



RICHARD CORDRAY
OHIO ATTORNEY GENERAL

OHIO PEACE OFFICER TRAINING COMMISSION

MEETING

THURSDAY, MAY 13, 2010

HELD AT THE

OHIO PEACE OFFICER TRAINING ACADEMY

IN

LONDON, OHIO



MINUTES

I. OPENING

A. CALL TO ORDER

Chairperson Vernon Stanforth called the meeting to order at 9:05 a.m.
Sheriff Thomas Maurer led the pledge of allegiance.
Ms. Gaye Gossard called the Roll.

COMMISSION MEMBERS PRESENT

Chairperson Vernon P. Stanforth
Sheriff Thomas G. Maurer
Mr. Jeffrey Patzer
Chief Paul Denton
Mr. John Lenhart
Chief Robert Williams
SAC Keith Bennett

Major Christopher Minter represented the Ohio State Highway Patrol.

B. WELCOME AND INTRODUCTION OF GUESTS AND STAFF

ATTORNEY GENERAL'S OFFICE

Attorney General Richard Cordray (present by conference call)
Mr. Jeffery Clark Attorney General's Office
Mr. Matthew Kanai Attorney General's Office

GUESTS AND STAFF

Mr. Robert Fiatal	OPOTC Executive Director
Ms. Victoria Gatien	OPOTC Deputy Director
Mr. Bill Walker	OPOTC Deputy Director
Mr. Lou Agosta	OPOTC Deputy Director
Mr. Dave Peters	OPOTA LETO
Commander Gary Brinker	Owens Community College
Mr. Bill Murray	Citizen
Mr. Steve Schwab	Columbus P.D.
Ms. Lori Wachtel	OPOTC Staff
Lt. Jerry W. Hughes	Akron P.D.
Mr. Justin A. Cain	OPOTC Certification Officer
Mr. Jake Heaberlin	OPOTC Staff
Officer Chelley Seibert	Dayton P.D.
Ms. Karen Ressler	OPOTC Staff
Ms. Joyce Boudreau	Ohio Department of Education
Mr. Michael Taylor	ODNR
Captain Bob Markowski	OSHP
Ms. Jill Gregory	OPOTC Certification Officer

II. CHAIRPERSON REPORT

Chairperson Stanforth asked for a moment of silence to honor the recent passing of several of the Ohio Peace Officer Training Commission (OPOTC) and Ohio Peace officer Training Academy (OPOTA) staff family members.

Chairperson Stanforth commended Ms. Kelly Shore and staff for their hard work on the Peace Officer Memorial Ceremony and the Commission appreciated their efforts.

Chairperson Stanforth reported he spoke before the Sunset Review Committee on behalf of the OPOTC on April 8, 2010.

Approval of Minutes

Sheriff Maurer motioned the minutes from the March 11, 2010, meeting be approved. Chief Williams seconded the motion. A vote was taken and the motion passed favorably.

SAC Bennett motioned the minutes from the April 6, 2010, special meeting be approved. Mr. Lenhart seconded the motion. A vote was taken and the motion passed favorably.

III. CURRICULUM COMMITTEE

Chief Paul Denton
Committee Chairperson

PHYSICAL FITNESS REVIEW

Mr. William Walker, OPOTC Education and Policy Section, gave an update report on the activity of the physical fitness review working group. He prefaced by stating a more detailed report would be given at the July OPOTC meeting. Mr. Walker detailed the following basic preliminary set of recommendations that had been concluded by the review panel.

1. To leave the Cooper standards in place because they had been proven to work in various states across the nation. The standards would remain at the 50 percentile. Also, recommended the current initial assessment be reduced to the 15 percentile, however, an individual would not be able to continue in the academy should they fail the initial 15 percentile standard during the first two weeks.
2. No medical extensions or excused absences before the initial test.
3. No re-tests on the initial 15 percentile physical fitness test.

Mr. Walker reported several academies currently administer a physical fitness assessment test at the beginning of the academy. Currently there was no requirement for routine fitness training during an academy. The recommendation of the panel is to codify a 3 hour requirement per calendar week of a full-time academy that some sort of physical fitness must occur. The panel also recommended an exception be provided for the weeks in which defensive tactics, driving and firearms training occurred. Part-time academies would have a slightly different standard consisting of a lower threshold. The 3 hours requirement would be for every 40 hours of classroom time.

Mr. Walker stated the above were minimum recommendations and the academies were encouraged to exceed them. The American Heart Association recommended at least 2.5 - 3 hours of cardio fitness activity per week to maintain a person's current level of physical fitness.

Mr. Walker reported medical extension requests to the OPOTC averaged from 5-9 percent of the total student population yearly with an eventual pass rate of less than 1 percent. Data reveals 81 percent of all medical extensions are open enrollment or civilian students and only 41 percent have in the past appeared to take the final examination. Since the tests have been moved to the London Academy, the appearance rate has significantly reduced from 41 percent. Out of the total academies in Ohio, only 10 percent account for 50 percent of all medical extensions. In the panel's discussion on how to alleviate some of the medical issues as they relate to physical fitness, everything led back to the implementation of entry physical fitness examinations and attestations that the student and their physician make before academy entrance. The panel considered possible changes to OPOTC forms and paperwork required for passing initial physicals, but soon discovered the current forms were sufficient because they covered everything that needed addressed.

In reference to the peace officer basic training curriculum, there was an overwhelming agreement by the panel on the academic needs. The panel made the following recommendations:

1. The deletion of the current physical conditioning unit (Unit 12) and inserting a new Unit 12 titled something to the effect of Health and Wellness. Several to be determined topics would fall under the new unit. The initial consideration would include topics on physical fitness, dietary and medical health issues, and mental health issues. After the OPOTC approval of the panel's recommendations, a

- Subject Matter Expert (SME) committee would be created to build a good and substantial wellness portfolio that the OPOTC could be proud of for basic training. The goal is to have the new curriculum ready for the January 1, 2011, bi-annual lesson plan publication.
2. For the OPOTC to host a statewide law enforcement fitness summit that would bring the best and brightest in the field for a one day training and panel discussion.
 3. The development of fitness/wellness courses for eOPOTA for permanent entry to the OPOTA course catalog.
 4. The development of informational and training materials that are accessible to students prior to academy entrance that would provide what was expected of the student and also possible training plans. Also included would be the development of resources for the use of chiefs and sheriffs to be utilized as potential resources should they choose to institute training standards for their agency.
 5. Recommendation for a full-time fitness and wellness law enforcement training instructor at OPOTA to concentrate on teaching advanced fitness or wellness related courses and serve as a statewide level fitness consultant available to all law enforcement agencies.
 6. The Schwinn Air Dyne bike test solidified as a legitimate alternative to the 1.5 mile run on the final assessment for qualified applicants only and the OPOTC/OPOTA purchase the appropriate equipment to conduct the assessments at OPOTA with the current medical extension assessments. After research, it was determined a medical physician would not be required to be present during the assessment, but a trained and qualified fitness instructor would suffice. The required equipment was estimated below \$5000.
 7. New academy standards not to take effect until January 1, 2011. This would give the OPOTC staff time to produce the materials (lesson plans) and the academies time to prepare for the coming standards.

In conclusion, Mr. Walker, on behalf of the Physical Fitness Review panel, solicited comments or recommendations from the OPOTC on the recommendations. He also thanked the panel members for their involvement on the panel in the past months.

FIREARMS REVIEW

Mr. Robert Fiatal recapped concerning the firearms proposal distributed and discussed at the March OPOTC meeting, and stated the firearms review working group wanted to insure it's transparency and encouraged as much feedback as possible. Two commanders' conferences had taken place, both at OPOTA - London campus and OPOTA - Richfield campus, and there was much discussion concerning the proposed firearms lesson plans. Also, as a result of the March OPOTC meeting, demonstrations of the proposed firearms lesson plans have been conducted to introduce the new lesson plans and to also receive evaluations of the courses. The evaluations were summarized and a copy was distributed to each Commissioner. The vast majority of evaluations were favorable, however, there had been some critical, which

needed to be considered. Any critical evaluation or suggestion would be considered by the firearms working group, and would be forwarded to the OPOTC if they felt it was a necessary or worthwhile supplement to the proposed course. Additional demonstrations were scheduled to allow input from different areas of the state.

Mr. Fiatal reported the firearms working group also has a proposed shotgun qualification course but their recommendation was for the pistol proposal be vetted out before the shotgun was introduced. When the proposal was introduced, the group felt it should be in addition to the qualification course for the basic academies. Lessons plans that address the 5-9 core elements of good marksmanship, weapons operation and equipment operation to name a few. In addition to the lesson plans, the group felt the proposal could be introduced through videos which would also deliver the information to firearms instructors.

Chief Paul Denton commented the general feedback he had received concerning the firearms proposal was that people didn't yet grasp the difference between testing qualifications and training. Mr. Fiatal agreed the greatest criticism was thus far the current qualification courses was not only the academies' testing mechanism but also their training mechanism.

IV. LEGISLATIVE COMMITTEE

Sheriff Thomas G. Maurer
Committee Chairperson

PROPOSED STATUTORY RULE CHANGES FOR PRIVATE SECURITY

Sheriff Thomas Maurer deferred the Legislative Committee report to Executive Director Fiatal who addressed the OPOTC concerning the proposed statutory rule changes for private security investigators. Executive Director Fiatal stated the private security academic curriculum had been reevaluated for the past several years. The reevaluation had been led by the Ohio Department of Homeland Security (OHS) who had invited the OPOTC staff to participate. Mr. Justin Cain, OPOTC Certification Officer, had been present at past meetings as well as, former Executive Director Ron Ferrell, Ms. Victoria Gatien, Mr. John Martin, and Executive Director Fiatal. Currently, the private security system was bifurcated in the certification process. OHS certifies private security/private investigators, however, by statute, the OPOTC was given the responsibility of hosting private security firearms courses. The OPOTC oversees the firearms courses, passes the information on to OHS who issues the firearms certification a couple of months later. It was learned from the private security industry as well as the private security commission they didn't like the delay in certification, don't understand why the industry was bifurcated or an inefficient system. The private security industry and commission would like the program handled by the Department of Public Safety (DPS).

Mr. John Lenhart informed the OPOTC there was a real safety factor for Ohio, OHS, and all law enforcement. When a private security student passed the test, they were then authorized to carry a firearm, all without a prior background check being conducted. This presented the issue of felons being trained collectively by schools in firearms, then being capable of carrying firearms. These felons are put in positions of trust in the private security industry carrying firearms and the OPOTC is the entity who certified or does not certify this person. Mr. Lenhart suggested a background check be conducted before the training began. Mr. Cain had currently been conducting background checks through OHLEG after the training had commenced resulting in the removal of some students from the academy. Mr. Cain stated the OHLEG searches would not account for multi-state offenders. OHS would check through the FBI after the training was completed, however, everyone who took OPOTC firearms for private security did not have to register with OHS, unless they were contract security only. If they were

proprietary, they were not required to have OPOTC training, but take it for liability reasons, and were not required to have background checks. Executive Director Fiatal advised currently by statute the OPOTC must run firearms schools for private security. In the proposed revised statute, the only paragraph the OPOTC offered changes was in 4749.10(1)(a). A nominal fee is collected by the OPOTC for the firearms certification, which is defined in Ohio Revised Code (ORC) 109.78. The OPOTC is willing to let OHS retain any fees it collected, and the OPOTC would set the curriculum for the firearms standards. Currently, the private security firearms course is 20 hours. Chief Williams asked if there was an interest with OHS to push the training back to them. Mr. Cain stated they anticipated getting the proposed legislative changes to the legislative review committee in the next few months. Executive Director Fiatal stated all of the proposed changes were promulgated by the private security industry, private security commission, and the DPS. The only input the OPOTC had was on the previously mentioned paragraph and the requalification.

Chief Denton expressed concern that private security officers were permitted to work without having a background check which evidenced there was a gap somewhere. Mr. Patzer inquired if there was a legal reason why the OPOTC couldn't establish that they wouldn't certify anyone unless a state and federal background check was conducted. Mr. Jeff Clark stated he could not find any express part in the statute that addressed Mr. Patzer's question; however, he recalled have added to the application process the question of whether the applicant had been convicted of a felony. Then if it turned out the applicant had a disqualifying felony, he would have falsified or perjured the earlier document and would be subjected to penalties. Another solution would be to craft legislation that spelled out everything up front in a mandate that required a background check. Mr. Lenhart asked if the OPOTC had to certify the private security officer. Mr. Patzer stated he was suggesting the applicant be required to submit FBI background check results upon application to the OPOTC. Chief Williams stated public funds were dwindling and law enforcement would be taking a step back as well as the overall security and private industry would be growing. The OPOTC currently had input in the private security industry and if the OPOTC pulled out they would have no involvement at all. He would choose to not certify the student until they had met the federal background check. Mr. Lenhart agreed but said currently the OPOTC had no control at all and from a management point of view it needed to be run correctly.

The cost of an FBI/state and CCH check is \$46. Sheriff Maurer inquired if the individual or company could pay this fee up front when application was made. Mr. Fiatal advised they did at the DPS, but it didn't come to OPOTA. Sheriff Maurer stated it would be acceptable if it was done at that point then the OPOTC would know if it was qualified at a later time that the individual was felon free. Mr. Cain reported there had been past issues and he had proposed previously to OHS what was the timeframe to get the background check and still utilize it for licensing purposes but didn't get a response. He had suggested adding to the commander's manual the requirement that a background check must be conducted. Mr. Cain stated the issue was everyone who goes through OPOTC training will go through OHS, therefore, a loophole is created between those individuals who state they don't need it because they don't have a license so they aren't required to abide by ORC 4749.02. Mr. Cain explained that OHS ran the program and the OPOTC staff cannot instruct them what to do. Mr. Patzer stated the OPOTC however, could tell them what it wouldn't do and Mr. Lenhart added the OPOTC would not issue a certificate. Mr. Cain stated an individual could take the OPOTC private security firearms course to suffice for carrying concealed weapon requirements and for the private security requirements. This would require a background check with the sheriff's office but some people have also gotten through this process with a state or federal disability. Another situation that needed reviewed was OHS at one point was only looking at felonies that weren't over 20 years

and domestic violence. They did not take into account other convictions such as narcotics. Mr. Dave Peters inquired who else did OPOTC train in firearms that a background investigation was not conducted, i.e. bailiffs, adult parole authority, probation officers? He suggested when solving the issue with private security, to address the issue across the board.

Mr. Clark stated clearly the OPOTC's rule-making authority extended to private security and it seemed that included amending the rule to require a prior background check would be consistent with any type of language that said promulgating rules to give effect to the Commission's powers and responsibilities in this area. Offenses that are disqualifying are clear and he didn't think there would be any pushback from anyone particularly because the rule-making authority was in place to amend the rule for upfront background check paid for whatever mechanism the OPOTC desired. Mr. Patzer asked Mr. Clark to review the current language to draft new viable language the OPOTC could review that would address the private security firearms issue that was being discussed. If directed, Mr. Clark stated he would attempt drafting viable language. He stated there would be a risk of missing the different interconnections and would like to give it more thought before submitting a draft to the OPOTC. Executive Director Fiatal suggested putting the issue in sub-committee for research. He also suggested forwarding the issue to DPS. Mr. Patzer stated the OPOTC should exercise its authority and enforce its values where and when it can be done. He did not want to wait on the legislature before moving on the problem.

Mr. Lenhart stated Mr. Clark and Mr. Kanai should conduct legal research on what the OPOTC could do as a stop-gap measure immediately, and, Executive Director Fiatal and Mr. Cain could work out the mechanics of what other programs in addition to private security should be addressed. Executive Director Fiatal reported the OPOTC overseen academic private security programs in high schools and could not even change the curriculum. He suggested Mr. Clark also research the OPOTC having OAC rules on running academic private security academies but no statutory authority to do it other than with firearms. Mr. Kanai agreed with Mr. Clark, caution needed to be taken because in putting the background check up front, what would happen was someone would go through the system and get to the end of it, pass all of their tests, ask for the certificate, even though they would also pass the background check, and the OPOTC would say they didn't get the check up front according to the OPOTC rules so they wouldn't apply and their certificate would be denied. The private security student could then sue the OPOTC and say it was an arbitrary and capricious rule as being applied to them. Mr. Patzer stated that could easily be cured by applying an effective date.

Mr. Peters spoke from the labor point of view for the firearms instructors, if they unknowingly gave a felon a firearm, they would be violating the law. He would advise his bargaining unit not to give a firearm to an individual unless it could be verified they could legally be given the weapon. Mr. Peters could see a potential labor issue. Executive Director Fiatal advised Mr. Peters the OPOTC firearms staff did not train private security officers. Mr. Peters stated it could be a global issue.

Sheriff Maurer stated he did not think there would be concern with judiciary imposing that the OPOTC step up and demand a background check be done on anyone because they come before them for imposition of sentence. Executive Director Fiatal stated there were not that many sole bailiffs and most of the bailiffs who carry weapons in the state were certified peace officers. He added private security was a different matter. There are approximately 20,000 plus private security officers licensed through OHS who carry firearms. Approximately 4,700 certifications are issued each year. Mr. Cain advised it was written in OHS Revised Code that OPOTC cannot exceed 20 hours of firearms training and any changes made to the OPOTC

curriculum could affect that cap. Therefore, the OPOTC was restricted to the 20 hours of training and not all of the training is range time (current statute only required 5 hours of actual range time), compared to 60 hours of firearms training required for peace officers. Frequently the private security officer could be the first responder on the scene of an incident.

Sheriff Maurer asked if it was lawful to put a stop on issuing certifications for individuals for a grace period of 30-60 days until the issue could be resolved. Mr. Clark stated without knowing the particular mechanism is seemed on the surface the answer should be yes as far as taking steps fit with the OPOTC's and Executive Director's duties in which he certifies the courses and completion of the private course with the approval of the OPOTC. Mr. Clark referred back to general authorities the Executive Director collectively had and he didn't think it would be a serious risk. Mr. Clark added one mechanism that would be most easily accomplished would be demanding students entering the courses provide a background check they could request themselves under ORC 109.57. Lt. Jerry Hughes, Akron P.D., commented if a moratorium was placed on the issuance of certifications it would be a big motivator for the industry to rectify the situation themselves. Mr. Gary Brinker advised Owens Community College was getting into the private security field and stated they would require a background check before any private security student participated in firearms training.

Executive Director Fiatal summarized that it seemed to be the sentiment of the OPOTC to stay in the private security firearms regulatory business, but their concern was getting some type of fingerprint-based firearms background check done for the prospective students who attend the private security firearms schools. He asked the OPOTC to allow himself, Mr. Kanai, Mr. Clark and Mr. Cain to get back with OHS and let them know the desire of the OPOTC and ascertain what could be done to fix the situation. Mr. Patzer felt Executive Director Fiatal was discussing two different issues. He felt there were a global issue and a local issue. His discomfort level was with the OPOTC signing off on something that didn't meet its standards. Until the OPOTC no longer regulates private security firearms, the OPOTC should do what was their own sense of quality which was to make a rule that no certification would be given until such time as the OPOTC was assured there were no federal or state disability in regard to weapons. This would take the OPOTC's imprimatur off of potential difficulties. Chief Williams stated it would be a big problem in the community and the OPOTC had a tool impacted to put controls into the industry and he felt they didn't need to get out of the business. SAC Bennett didn't think anyone would find it acceptable the OPOTC find out after the fact a student had a firearms disability and anyone in public safety would recognize the inefficiency in the way it was currently presented. Executive Director Fiatal stated the OHS and the private security industry both wanted their firearms training regulated by DPS.

MOTION

Mr. Patzer motioned the OPOTC shall not issue any firearms certification or provide training of any kind, to any person without prior national and state background checks that clears that person of any state or federal weapons disability.

DISCUSSION

Mr. Clark stated the motion sounded post facto, "shall not issue a license without training" as opposed to "shall not provide or initiate training without" and the motion was amended to reflect the same. Mr. Cain stated it was not asking to more than what is already done, however, for the proprietary individuals, it would ask them to do something they may not have to do. In reviewing the draft language, Mr. Clark stated the department was required to provide proof of

certain matters of applicants went into more detail which incorporated standards for disqualification in the criminal code and the public safety bill broke it out a little differently and the OPOTC could look into conforming. At that time, Sheriff Maurer asked for a break to allow Mr. Clark time to formulate a stop-gap motion. Chairperson Stanforth's concern was interrupting the motion on the table to take a break.

MOTION

At that time, Sheriff Maurer motioned to take a break to allow Mr. Clark time to formulate a stop-gap motion. Chief Denton seconded the motion. At that time the meeting recessed for break.

The meeting resumed at 10:50 a.m.

Chairperson Stanforth stated the OPOTC was required to conduct training and didn't let anyone perform training with the OPOTC unless their credentials and status were known. He suggested letting the legal side look at the new verifications and any proposals the OPOTC may make legislatively, but as a body the OPOTC had an issue at hand that needed dealt with immediately. The Executive Director currently had the authority to regulate OPOTC course of instruction and it was a simplistic thing to require any one attended a firearms course must have a background check to satisfy the OPOTC position that they not train anyone who is under a weapon disability. Chairperson Stanforth stated it shouldn't concern the OPOTC if the individual was a private security officer, but the OPOTC concern should be if the individual wanted to carry a firearm under the training the State of Ohio provided through the OPOTC, they must meet their criteria. Mr. Patzer agreed but asked that legal counsel look at all the implications and submit a prepared suggestion to the OPOTC by the July meeting concerning the private security proposal.

Chairperson Stanforth stated an open door was found and the OPOTC needed to close it now and should work toward a solution will all entities involved. He suggested the OPOTC take action immediately to stop training private security individuals who had not had a state and federal background check and to invite the DPS, OHS, and the Private Security Commission (PISSG) to the July OPOTC meeting to offer the opportunity for them to present why the OPOTC should not require the background checks. Chairperson Stanforth and Sheriff Maurer apologized to Mr. Cain that it had taken so long for this issue to be addressed, and gave the full support of the OPOTC to bring resolution.

Mr. Clark stated looking at a wider scope for immediate action through the Executive Director was more justified. The authority of the Executive Director to perform any other acts that may be necessary or appropriate to carry out the Executive Director's powers and duties which include the appropriate content and conduct of various trainings with the direction of the OPOTC as set for in sections 109.71 - 109.77 of the ORC. It would in effect give the Executive Director the authority in the short term, however, it did not include ORC 109.78 which was the authorized statute for private security training, which was the more difficult issue. He asked that any motion the OPOTC made on the issue be conditional on a short term review from the legal staff at the Attorney General's Office to confirm.

At that point Executive Director Fiatal stated to the OPOTC it was his intention to require that any participants in further private security firearms training conducted by the OPOTC must satisfy a state and national fingerprint based background investigation to the satisfaction of the Executive Director before they can participate in the training. His intention was for this to be effective immediately, and to let him know of any concerns.

MOTION

Mr. Patzer motioned the OPOTC shall not issue any firearm certification or provide any firearm training of any kind to any person without prior state and national background checks that clear that person of any state or federal weapons disability. Sheriff Maurer seconded the motion.

DISCUSSION

Mr. Kanai asked for clarification if the OPOTC was moving for rule authority or moving to take support? Sheriff Maurer clarified the OPOTC was moving to give authorization to the Executive Director. Mr. Kanai recommended amending the motion to "supporting the Executive Director's decision".

AMENDED MOTION

Mr. Patzer motioned the OPOTC shall not issue any firearm certification or provide firearm training of any kind to any person without prior state and national background checks that clear that person of any state or federal weapons disability. The OPOTC will support the Executive Director's decision in this matter. Sheriff Maurer seconded the motion. The motion passed favorably.

Chief Williams asked if the OPOTC was going to let DPS hold the entire responsibility of the private security firearms training or would they maintain their present position. Executive Director Fiatal stated his feeling from the private security commission was they wished to keep it within their purview until it was resolved. His intention was to tell the private security commission not to consider the proposed legislative changes to get the OPOTC out of the business. Chairperson Stanforth stated the OPOTC needed to determine who currently had a firearm certificate and was carrying a firearm under disability. Executive Director Fiatal explained the OPOTC process for peace officers was conducted differently than private security officers through OHS. A lot of resources (OPOTC staff hours) were used to make phone calls. Mr. Cain reported the private security individual's initial certification was valid for 18 months then no sooner than 90 days before their expiration date they must requalify, then they must requalify on a 12 month basis from that point forward. Sheriff Maurer asked if the OPOTC could get any resources from the Attorney General's Office to help conduct the checks. Mr. Lenhart suggested using interns to conduct the checks and Attorney General Cordray said that was fine.

Chairperson Stanforth then asked what to do when it was detected an individual had a disqualifying offense. Mr. Fiatal stated they would not be permitted to train. Sheriff Maurer asked if the OPOTC was prepared to revoke licenses in the event a disqualifier was found. Mr. Cain stated the revocation process was already in place for individuals requalifying in firearms. Mr. Cain currently checks new certifications and requalifications.

Discussion continued concerning ways local governmental entities could assist in providing the OPOTC information on disqualifying offenses of both peace officers and private security officers. Chairperson Stanforth concluded the discussion by deferring the issue to the House Committee to review the problem objectively, look at alternatives, and make recommendations back to the OPOTC. The House Committee consists of Mr. Lenhart, Mr. Bennett and Colonel Dicken.

V. NOMINATING COMMITTEE

**Mr. John Lenhart
Committee Chairperson**

No report given.

VI. CONTINUING PROFESSIONAL TRAINING COMMITTEE

Sheriff Thomas G. Maurer
Committee Chairperson

Sheriff Maurer reported he had sent out an email with attachments to the OPOTC and the Continuing Professional Training Committee (CPT) concerning a letter he had forwarded to the Attorney General along with the minutes from the last OPOTC meeting about funding and revenue ideas, legislative language that should be forthcoming. He stated he received a nice response from the Attorney General indicating he was aware of the needs for Ohio. Sheriff Maurer stated progression was being made both with the casino and Kentucky models. Executive Director Fiatal, Sheriff Stanforth, and Sheriff Maurer plan to meet with Kentucky representatives to discuss Kentucky's successful model project. He indicated to the Attorney General the impact that he could drive towards proper language in the legislative changes for statements regarding the revenue coming from the casinos toward law enforcement should be very defined as to how it would be dispersed and how much came to Ohio. Currently, everything was going as expected as to statutory changes to where there would be constant revenue built in the future for law enforcement training.

Attorney General Cordray stated every time the CPT funding issue was raised they are a little farther advanced and the views and landscape were evolving. Currently, the legislature has in front of it the deadline to pass the implementing legislation on the casino measure which they are obliged by law to do by the first week of June 2010. At last update, Attorney General Cordray did not believe the House or Senate had introduced a bill. Instead, they were proceeding with back panel discussions that were moving forward and from what his office had seen from the press they were making good progress. The Attorney General's office had vetted language earlier that they had been shown and were comfortable with on the subject. The language would have a certain degree of precision and there would be a certain amount of things to be handled by rules. Mr. Cordray stated he would return to the legislature and try to understand what more was needed at this point. He sensed the language of introduced legislation would be seen which would probably be worked out ahead of time instead of going through a legislative process. This language would be satisfactory language to implement the casino measure. The money from the casino measure would not arrive until 2012 because it depended on the casinos being built and up and running. The location of the casino in Columbus was now set after being resolved through the recent election. There were no obstacles now in Columbus, Cincinnati, and Toledo to moving forward. In Cleveland it was a slower development because they were having problems with property acquisition and the developer had warned it may be 2014 before that casino was up and running. This created a question of whether Cleveland would move ahead with a temporary casino in the meantime, in which case, they might have money flowing before 2012. Attorney General Cordray felt the language on how the casino funds will be handled would be satisfactory and OPOTA would have a significant role in providing the training. As soon as actual legislative language was obtained, the Attorney General's office would make a point to email it to OPOTC members. Attorney General Cordray asked the OPOTC to get any reactions they may have to his office immediately. Attorney General Cordray advised that since there would be significant CPT funding potentially starting in 2012, he was going back to look to see if more could be done for reimbursement for CPT training in 2011 so that the program could be

ramped up. This meant he may need to come up with money for the next two years and if so, his office would try to accomplish it. Attorney General Cordray stated other issues that had been raised was whether the OPOTC wanted to pursue a separate stream of income or revenue for training. He thought it would be difficult at this time given there was a new stream of revenue coming through the casino funds. He liked the idea of the surcharge on the insurance premiums because it would be a fair, assessable and logical connection to police training but right now he felt it would be dead in the water in the General Assembly because they had been resistant to any type of fee increase since last summer. He suggested discussing it further during the next budget cycle. Sheriff Maurer thanked Attorney General Cordray for his input. Attorney General Cordray stated he considered CPT an on-going and significant issue and a very significant issue for the future of OPOTA and the future of law enforcement training in the state. He concluded in stating the implementation of Senate Bill 77 would require some twists and turns in terms of training the OPOTC/OPOTA provided and a group was currently working on it.

STAFF REPORT

VII. COMMISSION AND ACADEMY UPDATES

Executive Director Ron Ferrell

- Executive Director Fiatal provided the OPOTC an update on the departments who failed to submit their 2009 Agency/CPT rosters. As of three weeks prior, there were 90 delinquent departments, but former Executive Director Ferrell sent them a letter advising they would be decertified as agencies if they didn't comply. 70 rosters were received as a result, leaving 20 delinquent. Executive Director Fiatal stated he would be compelled to contact the chief of the department personally before placing their department in cease function status.
- Executive Director Fiatal reported several Criminal Procedure Update sessions had been conducted regionally across the state in an effort to reduce the cost of training to the law enforcement community. Also included in the training was discussion of the changes in both recording of custodial interrogations in places of detention, line-up procedures, and edema and biological collection preservation requirements by Senate Bill 77. Mr. Matthew Kanai constructed a Frequently Asked Questions (FAQ) document concerning the changes resulting from Senate Bill 77 that was posted on the Attorney General's web site and had also been distributed to the chiefs and sheriffs. An eOPOTA course was being developed to help officers become aware of the changes. Additionally, urban gang training had been conducted.
- Concerning the Board of Regents' effort to provide college education credit (CT²) for attendance in peace officer basic training, Executive Director Fiatal reported they were still in the process and were waiting for some of their educational institutions to report before finalization.
- Additional efforts were being conducted to determine if any OPOTA courses other than the Master Criminal Investigator course and peace officer basic training would qualify for veteran funding to possibly relieve economic detriment for some law enforcement officers. The possibility of free available training for laid off officers was also being discussed.

VIII. OLD BUSINESS

Chairperson Vernon P. Stanforth

The OPOTC was presented with a memorandum created by Mr. Clark defining the powers, duties and authority of the Commission. Chairperson Stanforth suggested Mr. Clark report on the memorandum at the July meeting, giving the OPOTC time to digest the information it contained.

All were in agreement. He asked Ms. Gossard to add Mr. Clark's presentation to the next meeting agenda.

JULY OPOTC Meeting

Due to scheduling conflicts, the July OPOTC meeting was rescheduled to Wednesday, July 21, 2010, at 9:00 a.m. at Sinclair Community College.

IX. NEW BUSINESS

Chairperson Vernon P. Stanforth

Accolades were given to Executive Director Fiatal and the staff for an excellent Memorial Ceremony held at OPOTA in May. Chairperson Stanforth appreciated that peace officers who had gone unrecognized for decades were now being acknowledged for their sacrifice. There was also a desire to have corrections officers, to include prison guards, killed in the line of duty recognized on the wall. Officer Steve Schwab, Columbus Division of Police, stated he thought most peace officers would support the idea. Sheriff Maurer suggested surveying the chiefs and sheriffs in Ohio to obtain their thoughts on the subject. Mr. Fiatal advised the Ohio Department of Rehabilitation and Corrections had their own wall for their officers killed in the line of duty. Chairperson Stanforth suggested the issue be sent to committee for discussion.

X. GUEST FORUM

Chairperson Vernon P. Stanforth

No report given.

XI. MOTION TO ADJOURN

Mr. Jeff Patzer motioned to adjourn the meeting. All were in favor. Meeting adjourned.

Time: 12:00 p.m.

Chairperson

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