



DAVE YOST
OHIO ATTORNEY GENERAL



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

Submitted original signed minutes on January 26, 2020.

**Ohio Peace Officer Training Commission Meeting
Thursday, September 10, 2020, 10:00 a.m.
held at the
Ohio Peace Officer Training Academy
1650 State Route 56 SW
London, Ohio 43140**

Minutes – September 10, 2020

A. Opening

Call to Order

Chair Stanforth called the meeting to order at 10:04 a.m.
Sheriff Heldman led the Pledge of Allegiance.
A moment to reflect on the Cleveland Police Officer who passed.
Ms. Savannah Brock called the Roll Call.
Review of Safety Protocols for COVID-19. Masks to be worn unless speaking.
Introduction of Guest.

Commission members present

Sheriff Vernon Stanforth, Chair
Chief Clayton Harris, Vice-Chair
Ms. Leah Amstutz
Ms. Wynette Carter-Smith
Colonel Richard Fambro
Lieutenant James Fitsko
Sheriff Michael Heldman
Chief George Kral
Ms. Carol O'Brien
SAC Eric Smith

Attorney General's Office Staff

Ms. Savannah Brock-Backup OPOTC Secretary-OPOTC Staff
Ms. Kimberly Buehler-OPOTC Staff
Ms. Jill Cury-OPOTC Staff
Ms. Kim Hahn-OPOTC Staff
Mr. Richard Hardy-Director of Professional Standards and Education
Mr. Dwight Holcomb-Executive Director-OPOTC/A
Mr. Dan Ozbolt-Director of Advanced Training
Ms. Lori Rinehart-OPOTC Staff
Mr. Michael Walton-Associate Assistant Attorney/AGO

Guests – Names that were inaudible and not on sign-in will not be listed.

Mr. Elijah K. Baisden, III-Tri-C Academy
Capt. Geoffrey Barnard-Cleveland Heights Police Department
Cmdr. Jacqueline Bowman-Tri-C Academy
Sgt. Lisa Crisafi-Cincinnati Division of Police
Mr. Chuck Crosby-Sinclair Community College
Ms. Tina Hundley-Columbus Division of Police
Major Chuck Jones-Ohio State Highway Patrol
Cmdr. Mark Lang-Columbus Division of Police
Mr. Rick Meadows-Stark State College
Ms. Sharon Montgomery-OSU Risk Institute Distracted Driving Initiative
Cmdr. Ernie Oergel-Polaris Career Center
Lt. Joe Richardson-Cincinnati Division of Police
Cmdr. Jerry Snay-Stark State College
Cmdr. Jeff Sowards-Central Ohio Technical College

B. Chair Report

Sheriff Vernon Stanforth, Committee Chair

The first order of business was the approval of the January 9, 2020 minutes, which each Commissioner received electronically.

MOTION:

Chief Harris moved to approve the minutes of the January 9, 2020 meeting. The motion was seconded by Sheriff Heldman. No discussion was forthcoming; a vote was taken and passed unanimously. Yes-10, No-0, Absent-0.

Chair Stanforth asked for a motion for the approval of the June 18, 2020 minutes, which each Commissioner received electronically.

MOTION:

Chief Harris moved to approve the minutes of the June 18, 2020 meeting. The motion was seconded by Chief Kral. No discussion was forthcoming; a vote was taken and passed unanimously. Yes-10, No-0, Absent-0.

With nothing further, that concluded the Chair Report.

C. Continuing Professional Training Committee Report

Sheriff Michael Heldman, Chair

Sheriff Heldman stated there was nothing to report, concluding the Continuing Professional Training Committee report.

D. Curriculum Committee Report

Sheriff Michael Heldman, Committee Chair

Sheriff Heldman and the curriculum committee met this morning at 9:00 a.m. Director Hardy proposed some updates to the peace officer basic training, peace officer refresher training and private security basic training curriculums. All were reviewed and the committee voted to present them to the full commission with the recommendation to approve. **(HANDOUT 1)** There will be an addition of 3 hours, bringing basic to a total of 740 hours.

Chair Stanforth asked if there was any discussion on the changes?

MOTION:

Sheriff Heldman made the motion to approve the curriculum changes submitted during the curriculum meeting on September 9, 2020. The motion was seconded by SAC Smith. No discussion was forthcoming; a vote was taken and passed unanimously. Yes-10, No-0, Absent-0.

Chair Stanforth asked if there were any action items needed at this point? Sheriff Heldman, stated not at this time. That concluded the Curriculum Committee report.

E. House Committee Report

Colonel Richard Fambro, Committee Chair

Colonel Fambro stated there was nothing to report, concluding the House Committee report.

F. Legislative Committee Report

Lt. James Fitsko, Committee Chair

Lt. Fitsko stated with the COVID-19, both the Legislative and House have been affected. There are things coming up, they are looking at licensing instead of certification, and outside agencies investigating all officer involved shootings. Lt. Fitsko stated there's a lot of stuff coming forward and he would keep the Commission up on things as he receives additional information.

Chair Stanforth asked if we were involved in the formula stages of those legislative discussions? Lt. Fitsko stated yes, our opinion is being sought. We are providing feedback and are getting many questions; we hope we are going in the right direction. Yes, we are involved. Chair Stanforth responded, the Commission appreciates the work he has been doing.

That concluded the Legislative Committee report.

Staff Reports

G. Commission and Academy Updates

Dwight Holcomb, Executive Director

Mr. Holcomb thanked the general service staff members, the Ohio Channel, the staff helping check everyone as they entered the building for today's meetings and everyone who helped get the cafeteria and gymnasium setup in compliance with the Ohio Department of Health's social distancing standards.

On August 31st classes resumed. Director Ozbolt and his team opened up on August 31st with a 5-day Semi-Automatic Pistol Course and last week a 3-day Pursuit Termination Techniques course was held. We are getting back into what it is we do as an academy, which is training. This is the busiest this building has been in since March. Along with this meeting there's a 2-day Evidence Technician Management Course and yesterday we had Cyber Crime First Responder Course. So, training is beginning to expand and we are working to accommodate everything we can during these COVID times. There're around 40 courses scheduled for the remaining of 2020; some regionally and some in London. The staff meets next week to continue work on the 2021 catalog to finalize for posting.

The State Certification Exam has been held here since March. In January through March prior to COVID-19, there were 517 cadets who had tested. Since COVID-19, April through the end of August, 1213 cadets have tested. All were conducted in our gymnasium and we've had no reports of COVID-19. Everyone has been safe and healthy coming in and out of our academy for testing.

Year to date 1730 cadets have tested. For the month of September, we are anticipating 140 exams to be administered. We have been asked if testing could be given out regionally, with COVID-19, we don't want to do that. We continue to do the health screenings, cleaning the gymnasium, tables, chairs, doorways and portable bathrooms. Test books are destroyed after use to alleviate cross contamination. We feel OPOTA is the safest place to do the testing at this time.

Yesterday, the Commissioners received an update on the 2020 Ohio Attorney General's Virtual Conference to be held on Monday, September 14, 2020.

- 9:00 a.m. Attorney General Yost opens the event and introduces keynote speaker.
- 9:25 a.m. Keynote Speaker, Paul Butler.
- 11:00 a.m. Workshop 1- "Investigative Strategies and Resources in Unsolved homicide and Sexual Assault Cases."
- 12:30 p.m. Lunch Break.
- 1:15 p.m. Attorney General's Law Enforcement Awards video presentation.
- 1:30 p.m. Workshop 2- "Building Mutual Respect and Community Trust."
- 3:00 p.m. Attorney General Yost will give closing remarks.

The conference is free, but you do have to register at the Ohio Attorney General's Website. The conference will open at 8:30 a.m. for people to log-in. Mr. Holcomb thanked Ms. Brock, who will run all the technical aspects of the conference. As of this morning there were 472 registrations and the communications division at the Attorney General's office is continuing to push the word out.

We hoping the 2021 Conference can go back to format we are accustomed to and held in person. The 2020 Ohio Attorney General's Law Enforcement Awards Winners will be recognized on-line and Executive Director Holcomb will be delivering the awards to the Award Recipient's later this month. The Commissioners were asked to email Ms. Long if they were interested in participating in any of the award winners in their area.

In conclusion, Executive Director Holcomb received a telephone call in July from Detective Sergeant Steve Temple from Mason Ohio. He shared that his grandfather, retired Chief Robert Temple of Circleville Police Department had passed away. Mr. Temple was 90 years on his death July 28, 2020. Mr. Temple had served is entire career with Circleville Police Department. But what was interesting was that Mr. Temple was an OPOTC member and chair. His term began with his appointment by then Governor Rhodes in January 1969 and ran through 1970 and then was reappointed in 1971 and he served on this Commission until 1993. He served as Chair of the Council as it was known back then for 6 years, from January 1973-March 1979. He was council member 14 years.

In 1978, Chief Temple had signed Executive Director Holcomb's Basic Training Certificate as Chair of the Commission. He shared the historical service that Chief Temple at to this Commission/Council for all those years.

That concluded the Commission and Academy Report.

H. New Business

Chair Vernon Stanforth

Hearing no old business, that concluded the old business report.

I. Old Business

Chair Vernon Stanforth

Director Hardy asked the Chair to recognize that the Pearson Vue presentation was postponed until the November 12, 2020 meeting.

Ms O'Brien noted Lt. Fitsko was discussing the Legislative process with what the legislators are looking for. Ms. O'Brien has been pretty involved with the Legislative process, as well as Attorney General Yost and Governor DeWine. She wanted to assure the people in the room that they have been getting input from Buckeye State Sheriff's Association (BSSA), Ohio Association of Chief's of Police (OACP), Department of Public Safety (DPS), and the Ohio State Patrol (OSP) as well as other stake holders. It's an ongoing, almost daily basis where they're talking about potential law enforcement reform that will impact all of law enforcement as well as the academy. This includes a licensure provision independent investigation of officer involved critical incident, independent prosecutions of officer involved critical incidents.

They are making it a priority to involve all the interested parties to move the process forward, knowing they will never make everyone happy. She's heard for years when she worked in prosecution that law enforcement wants to be looked at as a profession and it is probably one of the only professions that doesn't have a licensing component to it; it has a certification. The only way to remove a commissioned officer is with a felony, everything else is just sort of agreed to and that's so different than lawyers, nurses, educators and barbers. It's a process going on now and they are involving a number of legislators who have been invited out to OPOTA to see what we do. Most have declined due to COVID, but she believes they are to the point where they can start bringing them out to actually see what we do out here at OPOTA and how it works. Then they work everything that as been talked about into it.

Chair Stanforth responded that a door has been opened, should there be a discussion on certification verses licensure? Is it appropriate to ask at this point? Ms. O'Brien stated she feels comfortable discussing it as long as everyone is aware that she is not going to have all the answers. But, she thinks it's something to talk about; most everyone they have spoken with OACP, BSSA, Prosecutors, and OSP, there has not been a big push back on the ideal of licensure. With standards being imposed, and an investigation which will generally follows those processes. The details aren't all worked out and it hasn't gone through legislation or any of the other areas it has to go through; including this Commission. But it is something that is being worked on by the Governor's office, the Attorney General's Office and all the other interested parties.

Chair Stanforth stated his perception of certification verses licensure and the fact that police officers are unique in their certification, because they have to be employed and commissioned by a government entity. We don't own our certification, we can't take our certification wherever we want an be a police agency. But, if you're an attorney you take your license and you can go wherever and say I can be your attorney. You have to be licensed to be a nurse and you can take that license and go anywhere to be a nurse with that license. You can't do that with law enforcement, you have to have a government entity that says I will employ you and therefore you are working under the cover of government entity. Once that commission seizes, your certification is put at bay and you can't function anymore. Licensing that is not true. How is this theory by licensing law enforcement impact any of the issues?

Ms. O'Brien responded one of the areas of licensing that they would be dealing with is setting forth standards for Commissioned Officers. Those standards would include simple things like not getting charged with occurring not just with felonies. Chair Stanforth asked how does that differ with a certification verses a licensing. How do a licensing change that?

Ms. O'Brien stated one of the things that they heard when talking to the interested parties, and the Chair and her have had this discussion before and she's fully aware of where he stands, which was brought to the folk's attention. One of the main concerns they have heard when people are talking about law enforcement is there are no consistent universal standards in the state of Ohio. Right now, to become a law enforcement officer you need to be certified, commissioned and not to be convicted of committing a felony.

Licensure goes a little bit further and it provides a code of conduct. She would assume that a lot of your agencies, your businesses have those already. What this does is make it easier for a law enforcement agency to control what they have. Licensure is providing standards has an investigative arm within OPOTA on the Commission side that would investigate allegations of wrong doing. An allegation of wrong doing doesn't have to be a criminal offense. We have people who do bad things and who should be a police officer and yet remain police officers because the only way to get rid of them is if they've committed a felony or they negotiate to give up their certification when committing a misdemeanor, which by the way doesn't even need to be in the statute, the prosecutor can do that often.

Many times, a prosecutor will give up a felony charge to get the person who is charged with a misdemeanor and a felony. A lot of the time the prosecutor will bargain away the felony if the person who's a police officer says he will turn in/give up his commission and certification. Otherwise, they remain on the job and they can be bad people. Think about all the crimes that can happen as misdemeanors. It's a way, and she would challenge anyone in this room if they never heard the phrase we are a profession, law enforcement; this is bringing you up to the level statutorily and rule wise. Of all the other professions around, barbers have more rules then law enforcement. Nurses can lose their license for doing something other than a felony offense. Attorneys who violate ethics can lose their licenses. That is what we are asking, we want the recognition that you deserve to be certified.

Chair Stanforth asked if those great things be accomplished without changing to licensing? Ms. O'Brien responded how? That is something we have talked about. Chair Stanforth asked if we could statutorily make those things so we can still say we are certified and commissioned and home rule, because this would be a direct effect on the home rule concept of each agency having their rule of saying this is what we want; but now we are saying the State is going to have the decision of what you will have. Ms. O'Brien responded you still have the decision, its just you have to have a license to partake in the profession; like an attorney, nurse, barber and any number of professions out there. It's still as an example as a prosecutor it was always her choice to hire

someone they just had to be licensed. They had to have followed all the rules, they had to pass the test, which means they would still have the certification, but then you have to be licensed too.

As we have recently learned words have meaning and those words that are in issue 9, is it licensure, is it certification. Commission is totally difference, that's when become an officer with an agency. That is not going to change, but the certification with licensure the goal would be that you go through all the requirements and then you could be licensed. Included in that could be a number of things, but that licensing function is continual, you don't get to keep that license if you are not abiding by the dictates of the licensing board. We are saying that a complaint from one person in the public is enough to get you to lose any licensure, but we are saying maybe these complaints need to be looked at, either by the home rule agency or by the board or may they need to be looked at by both.

What we have now is a situation where citizens can complain and nothing can happen. We have the issues like we did with Derick Sheldon in Minneapolis. How many complaints were against him and nothing happened. She realizes there are some counter theories out there, but that was one of the hardest video's she had ever watched in her 35 years in law enforcement. Very few she knows in law enforcement would do anything like that, but there are people out there. Research has been done into other states that have these kinds of proceeds setup and one concern is, you are going to have a million complaints, but surprisingly enough they don't. People learned quickly to not to come to them with "I don't like the way John Doe handled that", come to us with what would be considered violations of the standards. We have between 34,000 to 36,000 officers in Ohio, these states have about half the number of law enforcement and they've 100 complaints on year and 200 another year.

Chair Stanforth asked if that as solved their problems in those states? Ms. O'Brien stated it's helping. As an attorney, she thinks about what she does, hoping she always does the right thing, but she always knows in the back of her mind that she could lose her license at anytime if she doesn't something stupid. She reads all the disciplinary complaints that come out and all the decisions. She believes it makes a difference and if it doesn't make a difference in terms of their problem, it makes a difference in the public seeing they are dealing with issues. It not an entire public process, because not all the compliances are going to be immediately available to the public because some complaints should be due to no substances to the complaints.

In the Grand Jury process, it's like an investigation, all the information is not released until there's a compliant or a grand jury indictment filed; its not fair to the person who is the subject of the complaint. If we don't do anything, that sends a bad message to the public. If we just say, alright we are just going to do it, because we are doing a good job policing stuff. You know what, nothing is surely; we have problems and we don't do anything until the tail end of those problems. We need to get in front of a problem and not at the back of problem. She is probably one of the biggest supporters of law enforcement, but she also sees the issues there are and we have to deal with them.

Her boss, Attorney General Yost is very concerned that the Commission thinks he is piling on them, she hopes they don't feel that way because that is not the intention. She works with law enforcement and on a daily bases but her life in their hands, but there are some out there that scare her. As a prosecutor she would have loved to been able to tell the Chief there's another process besides the criminal process that we can utilize.

Ms. Amstutz asked as you are looking at the licensure program will there be an expiration to the licensure like a 5-year renewal process and to be able to get the renewal there would have to be professional develop in those types of things? Ms. O'Brien stated that is one of the other issues they run into with the law enforcement is most of the training, the Continuing Professional Training (CPT) or even training you want to do is paid for by your law enforcement agencies; which is a high cost. Even if figured at \$20 an hour for every law enforcement agency, you are talking 8 million dollars for 20 hours. Without a serious, steady, committed amount coming from the legislature a lot of law enforcement agencies can't afford this. Whish is a failure in our system, the only way to get better is to get training. It is hard for the very small agencies to fund training. The hope would be to have a continuing education requirement.

Colonel Fambro in fairness it's important to note that weather your talking about licensure or certification, its important to understand each agency has their own process. In respect with the two troopers, there is a process in place and unfortunately your process can be a fail proof as possible and you are going to miss things. With respect to those two incidents as your talking currenting 1563 troopers, 2 people. They have a very excellent track record of having a disciplinary process and an investigatory process that does a really good job of finding and investigating problems. Submitted for the record.

Ms. O'Brien stated we don't have a fail-safe system right now. The more we do to make the system better the more we do ourselves favors out in the public. Colonel Fambro stated that is fair and that is the goal. Anytime we can prevent bad things were happening, and that is not just criminal stuff; sometimes its non-criminal stuff that people don't want to see. No standards have been developed yet. It is still in the discussion stage. If the Legislative doesn't buy it, it's all a moot point.

Chair Stanforth stated that is a critical point, he is willing to have this discussion here because there needs to be a discussion. Ms. O'Brien stated and because if there is going to be a licensure and a disciplinary process it falls directly under the Commission purvey. The aspect, is there needs to be money for it.

Lt. Fitsko stated this is certainly a ball that is rolling and its not a decision that's going to be made it this room. Clearly discussion is a wonderful thing, but he thinks that ball is rolling towards that court now. He doesn't know if he's stopping it or if we even what to stop it. But we what to have some control of it. We talk about who's going to be on these boards, we want to have input in that, licensing boards for doctors, and nurses are comprised of other doctors and nurses; people trained in that profession. We are working to get into legislation that people who sit on this licensing board are training police officers. Appeals verses arbitration, are we going to see a 10-minute snippet, and

pull a certificate or license? This is stuff we are trying to work with the Legislature to assure they understand these things. Certificate verses license doesn't necessary mean bad things don't happen, i.e. doctors, nurses, etc. There're certainly incidents where licenses people have done bad things and having a license doesn't fix that; he doesn't know that having a license is any better that having a certification or a commission from this organization.

Funding was brought up, in his 2-years it is discussed every meeting and will continue to discuss it. We need to have that revenue for this. We can set standards, that is something we as the Commission can do, he believes the Commission can do about everything they want with the licenses that we can do with the certification. Its one or the other. That ball is rolling towards the court, is there momentum to stop it? Do we want to necessary stop it? But we want to have control or input in how it works and they are working towards that every day. We do have input.

Ms. O'Brien stated licensing verses certification can mean the same thing, but the distinction is that in Ohio it hasn't meant the same thing. Certification has always meant you've past your test and are eligible to become a police officer now. You have to be very precise, especially when writing policy with the words you are using. In terms of it didn't stop the behavior, but it gave the ability to take away licensures. The ability that the board can suspend immediately on an indictment. Is it going to stop the behavior, absolutely not, can anything we do ever stop all the behavior that's out there? No. But, anything we can do to try to tighten up what we have done and honestly in Ohio we probably have a good system, but never hurts to be better.

When a law enforcement officer is indicted, it always makes the news. The first thing to happen at your agency is a public records request for the personnel file. Then your agency is vilified. This will give the agencies a little bit of protected, it's going to take money, its going to take cooperation, and its going to take a lot of work. It's probably going that way whether we want it to or not. Frankly, Ms. O'Brien is in favor of it and the Chair isn't; it depends on where the legislature is. She believes a lot of them are for it. It's moving that way and it better that we have the ability to give our input and come up with ideas. Whatever the board is called licensing board, disciplinary board, or whatever it is called is going to have law enforcement on it, the questions or issue is who else will be put on it. Ms. O'Brien invited people to email her if you have any questions, concerns, or suggestions.

Chair Stanforth stated he understands, and he is not necessarily opposed, but he has a lot of concerns that whatever we do is done right, and don't do it just because we think something needs to be done. We have multiple governing boards, who are we going to be answering to? Who are we as law enforcement officers going to be answering to? That is an issue as well. Each week the governing board could change. Words are important, as Ms. O'Brien commented on before drew his attention when she said use the word front end to the back end. Traditionally, we work our whole backend. As a prosecutor you work off of the back end of any issue. In law enforcement, although we try to be prevented, we are still reactionary by our function. We can't arrest someone

because we think they are going to commit a crime or we think they may have; we have to have the evidence, we have to be able to prove it. His concern is the due process our law enforcement officers being denied their constitutional rights by due process if they are going to be approaching from the front end of these issues and pulling certification's and licensing from the front end without them having the due process take place.

Ms. O'Brien stated there is a process that is set up and the process is:

- A complaint comes in
- It goes through initial screening
- Most complaints are screened out there

Chair Stanforth stated that he has heard comments from agency attorney's and their greatest fear is that they are going to have a letter sent to them that they are being investigated and that is on the record now. Even though they may be guilty. Ms. O'Brien stated it's not on their record, it goes through stages and they have an opportunity to respond; which is not public. But between you and the Supreme Court and the complaining party. It may become public because of the complaining party releases it to the press. That's not public, there's an investigation done by the disciplinary council which is the say process we are looking at here. If there is a probable cause finding, then it is referred to next step, like a disciplinary board under the control of the Commission. It would then be public because of a probable cause finding and depending upon hearing finds it and it is referred to the Commission. This process has to be upheld with constitutional and providing due process.

Chair Stanforth asked how does that process work with local entities as if a mayor decides to discipline this police officer, who has been disciplined and now this governor board is going to come in and say we are going to give more discipline or we think we should take your license even though the appointing authority choose one route of discipline, which sounds like it could be superseded by another governing board. Ms. O'Brien said it could go further than local level. One is internal and one is the governing body.

Ms. Amstutz stated Officer of Professional Conduct is used at the Department of Education; their office of Licenses manages the licensure process for all educational matters in the state of Ohio. They have the office of professional conduct that does the same process. She doesn't know all the details of all they do on a daily basis, but there are a lot of other programs that have been established for a long period of time that could be researched and looked at, this is not something that isn't occurring in other professions. Like she said they have an office of professional conduct, that has attorney's, they get complaints from local districts, from the public, which are researched and some go through the same processes being described here as the processes that are happening from the educational side with teacher certification. Just sharing the things that are going on, with the same Geographic's of local school districts

verses jobs of professional conduct with ultimately the State Board of Education oversees anything that has to go to that level of removal of someone's license.

Chair Stanforth asked if she came across with conflicts with local boards of education on disciplinary actions on teachers or it is a reality? Ms. Amstutz stated she couldn't speak for all of that because that isn't the office she works with on her board bases. Within their center, the office of professional conduct is there and with her working the past 18 years from the educational environmental she doesn't think there is a lot of conflict between the State with what they do at the Department of Education verses on the local level. She would refer them to that section on the day to day items for that area.

Chair Stanforth stated in light to what is being said is so different, if this comes to pass in 20 years from now they are all going to be on the same page; if may not take 20 years. They will all be on the same pointing authority will all be in sync with this potential additional governing body of disciplinary actions.

Ms. O'Brien stated it is totally different for Ohio, a totally different procedure. She fully expects in the first couple of years if this comes to fruition for there to be a lot of complaints. Most will probably be screened out immediately

SAC Smith it would seem based on the discussion we are having today, we are far more focused on the development of an officer professional responsibility then we are if we are talking about a profession and raising the level of standards to across the organizations, across the policing profession, which appears to be the concern, it would seem far too much altruistic if we were focused on raising the level of the standards across the organization less than focused on the stick aspect of this; it seems like we are far more reactionary in the development of this than we are really the focus of the standards.

The second think he would add is that he sits of the disciplinary review board for his organization and in the length of time which these things take are extraordinary, it truly is. You are with holding promotions and if a mayor was to implement a decision, terms of justice that is being netted out on misconduct by an officer. And then there's additional misconduct to find by this board that could stop promotions for a number of individuals, across the organization, across the state. It could abstain the promotions, assign career paths. The third thing he would ask is that as we look at these other offices and other states where they have a licensure; what does that do for organizations that come into conduct investigations from out of state when there is a multijurisdictional issue and how does that come to impact their trial situation? Are they testifying at any trials? Is a lack of a license say from Mississippi to testify in a court of law in Georgia how are they proceeded and does it open up issues for law enforcement officers that aren't technically licensed? SAC Smith throw those items out there for your consideration. If we focused more on raising the standards and less on instituting an office of professional misconduct or an officer of professional conduct it would be less controversial then it is the other way around.

Ms. O'Brien responded you can raise the standards, but if you have no way of enforcing them, then it is a lost point. The goal is to in Ohio, a peace officer must have certification, which means they to pass a background check and other details. They must qualify with guns and not have a felony and probably not have a disqualifying gun charge. But other than that, that pretty much it.

There are no standards in Ohio, except those brought out by the agency. So, the goal is to make it a more uniform process. SAC Smith said focusing on that is far more important then focusing on the other piece of it. If you raise that issue as the fore most concern that you are developing an increase in professionalizing the standard for law enforcement, SAC Smith doesn't think you will get much of an argument, but if you come at it as the opposite direction, he believes you are going to get some resistance.

Ms. O'Brien stated if you have no way to enforce those standards, then it doesn't do much good. We can have all the standards we want, but if someone violates those standards, they are with the agency itself. SAC Smith responded to start with the agencies and raise levels of standards. Ms. O'Brien stated need a way to regulate those standards and enforce them. It needs done quickly and justly.

When it comes to multi-jurisdictional, Ohio peace officers have limited jurisdiction, if any, outside the state of Ohio. They can still go testify out side the state of Ohio based on their training and qualifications. SAC Smith said that was his point, if they don't have this license and Ohio begins to recognize this license has the litmus test for a law enforcement officer and there's a non-license law enforcement officer from Pennsylvania, what does that do, how does it impact their ability. Ms. O'Brien stated its not going to have much of an impact if you not certified in Ohio, it's the same thing. That is the place were the word doesn't matter. They are coming from other states or they are coming in testifying as an expert witness in a certain area. It's more based on inter-government cooperation. Your point about raising the standards is probably exactly where we are, but if you raise the standards and you don't have a way to enforce those standards, you haven't gotten anywhere.

SAC Smith continued to say if you put 1A and 1B; 1A being the whole process to professionalize the whole work force, so the rising time resolves both aspects. Using discipline as the primary reason for this. 1B these things can take forever. As institutions grow and we implement more government on the layer of things, it as the tendency to slow things down. You have to think about how that impacts a person's career, especially if it comes back unfounded. Ms. O'Brien stated they are trying to incorporate into this strict time lines, so it doesn't stretch out over a long length of time. They recognize that it has to be done quickly or it loses the trust of the citizens, but more importantly it stops people lives. Swift and just is the way to go. Long and drawn out and just causes much injustices.

SAC Smith would add if you have just initial in-takes, if you have your initial processing unit that determines whether or not any issue to be investigated that takes a decree of time and then you have investigation which take a degree of time and then you have the

punishment that is meted out by the board which take a degree of time and then the appeal which takes a degree of time and then you have the final appeal which takes a degree of time. He pointed out even with swift actions these things can take years due to all the processes involved.

Ms. O'Brien stated we don't want to fall into the trap of taking a long time to get anything done; it defeats the purpose. Chair Stanforth responded you don't want bureaucratic expediency to hinder their constitutional rights and the privileges that all people have just because they are peace officers they shouldn't be surrendering their constitutional rights to a far and just trial. Lt. Fitsko commented that on that note you have Garrity right; so that officer is forced now, they can't be involved in a situation and claim their 5th Amendment rights, they are required to give a statement. Does that go to this board for review? We know it doesn't go for criminal cases. Ms. O'Brien stated this is not criminal, but Lt. Fitsko stated it could be. Ms. O'Brien stated that was a separate determination from what this board is going to look at. That's a determination that should be made before it even gets there.

Ms. O'Brien assumed everyone in the room knew what Garrity was. Chair Stanforth stated unique to law enforcement. Ms. O'Brien continued stating this is not a criminal process and so you have a different constitutional level; you still have the right to due process and the process being purposed does meet the due process requirements, but at the same time the goal is to make it (inaudible). Sgt. Fitsko asked would this board or whatever it would be called, would it have access to statements given under Garrity? Ms. O'Brien stated she didn't know. Lt. Fitsko stated they are forced to give that statement, and they didn't want to give it, it is something that we should all be concerned with. Nobody hates a bad cop worst than a good cop-trust him. The good cops want the bad cops gone, they are just trying to make sure it's a fair and equal system.

Ms. O'Brien stated she didn't know of anyone who was involved in the process who doesn't want that, a fair and equal system.

Chair Stanforth stated the meaning of "Garrity", simply we force our employees to talk to us about a situation, they have to talk to us about it, they can't say they aren't going to talk to them. It can't be used against them criminally, but internally they have to speak to them; saying the lawyer would explain it in more details later.

Chair Stanforth stated the Commission impacts the lives of 34,000 people by the decision this Commission makes. If we are not willing to have a discussion at this level, with is very vital; we are representing a cross sections of our communities, unity. There are going to be those who are going to have this discussion and this Commission needs to be a part of that discussion as well, even if its among themselves. It may not impact what happens in the State House or the Attorney General's Office, but they need to know there is a discussion being held here. We don't have a lot of open discussions like this, but this Commission needs to have more of them. It's the purpose they are on the Commission, they each represent a different part of the law enforcement community and the community as a whole. Hopefully, we come through the discussions with an amical

approach to a resolution. That at the end of the day the entire country is going to look at Ohio and say that is how it should be done. Ohio is looked at in many aspects and said we are doing it right and they try to emulate us. This is one of those topics, that when it is all said and done they will say we did it right.

The Chair ask if there was any other old business to discuss, hearing none, that concluded the old business report.

J. Guest Forum

Chair Vernon Stanforth

Chair Stanforth welcomed all the guests and asked if anyone had any questions or concerns they wished to approach the Commission.

Commander Ernie Oergel with the Polaris Career Center Police Academy, since we were discussing the updated legislation, is there a House Bill number assigned to this yet? Some of the rumors he's hearing are that they are looking at asking to get rid of open enrollment academies; is this true or are you aware of it? Lt. Fitsko responded he was not aware of it, but would reach out for information. There is so much being put out there by so many different people to say he has a grasp of everything, he truly doesn't. Ms. O'Brien stated there was a place holder bill filed by Representatives Phil Plummer and Cindy Abrams from the Cincinnati area, she believes the Place Holder Bill was 703. There were 15 other sections, but they were very general and not very specific.

Chair Stanforth asked what county Polaris was in? Commander Oergel stated Cuyahoga County. Chair Stanforth suggested contacting Representative Plummer who was a former sheriff from Montgomery County, Dayton area; maybe some of his aides could see where that was at. Commander Oergel stated considering that a large majority of academies are open enrollment and how it would affect bringing police officers on board.

Commander Oergel also asked about the requirement of the 14-day makeup time for missed courses. He questioned if the Commission would be willing to suspend that at least for a while because of the issues going on with COVID-19. If one of his cadets get COVID and has to go into a 10-14-day quarantine it will be very difficult to follow that 14-day rule. He thinks it would be rather difficult for a student to makeup a day missed on the first day of quarantine of 14 days. Chair Stanforth stated the Commission sets the rules, but gives the power to some extent to the executive director to make whatever modifications he has based on those; that would already fall under the authority of the executive director to review each individual claim.

Executive Director Holcomb stated back at the beginning of COVID the Commission gave him additional authorization during the COVID Emergency to do exceptional things, so if you were to submit something, Director Hardy and his team will take a look at it. In dealing with COVID issues we will try to be as flexible as we possibly can. Director Hardy stated they have been very flexible and they do get those requests. As long as they are clearly identifying the need and the reasons allowing the academies to work with the compliance

officers assuring the calendars, schedule, etc., are updated and assuring that people can be successful with those opportunities.

Is there a possibility that under the COVID emergency they are allowed to do on-line classes, for past academies are they still in place to do on-line courses? Is there anyway to bring back on-line classes hybrid models almost, for the same topics, maybe some new ones. Is it a possibility that it can happen?

Director Hardy stated they have received a few of those requests and they are still looking at that because the uniqueness of law enforcement requires the human interaction. Please submit listing the reasons in writing and send it for OPOTC review.

Commander Oergel asked for students who have been placed in quarantine who don't necessarily have symptoms, is there a way that they could ZOOM into a class that is currently in action and still be considered having attended that class. If they get the letter from health department stating they can't come in for 10 days, he would think that most schools would have the capabilities to let that person ZOOM in on classes and instructor who is there who would have the ability to see the student and interact. Director Hardy stated again that would depend on the specific lesson plan. Those are all independent and we will look at them on an individual basis. Director Hardy stated they would review it, assess it and provide a decision.

Chair Stanforth asked what is the state legislature going to say that they want training to be? Are legislators going to say no, we want a body in a chair looking at that instructor and hands on instruction; we don't want a driving school to be virtual. The legislators are going to come in and tell us what they think, and they are going to legislate to us the parameters which we operate.

Commander Oergel thanked OPOTC for the testing.

Chair Stanforth asked for any other comments or concerns. Executive Director Holcomb asked that a note be put in the minutes that Commissioner Chief Kral departed the meeting at 11:16 a.m. Chair Stanforth stated the next Commission meeting would be on November 12, 2020.

K. Adjournment

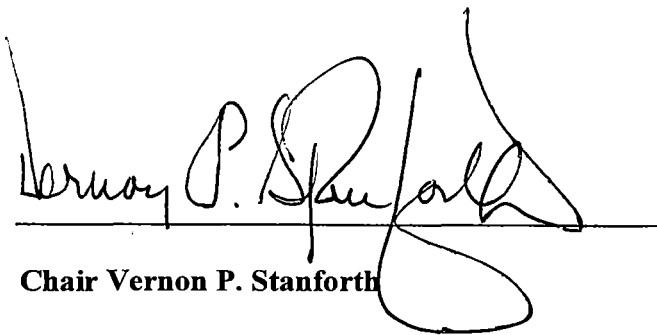
The Chair asked if there was anything else to be brought before the Commission? Hearing none the Chair entertained a motion to adjourn.

INTENTIONALLY LEFT BLANK

MOTION:

Chief Harris made the motion to adjourn. Sheriff Heldman seconded the motion. The meeting was adjourned. Yes-7, No-0, Absent-2.

Time:11:37 a.m.



Chair Vernon P. Stanforth

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



Ohio Peace Officer Training Commission

1650 State Route 56, SW • P.O. Box 309 • London, Ohio 43140

Phone: 800-346-7682 • Fax: 866-393-1275

Basic Training Program Changes

January 1, 2021

Curriculum/Emergency Update Release



DAVE YOST

OHIO ATTORNEY GENERAL



Ohio Peace Officer Training Commission
Office 800-346-7682
Fax 740-845-2675

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Important Notes

- Instructor qualifications
 - Added Missing Persons & Human Trafficking Instructor course to instructor qualifications
- Name changes
 - Peace officer basic training name changes:
 - 3-6 is changing from “The Missing & Human Trafficking” to “Missing Persons & Human Trafficking”



Commission Meeting Curriculum Changes

- Includes 3 programs, 15 lesson plans, and 183 hours of curriculum

Peace Officer Basic Training – Curriculum Code BAS041

- Curriculum/Emergency Update Release
- 11 lesson plans updated
- 3 hours added

2-2A Crimes Against Persons	Emergency update
2-2K Crimes Against the Administration of Safety & Justice	Full review and content update; additional resource video update
2-3 Arrest, Search & Seizure	Emergency update
3-1 Interacting with the Media	Full review and content update; hour increase from 3 to 4
3-6 Missing Persons & Human Trafficking	Full review and content update; name change from The Missing & Human Trafficking; hour increase from 12 to 14; update to instructor qualifications
3-7 Juvenile Justice System	Full review and content update
10-4 Traffic Crash Investigation	Emergency update
10-5 Uniform Traffic Ticket	Emergency update
10-6 NHTSA Speed Measuring Device	Emergency update
13-4 ICS	Emergency update
13-5 NIMS	Emergency update



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Fax 740-845-2675

Peace Officer Refresher Training - Curriculum Code REF032a

- Curriculum/Emergency Update Release
- 1 lesson plan updated
- 0 hours added

2-3 Arrest, Search & Seizure	Emergency update
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Private Security Basic Training – Curriculum Code PSA039

- Curriculum/Emergency Update Release
- 3 lesson plans updated
- 0 hours added

3-1 Interacting with the Media	Full review and content update
10-2 ICS	Emergency update
10-3 NIMS	Emergency update