

A public hearing will be held by the Office of Attorney General Mike DeWine on Thursday, November 19, 2015 at 9:00 a.m. in the large conference room at the Ohio Peace Officers Training Academy, located at 1650 State Route 56 S.W., London, Ohio 43140.

The purpose of the hearing is to solicit comment on the following proposed amended and new rule(s):

**109:2-1-02 Definitions.**

When used in Chapter 109:2-1 of the Administrative Code

- (A) ~~The term "commission~~[Commission](#)" means the Ohio peace officer training commission;
- (B) ~~The term "commander~~[Commander](#)" means the director or other head of a peace officer training school;
- (C) ~~The term "executive~~[Executive](#) director" means the executive director of the Ohio peace officer training commission;
- (D) ~~The term "basic~~[Basic](#) course" means the training prescribed in rule 109:2-1-16 of the Administrative Code which has been approved by the executive director, in writing, as meeting or exceeding the minimum standards prescribed in rule 109:2-1-16 of the Administrative Code;
- (E) ~~The term "peace~~[Peace](#) officer" means:
- (1) Any person appointed as a peace officer pursuant to division (A) of section 109.71 of the Revised Code.
  - (2) Any other person designated as such for purposes of peace officer training and certification by the Ohio general assembly.
- (F) ~~The term "school~~[School](#)" means any basic training program for peace officers as certified by the executive director of the Ohio peace officer training commission;
- (G) ~~The term "chair" means the chair of the Ohio peace officer training commission;~~[Statutorily mandated training" means training required by the legislature pursuant to Revised Code sections 109.73, 109.741, 109.742, 109.744, 109.745, and 109.747.](#)
- (H) ~~The term "training~~[Training](#) recruit" means a fulltime employee of a law enforcement agency whose primary duty is to attend and successfully complete the basic course and who, upon completion of the basic course, is appointed as a peace officer by that agency;
- (I) ~~The term "open~~[Open](#) enrollment student" means a person who is not employed by a law enforcement agency and has not received an appointment as a peace officer, but has successfully completed all basic school admission requirements of the Ohio peace officer training commission.

**109:2-1-12 Certification before service and re-entry requirements.**

- (A)
- (1) No person shall, after January 1, 1966, receive an original appointment on a permanent basis as a peace officer unless such person has previously been awarded a certificate by the executive director attesting to satisfactory completion of the basic course prescribed in rule 109:2-1-16 of the Administrative Code.
  - (2) No person shall, after January 1, 1989, be permitted to perform the functions of a peace officer or to carry a weapon in connection with peace officer duties unless such person has

successfully completed the basic course and has been awarded a certificate of completion by the executive director.

(3) All peace officers employed by a county, township, or municipal corporation of the state of Ohio on January 1, 1966, and who have either completed at least sixteen years of full-time active service as such peace officer or have completed equivalent service as determined by the executive director, may receive an original appointment on a permanent basis and serve as a peace officer of a county, township, or municipal corporation, or as a state university law enforcement officer without receiving a basic training certificate signed by the executive director.

(B) Credit for prior equivalent training or education:

(1) An individual who has successfully completed prior training or education and who is appointed as a peace officer in Ohio may request credit for that portion of the basic training course which is equivalent to training previously completed. Training or education which shall be accepted includes, but is not limited to, training or education certified by another state, another government agency, military service, the state highway patrol or a college, university or other educational institution.

(2) The applicant shall provide to the executive director documented evidence of the training. The executive director shall review the record of the prior training or education and make a determination of the training the person shall be required to complete in a commission-approved basic training school.

(3) Applicants that have five or more years of full-time experience in a position in another state that is substantially similar to that of an Ohio peace officer within the previous four years shall only be required to complete all statutorily mandated peace officer basic training topics as well as topics that contain material specific to Ohio.

(4) Credit for equivalent training may also be given under this rule for experience when the applicant can, through a means that the executive director has approved in advance, demonstrate to the executive director a level of proficiency that is equivalent to the proficiency required to complete one or more portions of the basic training course.

(5) All applicants, regardless of the amount of credit received, shall be required to sit for and successfully complete the statewide certification exam set forth in rule 109:2-1-11 of the Administrative Code and, prior to carrying a firearm during the course of their official duties, shall successfully complete a firearms requalification course pursuant to section 109.801 of the Revised Code.

(6) If the applicant disputes any of the training assigned by the executive director, he or she may request a hearing before the commission as provided in sections 119.06 and 119.07 of the Revised Code. The commission shall conduct the hearing as required by sections 119.01 to 119.13 of the Revised Code.

(7) Evidence of successful completion of a commission approved basic training course shall not be accepted for prior equivalent credit.

(C) All persons who have previously been appointed as a peace officer and have been awarded a certificate of completion of basic training by the executive director, or those peace officers described in paragraph (A)(3) of this rule who terminate their appointment from an agency, will have their training eligibility reviewed by the executive director upon reappointment. Upon appointing a person to a peace officer position as described in division (A) of section 109.71 of the Revised Code, the appointing agency shall submit a request for the executive director to evaluate the officer's training and eligibility to perform the functions

of a peace officer. Such request will be made on a form provided by the executive director and shall be submitted immediately upon appointing the officer.

(D) Breaks in service/requirements for update training evaluations:

(1) All persons who have previously been appointed as a peace officer and have been awarded a certificate of completion of basic training by the executive director, or those peace officers described in paragraph (A)(3) of this rule who have had no appointment as either a peace officer or a trooper for one year or less, shall remain eligible for re-appointment as a peace officer and shall not be required to complete additional, specialized training to remain eligible for re-appointment as a peace officer.

(2) All persons who have previously been appointed as a peace officer and have been awarded a certificate of completion of basic training by the executive director or those peace officers described in paragraph (A)(3) of this rule who have not been appointed as either a peace officer or a trooper for more than one year but less than four years, shall, within one year of the re-appointment date as a peace officer, successfully complete a refresher course prescribed by the executive director ~~and any training as required by paragraph (D)(1) of this rule~~. This course and appropriate examination must be approved by the executive director and shall be sufficient in content and subject material to refresh that officer's knowledge of the role, function, and practices of a peace officer in light of that officer's past training and experience. Officers have one year from the date of re-appointment to complete the refresher course, and may perform the functions of a peace officer during that period. ~~Officers required to complete the refresher course are permitted to perform the functions of a peace officer for one year from the date of the re-appointment which gave rise to the requirement.~~ In the event specialized training has been mandated during the period between the date of the original appointment and the re-appointment date, said individual shall be required to successfully complete that mandated specialized training within one year of re-appointment as a peace officer or else demonstrate to the executive director a level of proficiency in that area of specialized training that is equivalent to the proficiency of one who has completed such training.

(3) All persons who have previously been appointed as a peace officer and have been awarded a certificate of completion of basic training by the executive director or those peace officers described in paragraph (A)(3) of this rule who have not been appointed as either a peace officer or a trooper for more than four years shall, upon re-appointment as a peace officer, complete the basic training course prior to performing the functions of a peace officer.

(4) Notwithstanding the training requirements set forth in paragraphs (D)(1) and (D)(2) of this rule, a member of the national guard or a military reservist who has previously been appointed as a peace officer and has been awarded a certificate of successful completion of basic training by the executive director or those peace officers described in paragraph (A)(3) of this rule who are members of the national guard or military reserves and have not been appointed as a peace officer for one year or more due to active duty in the uniformed services, when such absence from the appointment is as a direct result of the person's mobilization to active duty service, shall, upon return from active duty, be immediately eligible for appointment as a peace officer and shall not be required to meet the training requirements set forth in 109:2-1-12 3 paragraphs (D)(1) and (D)(2) of this rule.

(E) Any person who has been appointed as a peace officer and has been awarded a certificate of completion of basic training by the executive director and has been elected or appointed to the office of sheriff shall be considered a peace officer during the term of office

for the purpose of maintaining a current and valid basic training certificate. Any training requirements required of peace officers, [including continuing professional training pursuant to Revised Code section 109.803](#), shall also be required of sheriffs [who wish to maintain a current and valid peace officer certificate during their term in office](#).

(F) Every person who has been re-appointed as a peace officer and who must complete training pursuant to paragraph (D)(1) or (D)(2) of this rule shall cease performing the functions of a peace officer and shall cease carrying a weapon unless the person has, within one year from the date of re-appointment, received documentation from the executive director that certifies that person's compliance with the above training requirements.

(G) The executive director may extend the time for completion of the training requirements based upon written application from the appointing authority of the individual. Such application will contain an explanation of the circumstances which create the need for the extension. Factors which may be considered in granting or denying the extension include, but are not limited to, serious illness of the individual or an immediate family member, the absence of a reasonably accessible training course, or an ~~unreasonable~~[unexpected](#) shortage of manpower within the employing agency. Based on the circumstances in a given case, the executive director may modify the completion date for any training assigned. An extension shall generally be for ninety days, but in no event may the executive director grant an extension beyond one hundred eighty days.

(1) Should the executive director deny the request for an extension, he shall notify and advise the appointing authority that the appointing authority may request a hearing before the commission as provided in sections 119.06 and 119.07 of the Revised Code. The commission shall conduct the hearing as required by sections 119.01 to 119.13 of the Revised Code.

(2) The provisions of paragraph ~~(G)~~[\(F\)](#) of this rule shall remain in effect until such time as the commission makes the determination to grant or deny the request.

(H) This rule shall not be construed to preclude a township, county, or municipal corporation from establishing time limits for satisfactory completion of the basic course and re-entry requirements of less than the maximum limits prescribed by the commission. If a township, county, or municipal corporation has adopted time limits less than the maximum limits prescribed above, such time limits shall be controlling.

### **109:2-3-05 Certification of instructors.**

(A) All instructors are required to be certified by the executive director to teach in the private security training program by the executive director. All persons requesting approval as an instructor shall submit a notarized application on a form prescribed by the executive director indicating each topic or unit of topics for which the person is seeking approval. Supporting documentation of qualifications shall accompany the application at the time of submission.

(B) Minimum qualifications for certification as a unit instructor shall be as follows:

(1) High school graduate or possession of a "General Education Development" certificate; and

(2) Five years of full time experience in ~~the~~ private security or a related field ~~or the equivalent~~, as determined by the executive director. Law enforcement experience does not automatically qualify as security-related experience. The determination of applicability will be based upon the functions performed as a law enforcement officer; and

(3) Completion of a course of instruction approved by the executive director designed to prepare the individual to teach. Such courses shall include instruction in the theories of

learning, teaching techniques, behavioral objectives, use of audio-visual aids, and an exercise in practice teaching. Credit for this requirement may be granted by the executive director for equivalent training or experience; and

(4) Completion of an instructor-level training program approved by the executive director which will allow a person to learn specific knowledge and skills in a unit for which certification is requested; and

(5) Persons seeking approval as a firearms instructor shall meet the requirements of this section and also provide documentation of three years full time experience as an armed security officer with the weapon for which certification is sought; and

(6) No conviction for a felony, crime of moral turpitude, offense of violence, or sexually oriented or child-victim oriented offense. Evidence of a current criminal record check through the bureau of criminal identification and investigation must be submitted with the application.

(C) Topic instructors will be certified only to teach topics within a unit or units of the curriculum, not to exceed five topics. Topic instructors shall not be eligible for approval for the ~~unarmed self defense and~~ firearms units. Minimum qualifications for certification as a topic instructor shall be as follows:

(1) High school diploma or "general education development" certificate; and

(2)

(a) Persons licensed, degreed, or professionally certified in particular disciplines such as medical doctors, attorneys, nurses, counselors, protection professionals and teachers of specialized subjects related to the private security training course may qualify. Persons licensed, degreed or certified in a particular discipline may be eligible to teach all topics within their area of expertise; or (b) Persons formally recognized for their professional competency in the security, health, fire safety or other related areas must have a minimum of two years of experience; and (3) No conviction for a felony, crime of moral turpitude, offense of violence, or sexually oriented or child-victim oriented offense. Evidence of a current criminal record check through the bureau of criminal identification and investigation must be submitted with the application.

(D) Renewal of certification

(1) Unit instructors shall renew their certification every three years. At least sixty days and no more than ninety days prior to expiration of the certificate, the instructor shall file, on a form prescribed by the executive director, the following:

(a) Written evidence from the commander(s) that the instructor has taught in at least two commission-approved courses during the most recent certification period; and

(b) Must attend, during the most recent certification period, at least fifteen clock hours of professional development or continuing education relative to at least one of the areas for which the individual is certified, ~~during the most recent certification period.~~ Documentation of attendance or completion from the training agency or institution must be submitted.

(2) Topic instructors shall renew their certification every three years. At least sixty days and no more than ninety days prior to expiration of the certificate, the instructor shall file, on a form prescribed by the executive director, the following:

(a) Written evidence from the commander(s) that the instructor has taught in at least two commission-approved private security courses during the most recent certification period; and

(b) Proof that certification or license submitted as basis for original certification or most recent renewal is still valid, or has been renewed and is in good standing with the issuing body, or present documentation that they are still actively involved in the participation or practice of the topic area or areas for which certification was granted.

(E) The executive director may deny, suspend, revoke, or refuse to renew certification of an individual for the following reasons:

(1) Failure to meet the minimum qualifications for instructor certification listed in paragraphs (B) and (C) of this rule;

(2) Failure to meet renewal criteria;

(3) Failure to meet renewal deadline;

(4) Submission of falsified records or renewal documentation; or

(5) Unacceptable performance evaluations;

(6) Conviction for a felony, crime of moral turpitude, offense of violence, or sexually oriented or child-victim oriented offense; or

(7) Any other good cause shown.

(F) Should the executive director refuse to issue or renew a certificate, or choose to suspend or revoke an individual's certification, the executive director will comply with rule 109:2-3-13 of the Administrative Code.

#### **109:2-7-05 Certification of law enforcement canine units.**

(A) All testing for certification of law enforcement canine units shall be approved by the executive director according to minimum standards established by the commission.

(B) Each canine unit shall be certified annually by the executive director unless exempted because of unforeseen circumstances such as illness, emergency employment situation, or other valid reasons. The agency employing the canine unit shall submit a written request for exemption from the executive director. If granted by the executive director, the exemption shall be in writing and shall indicate the date by which the canine unit must complete the examination for certification.

(C) Those agencies which employ canine units covered by the requirements in division (A)(10) of section 109.73 of the Revised Code shall be responsible for arranging, in a manner prescribed by the executive director, an examination for certification of such units.

(1) The law enforcement agency shall request approval of the proposed examination on a form provided by the executive director [twenty-one days prior to the examination](#). Provided the proposed examination meets the minimum standards as established by the commission, the executive director shall approve the scheduled examination.

(2) The evaluator will be responsible for verifying the eligibility of each canine unit to be tested, and for surveying the proposed testing sites. The agency or agencies sponsoring the examination will also be responsible for providing all assisting personnel, materials, equipment and facilities necessary for conducting the examination.

(D) Each canine unit shall be certified each time a handler is assigned a different canine or a canine is assigned a different handler before the unit assumes law enforcement duties.

(E) Certification shall be based on successful completion of an approved certification examination as described in paragraph (B) of rule 109:2-7-03 of the Administrative Code for patrol-related Canines or paragraph (C) of rule 109:2-7-03 of the Administrative Code for special purpose canines. The evaluator will make final decisions with regard to weather conditions, adequacy of the testing site, eligibility of the unit to be tested, and controllability of the canine. No canine which has failed to meet the minimum eligibility standards set forth

in this chapter, or which the evaluator determines to be uncontrollable or [that](#) does not obtain an acceptable rating in obedience, when applicable, shall be permitted to continue the certification examination.

(1) Within thirty days after the completion date of the examination, the evaluator shall submit, to the executive director, testing records for all units which have been examined. Such records shall include information required on a form provided by the executive director.

(2) The evaluator shall also submit, on a form prescribed by the executive director, a notarized statement of recommendation for certification of the units which have successfully met all certification standards and requirements.

(F) The executive director shall issue a certificate to each canine unit successfully completing certification requirements.

### **109:2-18-02 Officer training requirements.**

(A) Every appointing authority shall require each of its appointed peace officers and troopers to complete up to twenty-four hours of continuing professional training each calendar year.

(B) The commission shall set the required minimum number of hours based upon the availability of funding for reimbursement. If no funding is available for reimbursement, continuing professional training shall not be required for the year(s) in which sufficient funding was not available.

(C) Newly certified peace officers shall be exempt from continuing professional training requirements for the calendar year in which the peace officer completed peace officer basic training. Newly commissioned troopers shall be exempt from continuing professional training requirements for the calendar year in which the trooper completed the highway patrol cadet training program. [Effective the date of this amendment, regardless of when a peace officer receives a new appointment, they are required to complete continuing professional training for that calendar year.](#) ~~Otherwise, a peace officer who receives a new appointment before July first, shall complete the required number of hours of continuing professional training during the balance of that calendar year. A peace officer who receives a new appointment on or after July first, is not required to complete continuing professional training for that calendar year.~~

[\(D\) Sheriffs completing training pursuant to 109.80\(B\) and 311.01\(E\) may receive credit towards the peace officer continuing professional training requirement as long as the training satisfies the requirements of this chapter.](#)

[\(E\) Officers completing statutorily mandated training may receive credit towards the peace officer continuing professional training requirement for the calendar year the training is taken as long as the training satisfies the requirements of this chapter.](#)

~~(D)~~(F) The executive director may extend the time for completion of the continuing professional training requirements upon written request from the appointing authority. Such request shall contain an explanation of the emergency circumstances which created the need for the extension. The application shall set forth the name of the peace officer or trooper for whom the extension is requested, the emergency circumstances, including documentation, for which the extension is requested, and the date on which the request was submitted to the commission. Factors which may be considered in granting or denying such requests include, but are not limited to, serious illness of the individual or an immediate

family member, prolonged military service, or an ~~unexpected~~~~unreasonable~~ shortage of manpower within the appointing agency. Based upon the emergency circumstances in any given case, the executive director may extend the required completion date. Extensions shall be for ninety days, absent a finding by the executive director that special circumstances exist for a longer extension.

~~(E)~~~~(G)~~ The executive director shall either grant or deny the request for extension within thirty days after the date on which the request was ~~submitted~~~~received by~~ to the commission. The executive director shall send written notice of the decision to the appointing authority.

~~(F)~~~~(H)~~ In the event a peace officer or trooper is appointed by more than one agency as of July first of the calendar year for which training is being reported, the agency responsible for documenting the training and eligibility for reimbursement shall be determined by order of priority as follows: (1) ~~paid~~ full-time, (2) ~~paid~~ part-time, and (3) ~~unpaid~~~~other~~. In the event a peace officer or trooper holds appointments of equal priority, the agency by which the peace officer or trooper was first appointed shall be the agency responsible for documenting the training and eligibility.

(I) Continuing professional training does not include annual in-service firearms re-qualification pursuant to section 109.801 of the Revised Code.

### **109:2-18-03 Training and instructor qualification.**

(A) The requirements set forth herein are intended as minimum qualifications for continuing professional training. Appointing authorities are encouraged to exceed these minimum standards whenever possible. Continuing professional training shall be conducted in a program approved by the executive director and shall address matters directly related to the duties and responsibilities of a peace officer or trooper. The training shall serve a recognized law enforcement purpose and shall have significant intellectual or practical content, the primary objective of which shall be to improve a participant's professional competence as peace officer or trooper. In addition, such training shall meet or exceed the following minimum requirements:

(1) Continuing professional training programs shall be conducted with a written, formal lesson plan or accompanied by a syllabus showing the content to be covered and associated hours.

(2) Training shall be conducted in a setting that is safe, physically suited to the educational activity, and conducive to effective learning. Physical skills training shall be conducted with appropriate training and safety equipment. Firearms training shall be conducted only on ~~commission-approved~~ ranges in compliance with section 1501:31-29-03 of the Administrative Code or ranges approved by the appointing authority for annual in-service firearms re-qualification.

(3) Other than training conducted via e-OPOTA or other online training programs pre-approved by the executive director, the training shall be conducted in blocks of no less than one hour, where fifty minutes of actual instruction or other approved training activity constitutes one credit hour.

(4) The training shall be conducted only by instructors who meet at least one of the following criteria:

(a) The individual has five years of full-time law enforcement experience and meets at least one of the following criteria:

- (i) The individual is a commission-certified peace officer basic training instructor; or
- (ii) The individual has, at a minimum, a four-year college degree; or

(iii) The individual has completed an instructional skills course approved by the executive director; or

(b) The individual is a certified or licensed professional and is providing instruction in a subject area directly related to the field for which the individual is certified or licensed.

(c) The individual ~~and the~~ ~~is conducting a~~ training program the individual is conducting ~~which~~ has been pre-approved by the executive director.

(5) Each year, the executive director may authorize additional instructor qualifications to be eligible to conduct the continuing professional training program. Any additional requirements shall be announced at the same time the training and reimbursement requirements are announced for the upcoming calendar year.

~~(B) Each year, the executive director will make available lesson plans representing no less than the required minimum number of hours of continuing professional training through OHLEG. These lesson plans will be formatted such that they may be customized locally. Additionally, the Ohio peace officer training commission will provide at least that many hours of online continuing professional training via eOPOTA.~~

~~(C)~~(B) Appointing authorities may request a training program be pre-approved for continuing professional training credit. Appointing authorities seeking such pre-approval shall submit sufficient documentation to the executive director showing that the proposed training meets the requirements of paragraph (A) of this rule.

~~(D)~~(C) Individuals who were commission-certified instructors but have had such certification revoked or suspended, shall not teach continuing professional training.

~~(E) Continuing professional training does not include annual in service firearms re-qualification pursuant to section 109.801 of the Revised Code, nor does it include any form of training elsewhere mandated for peace officers by the general assembly or the attorney general.~~

#### **109:2-1-13 Statutorily Mandated Training.**

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(A) The Commission shall include training and set a minimum number of hours in basic training to cover the topics described in Revised Code sections 109.741, 109.742, 109.744, 109.745, and 109.747.

(B) All certified peace officers that did not receive the training described in paragraph (A) of this rule in the basic course shall have two years from the effective date of this rule to complete the training.

(C) Officers that fail to comply with the requirements of this rule within the specified time frame shall cease performing the functions of a peace officer until such time as evidence of compliance is filed with the executive director.

All interested parties are invited to attend the hearing and present oral and/or written testimony. Written comments may also be submitted prior to the hearing to the attention of Donna Long, Ohio Peace Officer Training Commission, P.O. Box 309, London, Ohio 43140 or [donna.long@ohioattorneygeneral.gov](mailto:donna.long@ohioattorneygeneral.gov) no later than Monday, November 16, 2015.

A copy of the proposed rules may be obtained from the Attorney General's website ([OhioAttorneyGeneral.gov](http://OhioAttorneyGeneral.gov)) or by calling 614-728-7275 or 800-282-0515. TTY users, please call Relay Ohio at 800-325-2223.