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FINAL SUBMITTED ON MARCH 21, 2019

Ohio Peace Officer Training Commission Meeting
Thursday, January 10, 2019
held at the
Ohio Peace Officer Training Academy
1650 State Route 56 SW
London, Ohio 43140

January 10, 2019 Minutes

A. Opening

Call to Order

Chair Vernon Stanforth called the meeting to order at 10:08 a.m.
Chair Stanforth led the Pledge of Allegiance.
Ms. Donna Long called the Roll Call.

Commission members present

Sheriff Vernon Stanforth, Chair
Colonel Paul Pride-Vice Chair
Lt. James Fitsko
Chief Clayton Harris
Sheriff Michael Heldman
Dr. Emily Passias
Dr. Reginald Wilkinson

Commission members absent

Chief Kimberley Jacobs

Guests and Staff

Attorney General's Office

Ms. Mary Davis, Executive Director-POTC Staff
Mr. James Burke, Director Advanced Training-POTA Staff
Mr. David Henry, Deputy Director-POTC Staff
Mr. Justin Hykes, Deputy Director-POTC Staff
Ms. Donna Long, POTC Secretary-POTC Staff
Ms. Carrie Bartunek-Director of External Affairs/AG
Ms. Brittany Brashears-POTC Staff
Ms. Kelly Cain-POTC Staff
Ms. Jill Cury-POTC Staff
Ms. Courtney DeLong-POTC Staff
Ms. Gail DeWolf-POTC Staff
Ms. Arienne Fauber-POTC Staff
Ms. Kim Hahn-POTC Staff
Mr. Michael McGreevy-POTC Staff
Ms. Carol O'Brien-Delaware County Prosecutors Office/AG
Mr. Tony Ortiz-POTC Staff

Ms. Sarah Pierce-Ohio Attorney General's Office (arrived 10:40 a.m.)
Mr. John Reedy-POTC Staff
Ms. Lori Rinehart-POTC Staff
Mr. Eric Schaefer-POTC Staff
Ms. Judy Wilson-POTC Staff
Mr. Dave Yost-Auditor of State/AG

Guests

Ms. Keri Barrett-Guest
Mr. Michael Hild-Green Co. Career Training Academy
Ms. Sharon Montgomery -Ohio State University
Ms. Lisa Murray-Columbus Division of Police
Mr. Jeremy Novelli-Stark Co. Sheriff Office
Mr. Jerry Snay-Stark State College Academy
Mr. Paul R. Weber-Clark State Police Academy
Mr. Ellis Pete Willis-Sinclair College, Dayton

B. Chair Report Sheriff Vernon Stanforth, Chair

Chair Stanforth welcomed the guests and asked those in attendance to introduce themselves and then moved for approval of the minutes. Chair Stanforth stated for the record that Ms. Pierce, Associate Assistant Attorney General for the Commission is caught in traffic and may not arrive on time. There are several lawyers in attendance if needed.

The first order of business was the approval of the November 8th minutes, which each Commissioner received electronically.

MOTION

Dr. Wilkinson moved to approve the minutes of the November 8, 2018, meeting. The motion was seconded by Chief Harris. No discussion was forthcoming; a vote was taken and passed unanimously. Yes-7 / No-0 / Absent-1.

Chair Stanforth welcomed Attorney General elect Dave Yost and his staff. Chair Stanforth stated the Commission has had a good working relationship with the Attorney General in the past and looks for that to continue. The Chair welcomed Ms. Carol Brien who is currently with Delaware County Prosecutors Office and will serve as Deputy Attorney General. Chair Stanforth stated he hopes to see Ms. Brien actively involved with the Commission. Ms. Brien responded, yes.

Chair Stanforth stated the Commission currently has several vacancies, created by the retirement of SAC Stephen Anthony who represented the FBI Northern District and Mr. Stephen Schumaker's retirement and subsequent appointment to the bench, which left a vacancy for a representative of the Bureau of Criminal Investigation. Ms. Brien can fill that position or appoint the Superintendent of BCI to that position. The vacancies don't affect our quorum, but it will need addressed in short order. The vacancies do however affect our committees. The House Committee is down from 3 members to 1 member at this time. Dr. Wilkinson stated Chief Jacobs has announced her retirement of February 6th as well. He asked if that would remove her from the Commission? Chair Stanforth stated it would, she would be required to officially resign from the Commission. She will be on the Commission until her term or tenure as chief exists.

Chair Stanforth had hoped Chief Jacobs would be in attendance today so the Commission could wish her good luck and say goodbye. This would have been her last meeting if she is retiring on February 6th.

Chair Stanforth asked Dr. Wilkinson to be an interim on the House Committee allowing a quorum if anything did come up. Dr. Wilkinson agreed to serve. Chair Stanforth asked Chief Harris in the absence of Chief Jacobs to serve as interim Chair and with Dr. Passias they would have a quorum if needed. Chief Harris agreed to serve. As new appointments are made and the Commission restructures the third spot on the House Committee will be

filled. The Chair stated that completed all the housekeeping items and concluded the Chair report.

C. Curriculum Committee

Chief Kimberley Jacobs, Committee Chair

In the absence of Committee Chair Jacobs, Chief Harris stated the Curriculum Committee met this morning prior to this meeting. There was a discussion and vote on the School Resource Officer (SRO) curriculum and a plan to move forward. Chief Harris asked Mr. Burke to discuss the curriculum with the Commission. Mr. Burke explained this was to look at the Ohio and National School Resource Officer Associations curriculum and approve due to House Bill 318. When HB318 passed, it required any officer appointed to a SRO position on or after November 2, 2018 to attend 40 hours of training. They specifically mentioned the Ohio and National SRO programs. We have reviewed their curriculum and recommended it to the Commission for approval. Officers currently placed as SRO could attend those two programs and comply with the house bill. On the other side of the academy, OPOTA's working on a SRO program. They meet January 17, 2019 and will have more information for the upcoming and subsequent meetings. This is simply for the Ohio and the National programs.

Chair Stanforth asked if they were in a position to make a motion on it?

MOTION:

Chief Harris made the motion to accept the State and National School Resource Officer curriculum as stated. Colonel Pride seconded the vote. With no discussion, a vote was taken and passed unanimously. Y-7/N-0/Absent-1.

That concluded the Curriculum report.

D. Legislative Committee

Chief Clayton Harris, Committee Chair

Chair Stanforth stated the Legislative Committee was made up of Chief Harris, Chair, with Sheriff Heldman and Lieutenant Fitsko. Chair Stanforth asked if there was a Legislative Committee report? Committee Chair Harris stated there was nothing to report, concluding the Curriculum report.

E. House Committee

Colonel Paul Pride, Committee Chair

Committee Chair Pride, the only member left on the House Committee stated there was one topic that needed discussed as a board. Prior to Legislation adding a 10th appointment to the Commission it had been voted on and approved that a quorum must consist of at least 5 of the nine commissioners present. Now with 10 commissioners, he would like to discuss a rule change making 6 commissioners present for a quorum; making it the majority of the membership present to vote on and move items through. Committee Chair Pride asked if there was any discussion? Dr. Wilkinson agreed with the extra position it would make sense. Chair Stanforth agreed with Colonel Pride, having moved to 10 members, 5 is not a good number to be at. As far as a quorum is concerned he feels it needs to be moved to 6. Chair Stanforth stated there's good attendance for the OPOTC meetings and we don't usually have an issue with having a quorum.

MOTION:

Committee Chair Pride made the motion for the language to read that over 50% of the appointed commissioners must be present for a quorum. Dr. Wilkinson seconded the motion. After the brief discussion listed below, the motion reflects the requested language changes. A vote was taken and passed unanimously. Y-7/N-0/Absent-1.

DISCUSSION:

Committee Chair Pride stated the meetings are scheduled a year in advance, we know when they are. The only time it could be an issue is if a special meeting was called. Then due to schedules there could be an issue.

Dr. Passias suggested that the language be stated over 50% of the commission board must be present to have a quorum. That would alleviate having to change the number every time a seat was added or removed from the Committee. Ms. Davis suggested using the language of more than half of the appointed positions, if there were vacancies it wouldn't count against the Commission in terms of meeting the quorum. The Chair agreed. Dr. Wilkinson questioned if the Commission was down to only 6 appointed members can we really conduct business with a quorum of 4 members. Do we want to do that, or do we really press to get those vacancies filled? Chair Stanforth stated we like the appointments to be filled expeditiously, but that doesn't always happen out of the Boards and Commission with the Governor's office. We have in the past had to speak with the Governor's Office to get the appointments expedited in a timely manner. **The motion above reflects the requested new language and vote.**

Chair Stanforth asked if there was anything further for the House Committee? Colonel Pride stated that concluded the House Committee report.

F. Continuing Professional Training Committee
Sheriff Michael Heldman, Committee Chair

Chair Stanforth reminded the Commission the Continuing Profession Training Committee was Chaired by Sheriff Heldman, which included Dr. Wilkinson and Lieutenant Fitsko on the committee.

Chair Heldman stated there was nothing to report, that concluded the Continuing Professional Training Committee report.

Staff Reports

G. Commission and Academy Updates
Mary Davis, Executive Director

Ms. Davis followed up stating there was no CPT last year, but we did have statutorily mandated training. The staff is in the process of receiving the annual rosters from the agencies. They are also recording the previously assigned statutorily mandated training. We have received almost 400 of the over 950 rosters. The staff works on those as they come in. We are looking at mid-February as a part-time shut down to work on the rosters, so the cease function notices can go out. The rosters are due at the end of January 2019.

In March, Ms. Davis will report the 2018 stats. If there's any specific numbers that any of the members are interested in; course topics, certifications, etc., contact Ms. Davis and the data will be included.

Ms. Davis thanked Mr. Tony Ortiz for his work with the Attorney General's Office and the Commission in regards to recruiting. This past year he has done recruitment fairs which sparked interest both around the state and in our academies. We wish him luck in his new role on diversity with the Governor's office.

Ms. Davis was asked by the International Association of Directors of Law Enforcement Standards and Training (IADELEST) to be the central rep covering 8-10 states. She was to let them know later this week. She asked the Commission if this was something the Commission would be interested in her doing; there would be some travel to D.C. They have a large presence with the National Sheriff's Association and the National Chief of Police Association. It is humbling to be asked, they look to Ohio a lot for the training and outside the box ideas we have been providing to law enforcement. Ms. Davis asked the Commission to contact her with any concerns or questions.

Chair Stanforth stated the National Sheriff's Association meets with IADELEST mid-winter (February) in Washington D.C. every year. The National Association of Chiefs meets with them in October. They are very exposed to both the sheriffs and the chiefs. It's a good relationship with IADELEST, especially at the national level. Dr. Wilkinson stated it would be an honor for Ohio to have somebody on the committee.

Ms. Davis stated that completed the staff reports.

H. Old Business

Sheriff Vernon Stanforth, Chair

Chair Stanforth asked Ms. Davis to discuss the background checks and medical examination time frames. Ms. Davis stated at the September meeting there was an academy request extending the drug screening from 4 months to 5 months to get into academies. The staff discussed this and approved it; now there is a longer time frame for applicants going into academies to get the drug screens done. At the November meeting we were asked to consider extending the background checks, which are done before someone enters the academy and their medical exams. We have looked at those and our recommendation is to increase the background time from 3 months to 5 months which would take it from 90 days to 150 days, but it was recommended that the timeframe for the medical exams not be changed. We currently give 6 months to get those completed. If we put it in line with everything else, we would be taking away a month, which may not be beneficial. Ms. Davis asked the commanders present if they had any issues with the decisions; they had no issues. Dr. Passias asked if there were any downsides to the changes found in their review? Ms. Davis stated no, the state background checks are good for 6 months. Ms. Davis stated at the November meeting a motion was made and the Commission voted to approve the request.

Chair Stanforth asked the minutes to reflect that Ms. Pierce arrived at 10:40 a.m. Ms. Pierce apologized for being late.

MOTION:

Chief Harris made the motion to accept the change for background checks to 150 days. Sheriff Heldman seconded the motion. With no other discussion a vote was taken and passed unanimously. Y-7/N-0/Absent-1. Chair Stanforth asked if there was any old business; with none forthcoming, that concluded the old business report.

I. New Business

Sheriff Vernon Stanforth, Chair

Chair Stanforth asked if there was any new business?

Dr. Wilkinson asked if the existence of the Continual Professional Training (CPT) Committee is based only on available funds; could the committee be recrafted to make it more relevant or change its mission to include CPT, but not necessarily being the exclusive rationale for the existence of the committee. Training is a big deal. The curriculum committee takes care of a lot of that, but what else isn't covered under the curriculum committee that a plain training committee could handle. He wants to raise the thought of whether or not the purpose of that committee can be redefined. Chair Stanforth responded their charge is a very broad charge; in looking over the terminology of the committee assignments, the CPT Committee is responsible for recommending rules for the implementation and operation of the Continuing Professional Training program. Dr. Wilkinson stated the term CPT is a term of art, it's related to funding. There's nothing to prohibit if we change that eventually to have CPT included in it, but he doesn't know that it necessarily needs to be exclusive CPT. Chair Stanforth asked if we were to change the word in that description to advanced training verses continued professional training, CPT is imbedded in legislation which we can't change, and don't have the power to change that terminology. But advanced training committee could encompass this CPT aspect of it and as well as all advanced training components. Dr. Wilkinson stated if it's a sustaining committee then it's probably the commission responsibility.

MOTION:

Dr. Wilkinson moved that the Continued Professional Training committee be renamed the Advanced Training Committee to include items in addition to CPT. Chief Harris seconded the motion. The Chair asked for discussion.

DISCUSSION:

Dr. Wilkinson stated he felt the discussion should be what would be advanced training, what would be the items that could be brought forth and that is just a matter of sitting down with the staff to help define some of that. And to delineate it different from what the curriculum committee says. Chair Stanforth stated he believes the staff is

already divided up into two sections, the basic curriculum for basic academies versus advanced training for already certified officers; firearms, driving, simulators and etc. Chair Stanforth stated that may already be defined by just the operations of ●P●TA in itself.

Ms. Davis stated something in addition to CPT the committee could look at would be if there are statutory mandates, which all peace officers have to get training in a certain topic. Something else that has been standardized at ●P●TA is there's an advanced training committee that our entire advanced training curriculum goes through. That could be something Sheriff Heldman could be more involved in, when they are creating new advanced training courses or reviewing courses every 1, 3 or 5 years depending on the topic; those all go through the advanced training committee. Sheriff Heldman stated he could report back to the Commission about the meetings.

Mr. Hykes asked what the goal of this committee would actually be? The Commission in terms of requiring advanced training can only require advanced training for CPT purposes. Would the goal just be for reviewing the academy's curriculum and making suggestions as to possible new topics that the academy could look about doing? Mr. Hykes stated he is curious as to what the role of broadening the committee would be.

Attorney General-elect, Dave Yost stated he appreciate the thought behind the motion and thinks that perhaps it raises corollary questions as well that the change of administrations is coming about and he would welcome the opportunity to be involved in those discussions if the Commission is inclined to table this until the next meeting.

Dr. Wilkinson withdrew the motion. Chair Stanforth tabled the motion until the March 14th Commission meeting.

Chair Stanforth asked if there was any other new business, hearing done that concluded the new business report.

J. Guest Forum

Sheriff Vernon Stanforth, Chair

The Chair asked if any guest had any concerns they'd like to bring before the Commission?

Ms. Murray extended an invitation for the Light Central Ohio Blue campaign which recognizes law enforcement and fallen officers. They will have a kickoff meeting January 18th at 1 p.m. at the Columbus Police Training Academy. The campaign will be expanding state wide and is scheduled May 8 through May 16, 2019.

Ms. Barrett addressed the Commission regarding an injury sustained during basic training at Butler Tech. Ms. Barrett was advised of her right for a medical extension; she completed it, but didn't turn it in the first time because her physician felt it was a very good prognosis. She had a week in physical therapy, which the physical therapist felt the week of P.T. would be enough, that the simple muscle injury might simply be that and the week of therapy would be good enough for her to retake the run, which she did and failed. She did have a second make-up attempt, which she also failed. Ms. Barrett is asking for a 3 attempt to pass after surgery and rehab for her injury. Dr. Passias asked that Ms. Pierce take a look at the issues around additional attempts as well as the time limits the attempt can be taken in and then provide an opinion to the Commission before we move forward with a decision on the issue. Chair Stanforth asked Ms. Barrett to provide her documentation to the executive director and advised it would be taken under review. We will let our legal and legislative committee look into it. Mr. Hykes stated that if the Commission is approving another rule, it also has to go through JCARR and that will be an additional 90 days added onto the time frame.

The Chair asked if there were any further concerns from the guest, hearing nothing move to next item.

Chair Stanforth stated Attorney General elect Dave Yost as asked for the opportunity to speak with the Commission, which Chair Stanforth felt it would be appropriate to go into executive session and obtain a motion to go into executive session.

MOTION:

Sheriff Heldman motioned for Commissioners to go into executive session to discuss personnel or imminent or potential litigation. The motion was seconded by Chief Harris. A vote was taken and passed unanimously. Y-7/N-0/Absent-1.

Executive session started at 11:15 a.m. with just the Commissioners, Attorney General elect Yost, and Prosecutor O'Brien invited to attend as a guest.

Chair Stanforth called for the Commission Meeting to reconvene at 11:51 a.m. Dr. Wilkinson had to leave, but they still have a quorum to reconvene.

MOTION:

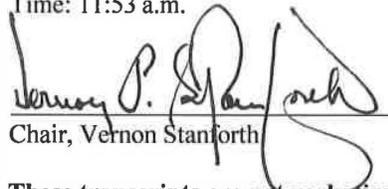
Chief Harris made the motion to come out of executive session. Dr. Passias seconded the motion. A vote was taken and passed unanimously. Y-6/N-0/Absent-2.

Chair Stanforth stated the Commission was back into the regular meeting. With no other business to be brought before the Commission the chair entertained a motion to adjourn.

MOTION:

Chief Harris moved to adjourn the meeting. Sheriff Heldman seconded the motion. A vote was taken and passed unanimously. Y-6 / N-0 / Absent-2.

Time: 11:53 a.m.


Chair, Vernon Stanforth

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