

A public hearing will be held by the Office of the Attorney General Mike DeWine on Monday, November 10, 2014 at 9:00 a.m. in the large conference room at the Ohio Peace Officer Training Academy, located at 1650 State Route 56 S.W. , London, Ohio 43140.

The purpose of this hearing is to solicit comment on the following proposed amended rules:

109:2-1-02 Definitions.

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

- (A) The term "commission" means the Ohio peace officer training commission;
- (B) The term "commander" means the director or other head of a peace officer training school;
- (C) The term "executive director" means the executive director of the Ohio peace officer training commission;
- (D) The term "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 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" 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;
- (H) The term "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 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.
- (J) The term "peace officer disqualifying offense" means any offense which would preclude an individual from performing the functions of a peace officer, including any offense under section [2923.13](#) of the Revised Code.
- (K) The term "trooper" means an individual appointed as a state highway patrol trooper under section [5503.01](#) of the Revised Code.
- (L) The term "veteran" means anyone who is serving or has served under honorable conditions in any component of the Armed Forces, including the National Guard and Reserve.

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 ~~other than under the auspices of the Ohio peace officer training commission~~ 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 all topics that contain material specific to Ohio.

~~(34)~~ 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.

~~(46)~~ 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 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 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 shall also be required of sheriffs.

(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 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) 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.

109:2-18-03 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) ~~Other than training conducted via E-OPOTA or other online training program pre-approved by the executive director, e~~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. ~~Such lesson plan shall be typewritten and shall contain, at a minimum, a list of stated goals and objectives for the training, a description of the material to be covered, a bibliography of references, and a list of necessary teaching aids~~

~~Lesson plans developed by the commission for continuing professional training will be made available online through OHLEG. These lesson plans will be formatted such that they may be customized locally. Each year, the executive director will provide new lesson plans representing no less than the required minimum number of hours of continuing professional training, and the Ohio peace officer training commission will provide at least that many hours of online continuing professional training via E-OPOTA.~~

(2) ~~Other than training conducted via E-OPOTA or other online training program pre-approved by the executive director, the t~~Training shall be conducted in a setting that is safe, physically suited to the educational activity, and conducive to effective learning. ~~Classroom space shall have adequate heating, lighting, ventilation, and restroom facilities; a chalkboard, whiteboard, or equivalent; tables and chairs suitable for writing; audio-visual equipment; a lectern, stand, or table for the instructor's use; and be relatively free from external distractions.~~ Physical skills training shall be conducted ~~in a gymnasium or large indoor area~~ with appropriate training and safety equipment. Firearms training shall be conducted only on commission approved ranges 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. ~~Officers shall be approved provided at least one ten minute break each hour and at least one thirty minute break every four hours.~~

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

~~(iv) The individual is a licensed or certified trainer.~~

(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 ~~is conducting a~~ training program ~~which has been~~ pre-approved by the executive director.

~~(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.~~

~~(5C)~~ Appointing authorities ~~may request a training program be pre-approved for continuing professional training credit. Appointing authorities seeking such pre-approval may~~ shall submit sufficient documentation ~~proposed lesson plans for prior review and approval by~~ the executive director ~~showing that the proposed training meets the requirements of division (A) of this rule.~~

~~(BD)~~ Individuals who ~~were~~ commission-certified instructors ~~but and who have allowed such certification to lapse and are not otherwise qualified to teach continuing professional training under this rule,~~ have had such certification revoked ~~or suspended, or whose certification is under suspension,~~ shall not ~~qualify to~~ teach continuing professional training. ~~Decisions of the executive director with respect to instructor qualifications are subject to the appeals process in Chapter 119. of the Revised Code.~~

~~(GE)~~ 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.

109:2-18-04 Reimbursement of training costs.

(A) Every appointed peace officer or trooper is required to comply with the annual continuing professional training requirements set forth herein. Only public appointing authorities qualify for reimbursement for the cost of continuing professional training programs.

(B) Public appointing authorities entitled to reimbursement for each appointed peace officer or trooper who successfully completes the training program shall be reimbursed in an amount no less than twenty dollars per hour per officer per year for those years in which sufficient funding is available. If sufficient funding is not available for a given year, it shall be within the executive director's sound discretion to make pro rata or other partial reimbursements as are reasonable under the circumstances.

(C) To be eligible for reimbursement of any ~~its~~ training costs, a public appointing authority shall comply with the annual roster reporting requirements of division (B) of section [109.761](#) of the Revised Code.

(D) A public appointing authority that complies with paragraph (C) of this rule shall be entitled to reimbursement for the training of each appointed peace officer or trooper whom the appointing authority verifies as having completed the annual continuing professional training requirements set forth in sections [109.802](#) and [109.803](#) of the Revised Code.

(E) Each application for reimbursement or extension shall be made in a manner prescribed by the executive director on a form prescribed by the executive director, and supported by documentation required by rule [109:2-18-05](#) of the Administrative Code.

(F) If a public appointing authority applies for reimbursement and if one or more of its appointed peace officers or troopers has not complied with the continuing professional training requirement both of the following apply:

(1) The public appointing authority is entitled to reimbursement for every other appointed peace officer or trooper of the public appointing authority who has complied with the continuing professional training requirements.

(2) If the appointed peace officer or trooper whom the executive director granted an extension complied with the continuing professional training requirements prior to the date on which the extension ends, the public appointing authority is entitled to reimbursement for the training programs completed by that peace officer or trooper.

(G) Failure to report compliance with the continuing professional training requirements set forth in paragraph (C) of rule 109:2-18-04 of the Administrative Code by January thirty-first will result in a forfeiture of the appointed authority's eligibility for reimbursement.

(H) Each public appointing authority that receives funds under this section shall keep those funds separate from any other funds of the appointing authority and shall use those funds solely to defray the cost of continuing professional training programs.

(I) The training cost reimbursement decisions of the executive director are subject to the appeals process of Chapter 119. of the Revised Code.

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@ohioattornergeneral.gov no later than Friday, November 7, 2014, 12:00 p.m.

A copy of the proposed rules may be obtained from the Attorney General's website (Ohio Attorney General.gov) or by calling 614-728-7275 or 1-800-282-0515. TTY users, please call Relay Ohio at 800-325-2223.