

A public hearing will be held by the Office of Attorney General Mike DeWine on Monday, October 23, 2017 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 rules to be amended:

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.

(D) Sheriffs completing training pursuant to division (B) of section 109.80 and division (E) of section 311.01 of the Revised Code 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.

(F) Peace officers and troopers may receive credit for up to four hours of continuing professional training for time spent while on duty providing drug use prevention education training if all of the following requirements are met:

(1) The curricula and lesson plans utilized must be evidenced-based.

(2) The students instructed must be in a school district, community school established under Chapter 3314, STEM school established under Chapter 3326, or a college preparatory boarding school established under Chapter 3328., of the Revised Code, and

(3) The peace officer or trooper providing the training meets the instructor requirements found in paragraph (A)(4)(a) of rule 109:2-18-03 of the Administrative Code.

(G) A law enforcement agency utilizing a peace officer or trooper to provide training described in paragraph (F) may use any hours in excess of four that the officer or trooper accumulates while providing that training for other peace officers or troopers appointed by the agency to offset the number of continuing professional training hours required. No more than four hours of training per officer or trooper may be offset pursuant to this paragraph.

~~(E)~~(H) The training described in paragraph (F) cannot be used by a peace officer, trooper, or law enforcement agency to offset any hands-on training required by the commission.

~~(F)~~(I) 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 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.

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

~~(H)~~(K) 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) full-time,
- (2) part-time, and
- (3) 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.

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

(M) For purposes of this rule, "hands-on training" means

(1) training that is not primarily lecture-based;

(2) training that involves physical activity or exertion; and

~~(4)~~(3) training that involves direct practical experience for the students

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 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) Except as otherwise noted in this rule, Aa 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.

(1) Public appointing authorities shall not be reimbursed for any training as described in paragraph (F) of rule 109:2-18-02 of the Administrative Code.

~~(D)~~(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.

~~(E)~~(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.

~~(F)~~(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.

~~(G)~~(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.

~~(H)~~(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@ohioattorneygeneral.gov no later than Wednesday, October 18, 2017. A copy of the proposed rules may be obtained from the Attorney General's website (OhioAttorneyGeneral.gov) or by calling 614-728-7275 or 800-282-0515. TTY users, please call Relay Ohio at 800-325-2223.