.
- (2) The person is under indictment for or has been convicted of any felony offense of violence or has been adjudicated a delinquent child for the commission of an offense that, if committed by an adult, would have been a felony offense of violence.
- (3) The person is under indictment for or has been convicted of any offense involving the illegal possession, use, sale, administration, distribution, or trafficking in any drug of abuse or has been adjudicated a delinquent child for the commission of an offense that, if committed by an adult, would have been an offense involving the illegal possession, use, sale, administration, distribution, or trafficking in any drug of abuse.
- (4) The person is drug dependent, in danger of drug dependence, or a chronic alcoholic.
- (5) The person is under adjudication of mental incompetence.

(B) Whoever violates this section is guilty of having weapons while under disability. A violation of division (A) of this section is a felony of the fifth degree. A violation of division (B) of this section is a felony of the third degree.

Ohio Revised Code 2923.14 Relief from disability

(A) Any person who is prohibited from acquiring, having, carrying, or using firearms, may apply to the court of common pleas in the county where he resides for relief from such prohibition.

(B) The application shall recite the following:

- (1) All indictments, convictions, or adjudications upon which the applicant's disability is based, the sentence imposed and served, and probation, parole, or partial or conditional pardon granted, or other disposition of each case;
 - (2) Facts showing the applicant to be a fit subject for relief under this section.
- (C) A copy of the application shall be served on the county prosecutor, who shall cause the matter to be investigated, and shall raise before the court such objections to granting relief as the investigation reveals.

(D) Upon hearing, the court may grant the applicant relief pursuant to this section, if all of the following apply:

- (1) One of the following applies:
 - (a) If the disability is based upon an indictment, a conviction, or an adjudication, the applicant has been fully discharged from imprisonment, community control, post-release control, and parole, or, if the applicant is under indictment, has been released on bail or recognizance.
 - (b) If the disability is based upon a factor other than an indictment, a conviction, or an adjudication, that factor no longer is applicable to the applicant.
 - (2) The applicant has led a law-abiding life since his discharge or release, and appears likely to continue to do so;
 - (3) The applicant is not otherwise prohibited by law from acquiring, having, or using firearms.
- (E) Costs of the proceeding shall be charged as in other civil cases, and taxed to the applicant.
- (F) Relief from disability granted pursuant to this section restores the applicant to all civil firearm rights to the full extent enjoyed by any citizen, and is subject to the following conditions:
- (1) Applies only with respect to indictments, convictions, or adjudications, or to the other factor, recited in the application as the basis for the applicant's disability;
 - (2) Applies only with respect to firearms lawfully acquired, possessed, carried, or used by the applicant;
 - (3) Does not apply with respect to dangerous ordnance;
 - (4) May be revoked by the court at any time for good cause shown and upon notice to the applicant;

(5) Is automatically void upon Commission by the applicant of any offense embraced by division (A)(2) or (3) of section 2923.13 of the Revised Code, or upon the applicant's becoming one of the class of persons named in division (A)(1), (4), or (5) of such section.

Ohio Revised Code 2953.36

Sections 2953.31 to 2953.35 of the Revised Code do not apply to any of the following:

...

(C) Convictions of an offense of violence when the offense is a misdemeanor of the first degree or a felony and when the offense is not a violation of Section 2917.03 of the Revised Code and is not a violation of Section 2903.13, 2917.01 or 2917.31 of the Revised Code that is a misdemeanor of the first degree;

Ohio Revised Code 2925.11 Drug possession offenses

(D) Arrest or conviction for a minor misdemeanor violation of this section does not constitute a criminal record and need not be reported by the person so arrested or convicted in response to any inquiries about the person's criminal record, including any inquiries contained in any application for employment, license, or other right or privilege, or made in connection with the person's appearance as a witness.

Ohio Revised Code 2923.21 Furnishing Weapons to a Minor

(A) No person shall do any of the following:

- (1) Sell any firearm to a person who is under eighteen years of age;
- (2) Subject to division (B) of this section, sell any handgun to a person who is under twenty-one years of age;
- (3) Furnish any firearm to a person who is under eighteen years of age or, subject to division (B) of this section, furnish any handgun to a person who is under twenty-one years of age, except for lawful hunting, sporting, or educational purposes, including, but not limited to, instruction in firearms or handgun safety, care, handling, or marksmanship under the supervision or control of a responsible adult;
- (4) Sell or furnish a firearm to a person who is eighteen years of age or older if the seller or furnisher knows, or has reason to know, that the person is purchasing or receiving the firearm for the purpose of selling the firearm in violation of division (A)(1) of this section to a person who is under eighteen years of age or for the purpose of furnishing the firearm in violation of division (A)(3) of this section to a person who is under eighteen years of age;
- (5) Sell or furnish a handgun to a person who is twenty-one years of age or older if the seller or furnisher knows, or has reason to know, that the person is purchasing or receiving the handgun for the purpose of selling the handgun in violation of division (A)(2) of this section to a person who is under twenty-one years of age or for the purpose of furnishing the handgun in violation of division (A)(3) of this section to a person who is under twenty-one years of age;
- (6) Purchase or attempt to purchase any firearm with the intent to sell the firearm in violation of division (A)(1) of this section to a person who is under eighteen years of age or with the intent to furnish the firearm in violation of division (A)(3) of this section to a person who is under eighteen years of age;
- (7) Purchase or attempt to purchase any handgun with the intent to sell the handgun in violation of division (A)(2) of this section to a person who is under twenty-one years of age or with the intent to furnish the handgun in violation of division (A)(3) of this section to a person who is under twenty-one years of age.

(B) Divisions (A)(1) and (2) of this section do not apply to the sale or furnishing of a handgun to a person eighteen years of age or older and under twenty-one years of age if the person eighteen years of age or older and under twenty-one years of age is a law enforcement officer who is properly appointed or employed as a law enforcement officer and has received firearms training approved by the Ohio peace officer training council or equivalent firearms training.

(C) Whoever violates this section is guilty of improperly furnishing firearms to a minor, a felony of the fifth degree.

U.S. Criminal Code Section 921

(33)

(A) Except as provided in subparagraph (C), the term “misdemeanor crime of domestic violence” means an offense that –

(i) is a misdemeanor under Federal or State law; and

(ii) has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim.

(B) A person shall not be considered to have been convicted of such an offense for purposes of this chapter [18 USCS §§ 921 et seq.], unless –

(i) the person was represented by counsel in the case, or knowingly and intelligently waived the right to counsel in the case; and

(ii) in the case of a prosecution for an offense described in this paragraph for which a person was entitled to a jury trial in the jurisdiction in which the case was tried, either

(aa) the case was tried by a jury, or

(bb) the person knowingly and intelligently waived the right to have the case tried by a jury, by guilty plea or otherwise.

(iii) A person shall not be considered to have been convicted of such an offense for purposes of this chapter [18 USCS §§ 921 et seq.] if the conviction has been expunged or set aside, or is an offense for which the person has been pardoned or has had civil rights restored (if the law of the applicable jurisdiction provides for the loss of civil rights under such an offense) unless the pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms.

U.S. Criminal Code Section 922

(d) It shall be unlawful for any person to sell or otherwise dispose of any firearm or ammunition to any person knowing or having reasonable cause to believe that such person –

...

(9) has been convicted in any court of a misdemeanor crime of domestic violence.

...

(g) It shall be unlawful for any person –

...

(9) who has been convicted in any court of a misdemeanor crime of domestic violence, to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

U.S. Criminal Code Section 925

(a) (1) The provisions of this chapter [18 USCS §§ 921 et seq.], except for sections 922(d)(9) and 922(g)(9) and provisions relating to firearms subject to the prohibitions of section 922(p), shall not apply with respect to the transportation, shipment, receipt, possession, or importation of any firearm or ammunition imported for, sold or shipped to, or issued for the use of, the United States or any department or agency thereof or any State or any department, agency, or political subdivision thereof.

“ATF MEMO” Received via fax by OPOTC 12/11/96 - Retyped 4/16/99

[seal]

DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL TOBACCO AND FIREARMS
WASHINGTON, D.C. 20226

OPEN LETTER TO ALL STATE AND LOCAL
LAW ENFORCEMENT OFFICIALS

The purpose of this letter is to provide information to all State and local law enforcement agencies regarding one specific aspect of the recently enacted Omnibus Consolidated Appropriations Act of 1997 (the Act). One part of the Act amended the Gun Control Act of 1968 (GCA) to make it unlawful for any person convicted of a “misdemeanor crime of domestic violence” to ship, transport, possess, or receive firearms or ammunition. It also makes it unlawful for any person to sell or otherwise dispose of a firearm or ammunition to any person knowing or having reasonable cause to believe that the recipient has been convicted of such a misdemeanor. This new prohibition does apply to all law enforcement officers.

Act adds new firearms disability

As defined in the GCA, a “misdemeanor crime of domestic violence” means an offense that:

- (1) is a misdemeanor under Federal or State law; and
- (2) has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim.

This definition includes all misdemeanors that involve the use or attempted use of physical force (e.g., simple assault, assault and battery) if the offense is committed by one of the defined parties. This is true whether or not the State statute or local ordinance specifically defines the offense as a domestic violence misdemeanor. For example, a person convicted of misdemeanor assault against his or her spouse would be prohibited from receiving or possessing firearms or ammunition. Moreover, the prohibition applies to persons convicted of such misdemeanors at any time, even if the conviction occurred prior to the new law’s effective date, September 30, 1996. As of the effective date of the new law, such a person may no longer possess a firearm or ammunition. However, with respect to all persons, a conviction would not be disabling if it has been expunged, set aside, pardoned, or the person has had his or her civil rights restored (if the law of the applicable jurisdiction provides for the loss of civil rights under such an offense) AND the person is not otherwise prohibited from possessing firearms or ammunition.

New disability applies to law enforcement officers

In addition, the Act amended the GCA so that employees of government agencies convicted of qualifying misdemeanors would not be exempt from this new disability with respect to their receipt or possession of firearms or ammunition. Thus, law enforcement officers and other government officials who have been convicted of a qualifying misdemeanor will not be able to lawfully possess or receive firearms or ammunition for any purpose,

Effective 1/1/17

including performing their official duties. This disability applies to firearms and ammunition issued by government agencies, firearms and ammunition purchased by officials for use in performing their official duties, and personal firearms and ammunition possessed by such officials.

In view of this amendment's effect on law enforcement officers, your department may want to determine if any employee who is authorized to carry a firearm is subject to this disability and what appropriate action should be taken. Employees subject to this disability must immediately dispose of all firearms and ammunition in their possession. The continued possession of firearms and ammunition by persons under this disability is a violation of law and may subject the possessor to criminal penalties. In addition, such firearms and ammunition are subject to seizure and forfeiture.

In cases where your agency becomes aware of individuals subject to this disability, we recommend that such persons be encouraged to relinquish all firearms and ammunition in their possession immediately to a third party, such as their attorney, their local police agency, or a firearms dealer.

If such person refuses to relinquish the firearm or ammunition, and your agency is without authority to retain or seize the firearm or ammunition, you should contact the local ATF office.

Brady Act

In the so-called "Brady States" Chief Law Enforcement Officers (CLEOs) "shall make a reasonable effort" to determine whether a prospective buyer's receipt of a handgun would be in violation of the law. CLEOs have five business days in which to make that reasonable effort. What constitutes a "reasonable effort" is to be determined by each law enforcement agency based on its own circumstances, e.g., the availability of resources, access to records, and the law enforcement priorities of the jurisdiction.

This "reasonable effort" standard is not altered by the addition of this new disqualifying category. It remains fully within the discretion of the CLEO to determine what effort is reasonable. For example, even if the CLEO determines that a misdemeanor assault conviction has occurred, it remains fully within the CLEO's discretion to determine whether to make further inquiry.

ATF forms are being revised to reflect the new category of prohibited persons.

If you have any questions concerning these new provisions, contact your local ATF office or the Firearms and Explosives Regulatory Division at 202-927-8300.

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John W. Magaw
Director

QUESTIONS AND ANSWERS REGARDING
MISDEMEANOR CRIME OF DOMESTIC VIOLENCE

Q. X was convicted of misdemeanor assault on October 10, 1996. The crime of assault does not make specific mention of domestic violence but the criminal complaint reflects that he assaulted his wife. May X still possess firearms or ammunition?

A. No. X may no longer possess firearms or ammunition.

Q. X was convicted of the same crime on September 20, 1996, 10 days before the effective date of the new statute. He possesses a firearm on October 10, 1996. May X lawfully possess firearms?

A. No. If a person was convicted of the crime at any time, he or she may not lawfully possess firearms or ammunition on or after September 30, 1996.

Q. Officer C was charged with felony assault on her child in 1989. She pled guilty to a misdemeanor and the felony charge was dismissed. She was suspended from the police force and ordered to undergo counseling. After successful completion of the counseling, she was reinstated. May Officer C lawfully possess firearms or ammunition?

A. No. Officer C may no longer lawfully possess firearms or ammunition either on or off duty.

Note: For one who has been convicted of a misdemeanor crime of domestic violence, the prohibition on the possession of firearms and ammunition does not apply if the individual has received a pardon for the crime, the conviction has been expunged or set-aside, or the person has had civil rights restored (if there was a loss of civil rights) AND the person is not otherwise prohibited from possessing firearms or ammunition.

APPENDIX B

**PRIVATE SECURITY
FEE SCHEDULE**

PRIVATE SECURITY CURRENT FEE SCHEDULE

(Effective 1/1/01)

Academic Training Course:

Application Fee	\$125.00
Certification Fee (for each certificate requested)	15.00

Firearms Basic Training Course:

Application Fee	\$100.00
Certification Fee (for each certificate requested)	10.00

Firearms Requalification Course:

Application Fee	\$50.00
Certification Fee (for each certificate requested)	5.00

Replacement Certificates Requested By Commander:

Academic Training Course	\$15.00 ea.
Firearms Basic Training Course	10.00 ea.
Firearms Requalification Course	5.00 ea.

Duplicate Certificates Requested By Student:

Academic Training Course	\$15.00 ea.
Firearms Basic Training Course	5.00 ea.
Firearms Requalification Course	5.00 ea.



Ohio Attorney General's Office
Ohio Peace Officer Training Commission

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How to contact us

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