



**RICHARD CORDRAY**  
OHIO ATTORNEY GENERAL

**OHIO PEACE OFFICER TRAINING COMMISSION**

**MEETING**

**THURSDAY, JULY 16, 2009**

**HELD AT THE**

**OHIO PEACE OFFICER TRAINING ACADEMY**

**IN**

**LONDON, OHIO**

**MINUTES**



**I. OPENING**

**A. CALL TO ORDER**

Chairperson Vernon P. Stanforth called the meeting to order at 9:01 a.m.  
Mr. John Lenhart led the pledge of allegiance.  
Ms. Gaye Gossard called the Roll.

**COMMISSION MEMBERS PRESENT**

Sheriff Vernon P. Stanforth  
SAC Keith Bennett  
Dr. Kathy Sommers  
Mr. Jeffrey Patzer  
Colonel Richard Collins  
Chief Paul Denton  
Mr. John Lenhart

Sheriff Al Solomon represented Sheriff Thomas G. Maurer

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

**ATTORNEY GENERAL'S OFFICE**

Mr. Jeffery Clark  
Mr. Mark Losey

Commission Counsel  
General Counsel for Law Enforcement

## GUESTS AND STAFF

Mr. Ron Ferrell	Executive Director
Mr. Robert Fiatal	Deputy Director
Mr. Fred Wolk	Assistant Executive Director
Mr. Lou Agosta	Assistant Executive Director
Ms. Victoria Gatien	Assistant Executive Director
Mr. Scott Weimer	OPOTC Business Manager
Ms. Gaye Gossard	OPOTC Staff
Mr. Bill Walker	Deputy Director
Mr. Mike McGreevy	OPOTC Compliance Officer
Ms. Suzanne Tobin	OPOTC Certification Officer
Ms. Sarah Thomas	OPOTC Certification Officer
Ms. Jill Gregory	OPOTC Certification Officer
Ms. Mary Broyles	OPOTC Certification Officer
Ms. Lori Wachtel	OPOTC Certification Supervisor
Mr. Matt Lyons	OPOTC Compliance Officer
Mr. Greg Brillhart	OPOTC Compliance Officer
Mr. Jon Lieber	OPOTC Compliance Officer
Mr. Robert Albright	Owens Community College
Mr. Doug Johnson	ODNR-Office of Law Enforcement
Ms. Monica Ellis	ODPS/OCJS
Mr. Justin Cain	OPOTC Certification Officer
Mr. Steve Schwab	Columbus P.D.
Commander Ellis L.R. Willis	Sinclair Community College
Ms. Lynn Henry	OPOTC Staff
Mr. Ed Bridgeman	U.C. Clermont College
Mr. Jim Silvana	Public Constituent
Chief Brad K. Kunze	Bellefontaine P.D.
Officer Dave Susic	Reynoldsburg P.D.
Officer Chelley Seibert	Dayton P.D.
Detective Marcus Saffo	Cleveland P.D.
Deputy Chief Timothy Hennessy	Cleveland P.D.
Commander Joellen O'Neill	Cleveland P.D.
Recruit Andre Bays	Cleveland P.D.
Ms. Catherine Kieley	Kent State - Trumbull
Mr. Gary Brinker	Owens Community College
Mr. Dave Peters	OPOTA Instructor
Major Dan Kolcum	OSP
Captain Bob Markowski	OSP
Ms. Candi M. Traynor	Traynor's Police Academy
Commander David C. Traynor	Traynor's Police Academy

## II. CHAIRPERSON REPORT

Chairperson Stanforth has received fewer negative communications concerning the operations of the Ohio Peace Officer Training Commission (OPOTC) and the Ohio Peace Officer Training Academy (OPOTA). He contributed this to the diligent work of the Executive Director and staff and expressed his appreciation for their prompt response to address issues of constituents in a timely manner.

**A. APPROVAL OF MINUTES**

SAC Keith Bennett motioned the May 21, 2009, minutes be approved. Mr. John Lenhart seconded the motion. Dr. Kathy Sommers requested "joint" task analysis revised to state "job" task analysis. The correction was made to the minutes. After no further discussion a vote was taken with all in favor and the motion passed favorably.

**III. CURRICULUM COMMITTEE**

**Dr. Kathy Sommers  
Committee Chairperson**

**A. JOB TASK ANALYSIS COMMITTEE REPORT**

Dr. Sommers reported the Job Task Analysis Committee's original timeline stated the preliminary date of findings would be reported at the July 2009 OPOTC meeting. At that time, Ms. Monica Ellis with ODPS/OCJS, summarized the findings of the analysis which is filed as Attachment 1 with this document. Dr. Sommers thanked Ms. Ellis and Mr. Robert Swisher for their work conducted on the job task analysis.

The job task analysis committee continues to meet and are taking into consideration information obtained from the Ohio Revised Code (ORC) and Ohio Administrative Code (OAC), information from the task analysis, the critical tasks as identified by CALEA, and constructing a draft of the content for peace officer basic training curriculum. The intent of the committee is to bring a first-read draft of content only to the OPOTC for review at the September 2009 OPOTC meeting. The committee identified an outline for the final document

The organizing framework of the content are based around five basic themes which are the constructs of what is perceived an officer needs to employ in all tasks and operations he conducts. There will then be a series of topical units of study such as patrol, firearms, ethics, written communication, and community diversity. Under each unit of study or topic, there will be a series of competencies which will define the outcome after the student participates in a scenario or learning experience. The competency will define the outcome at the end.

The committee requested the OPOTC consider the seating of a third panel that would be specifically geared toward creating learning resources to support the content of the document. The third panel would be made up of both practitioners (current officers representing the gamut of practitioners) and educators. Executive Director Ferrell advised when the job task analysis process began, Dr. Sommers had outlined a 3-phase process and the framework was already in place.

Chief Denton asked for explanation of the broad changes the task analysis would produce. Dr. Sommers stated the paradigm shift in the document currently under construction is it will not be scoped in sequence, but it will outline the performance objectives (competencies) that officers need to demonstrate proficiencies when exiting the academy. How the objectives are delivered will be at the discretion, with guidance, of the academy. It is envisioned it will no longer be a checklist of what was covered in the training with quizzes, but the majority of the competencies will be taught in the context of a real world situation. The shift is engaging in outcome based learning. Executive Director Ferrell stated there will be a greater emphasis on the success rate of the achievements of the academies.

## **MOTION**

Chief Denton moved to accept the Curriculum Committee report. SAC Bennett seconded the motion. There was no discussion and the motion passed favorably.

Executive Director Ferrell reported he would like to use Dr. Sommers' findings with the job task analysis as a basis to form sub-committees (working groups) to revisit the entire firearms qualification and physical fitness protocol. Dr. Sommers relayed the Curriculum Committee would not address the subject of firearms or physical fitness within the context of its curriculum document, but would take the recommendation of the two suggested sub-committees upon the OPOTC approval and add them to the document. Director Ferrell stated staff would provide the infrastructure to the two proposed sub-committees, but he would like to have a Commissioner involved in each committee.

## **MOTION**

Dr. Sommers moved the OPOTC establish two sub-committees (working groups). The first committee to address the review of firearms qualifications and the second sub-committee to review physical fitness requirements, and both committees report their findings to the OPOTC. The OPOTC Chairperson would invite a Commissioner to participate on each committee. Mr. Patzer seconded the motion.

It was established the Chairperson had the discretion to appoint OPOTC members to committees. Chairperson Stanforth advised he would meet with the Executive Director to establish the two committees. Mr. Patzer asked the OPOTC be notified of the meetings. Mr. Jeff Clark advised public notices must be sent for all OPOTC and OPOTC sub-committee meetings. After brief discussion, the motion passed favorably.

Note: Colonel Collins arrived at meeting.

## **IV. LEGISLATIVE COMMITTEE**

**Sheriff Thomas G. Maurer  
Committee Chairperson**

### **A. LEGISLATIVE CHANGES**

Mr. Jeff Clark advised in reference to the two legislative initiatives that affect the OPOTC, the recommended OAC changes were still early in the review process and required both a JCARR and an agency public hearing. The agency public hearing is scheduled for August 18, 2009. The agency chooses the effective date which can be no less than 10 days from the final filing. Mr. Clark also reported House Bill 1 (budget bill) would, in the absence of an emergency clause, be effective 90 days from the date of signing by the Governor.

Mr. Mark Losey reported changes to curriculum in the proposed legislation would differ in that the chair time requirements for certain topics had been eliminated. The restricted curriculum the Ohio legislature had minutely prescribed had been lifted in the proposed changes to allow the OPOTC more freedom of movement to do what works rather than to prescribe the number of chair time hours that satisfy legislation.

## **V. NOMINATING COMMITTEE**

**Colonel Richard B. Collins  
Committee Chairperson**

No report given.

**VI. CONTINUING PROFESSIONAL TRAINING COMMITTEE**

**Sheriff Thomas G. Maurer  
Committee Chairperson**

Sheriff Al Solomon, Auglaize County Sheriff's Office, gave the Continuing Professional Training (CPT) Committee report in the absence of Sheriff Thomas Maurer. The OPOTC Continuing Professional Training (CPT) Committee met on Thursday, June 25, 2009, to discuss and identify the suggested mandated hours of continuing professional training for 2010. As a result of the discussion, the committee highly endorsed 3-5 hours of continuing professional training for each officer in the year 2010 but the training would be unpaid due to the lack of funding. The committee reminds that although there will be no reimbursement, an agency is still required to submit its CPT report to the OPOTC so all hours of training can continue to be maintained.

In an effort to locate a secure funding source for CPT, Sheriff Maurer traveled to Kentucky in May and met with Director Ken Schwendeman and Thor Morrison of the Kentucky Department of Criminal Justice to discuss Kentucky's funding source for law enforcement training obtained through the insurance industry.

In general, several years ago Kentucky conducted a job task analysis for the state in reference to officer training. A Property Insurance Premium Surcharge Revenue was implemented. Approximately half of the surcharge revenue is mandated to training law enforcement. Training is conducted by Kentucky Law Enforcement in Richmond, the Kentucky State Police, Lexington Police Department and the Louisville Police Department. Nearly half of the surcharge is used to train the fire fighters in Kentucky. An estimate of \$3,100 is expended annually on each safety service member within the State of Kentucky.

Mr. Schwendeman and Mr. Morrison would like to host a meeting of selected individuals at their site in Richmond, Kentucky. Sheriff Maurer highly recommends this meeting as it will provide the opportunity to witness what Kentucky has done in the area of developing from insurance fees a means to provide training for all safety service members in the State of Ohio.

Executive Director Ferrell advised Sheriff Maurer would like a representative from the Attorney General's Office to accompany the CPT Committee on the trip to Kentucky. Although there are no funds for reimbursement of training, requirements remain for CEOs to submit their agency rosters and CPT reports. Mr. Ferrell reported it was intended to combine the agency roster and CPT report by 2010 so that it would be necessary to submit only one document. After brief discussion, the following motion was brought forward:

**MOTION**

Mr. Jeff Patzer motioned to accept the CPT Committee report. SAC Keith Bennett seconded the motion. There was no discussion and the motion passed favorably.

**STAFF REPORT**

**VII. COMMISSION AND ACADEMY UPDATES**

**Executive Director Ron Ferrell**

Executive Director Ferrell thanked Colonel Collins and Major Kolcum for his invitation to the most recent OSP graduation.

Executive Director Ferrell commended Dr. Sommers and the job task analysis panels for achieving the aggressive deadlines set forth for the task analysis. He committed the OPOTC staff to Dr. Sommers' needs as she moved into the third phase of the process.

### OPOTC FIREARMS POLICY REVIEW

Executive Director Ferrell commended the OPOTC staff for their hard work on the multiple projects set before them. One of the projects is the review of the current OPOTC firearms policy. A working group of subject matter experts (SMEs) was formed under the direction of Mr. Robert Fiatal to solicit both sides of the opinion of those who wanted changes in the firearms program and those who felt the current practice was fine. An important factor to note is the OPOTC basic training requirements differ from the OPOTC requalification requirements throughout the state. Executive Director Ferrell premised the solutions may be somewhat temporal depending upon future actions resulting from the task analysis. The following suggested solutions were a result of the SME working group's efforts: 1) leave the program as is; 2) change the program to an accumulative score; or 3) extend the number of attempts a basic recruit may get with the same requirements that are currently in place.

Executive Director Ferrell polled several states and found Ohio's firearms process policy differed greatly and was stricter. As a result of his findings, effective immediately and upon the approval of the OPOTC, he intended within his discretion as executive director, to apply the same requirement for basic training firearms courses as is in firearms requalification courses, which is an accumulative score. Because the policy is not in the ORC or OAC, but in the Commander's Manual, the executive director has the authority to make the change day forward. This policy will be effective until the SME working group informs it is of the best interest to go a different direction. The change in policy will apply to any student who is currently enrolled in a school and has not graduated. Executive Director Ferrell stated the policy would not apply to students who failed the firearms portion of peace officer basic training prior to July 16, 2009, because he did not have the discretion or authority to allow it.

Mr. Patzer asked if the working group addressed the issue of the "death penalty" in the firearms policy. Executive Director Ferrell stated the OPOTC had never made recommendation to the Executive Director to address the firearms "death penalty". He stated the "death penalty" would remain in place. The student would receive two opportunities to shoot, but would be required to shoot an accumulative score of 80 percent. Dr. Sommers supported Executive Director Ferrell's proposal, but stated she would be more comfortable transitioning at a later pre-designated date.

Mr. Jeff Clark advised one of the OAC that governed the OPOTC stated, "The course content and curriculum of the POBT program shall be established by recommendation of the Commission then upon approval of the Attorney General", and generally that was where the authority for the curriculum content was derived. The current issue addressed the actual scoring and the nuance of scoring of the firearms. This is an issue the OPOTC and the Executive Director believed in the realm of a detail that didn't arise to a change in content of curriculum. Once curriculum was changed, and if the scoring was changed, the question of retroactivity and prospective application would be addressed and there did not seem to be anything in place to prohibit immediate implementation. At first glance concerning retroactivity, Mr. Clark stated a commander could still submit the student's paperwork that complied with the ORC and OAC to the Executive Director, and it should be sufficient for that student to be certified, but he would like to explore the issue further for accuracy. Mr. Mark Losey concurred with Mr. Clark's analogy and added it was not a legal problem but there were legitimate administrative issues involved. Mr. Clark clarified that once the scoring method was amended, anyone still at a point within the process where they could continue to complete all of

the other requirements to the letter, could then submit the paperwork to the OPOTC staff to be processed. He did not mean a re-start or reaching back into the process and tolling the completion of other matters. Each case would have to be reviewed to determine whether it met the criteria. After lengthy discussion, the following motion was brought forward:

### **MOTION**

Dr. Kathy Sommers motioned effective July 16, 2009, the scoring on firearms qualification be changed to be consistent with recertification accumulative scoring. Colonel Collins seconded the motion.

Mr. Lenhart commented the OPOTC needed to keep the lethal force results from the task analysis in consideration when moving forward. Executive Director advised the results of the task analysis would be important to the firearms working group. The value of the standards rest within the currency of the task analysis and the task analysis will offer the opportunity for the OPOTC to move forward and update many important areas. Mr. Fiatal reported the working group not only discussed the testing for firearms but also the protocol for the firearms assessments. Also discussed was the development and enhancement of firearms instructor courses at OPOTA, and possibly making them mandatory for POBT firearms instructors over a period of a couple of year.

The motion passed favorably.

### **MEDICAL EXTENSION RE-TESTS**

Executive Director Ferrell reported, as a result of suggestions made at the January 14, 2009, OPOTC strategic planning meeting, all medical extension re-testing will occur at the Ohio Peace Officer Training Academy located in London, Ohio, effective August 1, 2009, and all timelines apply.

Commander David Traynor asked if it would be problematic for medical extension students to come to London for retesting due to the requirement that the same instructor must conduct all of the make-up hours and the student would be missing the current training taught while in London for their retest. If the doctor signed a release for the student to engage in the physical activity, Executive Director Ferrell stated the student should complete all of the required hours in line with their ability.

### **PERSONNEL CHANGES**

Executive Director Ferrell reported Compliance Officer Bill Murray was on sick leave. Mr. Jon Lieber was hired as a compliance officer for the northeast region of the state. Mr. Ed Bridgeman served a sabbatical at OPOTA from the University of Cincinnati.

### **EQUIVALENCY FOR OUT OF STATE OFFICERS**

Executive Director Ferrell reported his research determined Ohio was one of the highest states in terms of rigidity in recognizing a person's past experience as an officer. He advised the equivalency issue would be addressed soon and a new policy would be implemented.

### **BREAK IN SERVICE AND OFFICER RE-APPOINTMENT**

Executive Director Ferrell stated the proposed ORC and OAC revisions primarily addressed the break in service and re-appointment issue. There had been discussion concerning the details of

implementation of the changes concerning break in service. When the new standard is implemented as a result of the ORC and OAC revision, officers who are currently in good standing, effective on that date, is considered up to date on training unless he falls within the following categories: 1) an officer who had a break in service for over 1 year and had not taken a refresher course must take the refresher course; 2) an officer who had a break in service for over 4 years and never received required training, must take entire POBT; 3) an officer who had a re-appointment or break in service for no more than 1 year, no additional training is required. The new standard will recognize experienced officers in the areas the OPOTC determine they are proficient. Executive Director Ferrell advised refresher and update courses were now available on line through eOPOTA. The training hours were reduced from 35 hours to 8 hours through eOPOTA.

Mr. Lenhart inquired if officer layoffs had been considered. Executive Director Ferrell stated the same concept proposed for officers in break in service would apply to furloughed officers. Mr. Clark stated there would be no legal issues if the furloughed officers were put on auxiliary status. Executive Director Ferrell stated the refresher course was anticipated to be shortened dramatically and a large component of the course would be placed on line.

### **ACADEMY ANNUAL REPORTING**

In keeping with Dr. Sommers' outcome-based and qualitative assessments direction on the curriculum, Executive Director Ferrell reported schools would be required beginning in 2009 to complete and submit an annual report that will be provided by the OPOTC. The report will enable the OPOTC staff to capture the demographics from around the state of how well the school is doing. The information retrieved from the report will be submitted to the OPOTC with the intent of increasing their involvement with decisions concerning the schools success or nonsuccess due to the shift toward a qualitative based assessment. Dr. Sommers suggested a committee be created to consider what the OPOTC review and quality factors would be to look at an academy. Executive Director Ferrell stated the OPOTC was shifting away from process to how well the academy was performing.

**VIII. OLD BUSINESS Chairperson Vernon P. Stanforth**

No report given.

**IX. NEW BUSINESS Chairperson Vernon P. Stanforth**

It was decided the OPOTC meeting minutes would be emailed to the OPOTC with a return receipt in lieu of sending the traditional packets prior to each OPOTC meeting.

**X. GUEST FORUM Chairperson Vernon P. Stanforth**

Commander Joellen O'Neill and Detective Marcus Saffro, Cleveland Police Academy, addressed the OPOTC regarding Cadet Andre Bays' failure of the firearms portion of peace officer basic training and how it would affect him in light of Executive Director Ferrell's newly enacted firearms policy. Executive Director Ferrell stated the new procedural policy would not affect Cadet Bays' situation. Commander O'Neill stated their issue was with the interpretation of the commander's manual because they wanted to give more remedial training and then retest but was unclear if they could. Executive Director Ferrell stated remedial training was at the discretion of the instructor and students may remain in remedial training until the end of the training because remedial training was not defined that it must be within the 80 hour block. Mr. Bob Fiala reported the firearms working group had determined the amount and type of remedial training should be left to the

discretion of the firearms instructors. Executive Director Ferrell advised that since Cadet Bays had already left the school, he did not qualify to retest under the new policy. Cadet Bays gave his testimonial to the OPOTC concerning the events of the day he failed the firearms training. Executive Director Ferrell stated he did not have the authority to supplant what the range commander did in Cadet Bays' particular case. He asked if he could submit an appeal to the OPOTC in writing and Executive Director Ferrell informed it was not an issue that could be appealed but his commander had already submitted a written appeal on Cadet Bays' behalf.

Mr. Jim Sylvania addressed the OPOTC concerning a letter he had forwarded to the Ohio Department of Homeland Security (ODHS) and Certification Officer Justin Cain regarding an Introduction to Private Security course currently being taught at Kaplan University. Mr. Sylvania would like the course to be recognized by the state and the quarter hours to be converted to training hours that are acceptable to ODHS and the OPOTC. Mr. Sylvania stated the best part of the proposal would be the individual license holder would not have to pay for the cost of training one of the security officers and the state would not have to maintain the training records. The record of training would be kept on the transcript of each individual student at his respective college.

Mr. Fiatal explained the ODHS created the private security standards and the OPOTC only maintained the records. Currently a new private security curriculum is being discussed at ODHS that would require mandated training. Mr. Justin Cain advised the academic training currently offered at OPOTA for private security was not mandatory. The only training mandated under ORC 4749.10 was firearms training.

Mr. Patzer stated the conversion of private security training and other law enforcement training to OPOTC approved training was an issue the OPOTC would eventually need to address. Mr. Lenhart added reciprocity needed addressed for officers coming from other states. The current trend is the public sector of law enforcement is getting smaller and the private security sector was growing. Chairperson Stanforth stated he was on the ODHS Advisory Committee and he would put the issue on their next meeting agenda.

Mr. Fiatal commended Ms. Victoria Gatien and her staff for catching up the backlog in the Certification and Standards section with the exception of certificates. He added partial reason for the backlog in the certificate process was due to the large request for duplicate certificates from officers. Mr. Fiatal advised the agency heads to encourage their officers to be responsible for their certificates and not to depend on the OPOTC staff to provide duplicates for employment purposes, etc.

## **XI. MOTION TO ADJOURN**

Mr. John Lenhart motioned to adjourn the meeting. Colonel Richard Collins seconded the motion. All were in favor. Meeting adjourned. Time: 11:44 a.m.

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Secretary

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Chairperson

These transcripts are not verbatim. Audiotapes are available upon request.