

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:

109:2-1-06 Approval of instructors.

All persons requesting approval or renewal as an instructor on or after January 1, 2000, shall submit a ~~notarized~~ statement of qualifications for each subject or unit of subjects for which the person is seeking approval on a form provided by the executive director. The course content of the peace officer basic training program shall be as outlined in rule [109:2-1-16](#) of the Administrative Code.

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

- (1) High school graduate or possession of a "General Education Development" certificate;
- (2) Five years of relevant, full-time law enforcement experience;
- (3) Completion of an instructor training program approved by the executive director consisting of a minimum of forty clock hours which shall include instruction in the theories of learning and adult education, teaching techniques, lesson plan development and usage, behavioral objectives, student evaluation and measurement, role playing, the use of audio-visual aids and an exercise in practice teaching;

Instructor training programs taught at the Ohio peace officer training academy; by the department of education; the state highway patrol; a college or educational institution or other programs which in the opinion of the executive director are equivalent to those set out, will be acceptable;

- (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) Recommendation of a current basic training school commander.

(B) Minimum qualifications for special subject instructor certification shall be as follows:

(1) A high school graduate or possession of a "General Education Development" certificate;

(a) Possession of a license in a particular discipline such as medical doctors, attorneys, nurses, judges, teachers of special subjects related to the basic course; or

(b) Recognition for competency in law enforcement related areas such as probation, corrections, health, fire, drug enforcement, traffic or other special subject or skill areas in which the person has a minimum of five years of full-time experience and training in the subject area to be taught, three years of which must be based on full-time experience.

~~(2)~~

~~(a) Possession of a license in a particular discipline such as medical doctors, attorneys, nurses, judges, teachers of special subjects related to the basic course; or~~

~~(b) Recognition for competency in law enforcement related areas such as probation, corrections, health, fire, drug enforcement, traffic or other special subject or skill areas in which the person has a minimum of five years of full-time experience and training in the subject area to be taught, three years of which must be based on full-time experience.~~

~~(3)~~(2) Recommendation of a current basic training school commander;

~~(4)~~ (3) Special subject instructors shall not be eligible for approval for the driving or firearms units and in no case shall a special subject instructor be approved for more than five topics in the basic course.

(C) Renewal of unit and special subject instructor certification:

(1) Instructors certified by unit shall renew their certificate every three years. At least sixty days and no more than ninety days prior to expiration of the certificate, the instructor shall file with the executive director an application for renewal on a form supplied by the executive director. The instructor shall also file:

(a) Written evidence from the educational or training facility where the instructor received the training documenting that the instructor has successfully completed, within the past three years, a minimum of twenty-four clock hours of training in topics related to the basic training curriculum.

(b) Written evidence from the school commander or administrator that the instructor has taught in two approved peace officer basic training schools for a minimum total of twenty-four teaching hours within the past three years.

(2) Persons certified as special subject instructors shall renew their certificate every three years. At least sixty days and no more than ninety days prior to expiration of the certificate, the instructor shall file with the executive director an application for renewal on a form supplied by the executive director. The instructor shall also file:

(a) Written evidence from the educational or training facility where the instructor received the training documenting that the instructor has successfully completed, within the past three years, a minimum of twelve clock hours of training in topics related to the basic training curriculum.

(b) Written evidence from the school commander or administrator that the instructor has taught in two approved peace officer basic training schools for a minimum total of twelve teaching hours within the past three years.

(D) Denial of certification, denial of renewal of certification, suspension of certification, or revocation of certification:

Should the executive director refuse to issue or renew a certificate, or should the executive director suspend or revoke a certificate, notice of this action shall be sent to the applicant. Unless the decision is of a ministerial nature, the applicant shall be advised that 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.

(E) Grounds for denial or revocation of instructor certification

- (1) Failure to meet the minimum qualifications for instructor certification listed in paragraphs (A) and (B) of this rule;
- (2) Failure to meet renewal criteria;
- (3) Failure to meet renewal deadline;
- (4) Submission of falsified records, application, or other documentation;
- (5) Unacceptable performance evaluations;
- (6) Conviction of a felony, a crime of moral turpitude, an offense of violence, a sexually oriented or child-victim oriented offense, or any other peace officer disqualifying offense;
- (7) Any other good cause shown.

If an instructor's certification is revoked for any of the listed reasons, notice of this action shall be sent and any requested hearing shall be conducted as required in paragraph (D)(1) of this rule.

(F) The executive director may suspend the certification of any instructor that is charged with any felony, crime of moral turpitude, offense of violence, sexually oriented or child-victim oriented offense, or any other peace officer disqualifying offense.

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 private security or a related field , 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 firearms units. Minimum qualifications for certification as a topic instructor shall be as follows:

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

(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

~~(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)~~(2) 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. 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.

109:2-7-03 Minimum standards for certification of law enforcement canine units.

(A) Pursuant to division (A)(10) of section [109.73](#) of the Revised Code, the commission has established minimum standards for the certification of law enforcement canine units, which include the successful completion of an examination for certification. In order to be eligible for the required certification examination the canine unit must meet the listed requirements.

(B) Patrol-related canine units;

(1) The unit must have successfully completed a training program approved by the executive director designed to prepare canine units to perform law enforcement duties. Such program must include training in those areas tested in the examination for certification,

(2) Documentation of successful completion of the training program must be provided to the evaluator before the unit is eligible to be tested for certification. Such documentation shall include a **notarized** letter or certificate of completion from the trainer or other official representative of the training program attesting that the unit has been trained in all the areas which are listed in paragraph (B)(4) of this rule, and that the unit successfully met the standards of the program.

(3) The executive director may, upon request from a law enforcement agency which employs a patrol-related canine unit, consider comparable training of the canine and the handler. Such a request shall be accompanied by documentation of the training received by both the canine and the handler which must be sufficient in the aggregate to meet or exceed the minimum standards required by paragraph (B)(4) of this rule. Approval of the request shall be granted in writing and shall apply only to the unit for whom the request was filed. Should the executive director deny the request, he shall comply with the provisions of rule 109:2-7-06 of the Administrative Code.

(4) Those units which meet the minimum eligibility requirements shall be eligible to complete the examination for certification of patrol-related canine units. The certification examination shall include testing in the following areas:

- (a) Obedience
- (b) Building search
- (c) Area search
- (d) Criminal apprehension
- (C) Special purpose canine units;

(1) The unit must have successfully completed a training program approved by the executive director designed to prepare canine units to perform special purpose law enforcement duties. Such program must include training in one or more of the areas which are tested in the examination for certification, as listed in rule 109:2-7-02(B)(3) of the Administrative Code.

(2) Documentation of successful completion of the training program must be provided to the evaluator before the unit is eligible to be tested for certification. Such documentation shall include a **notarized** letter or certificate of completion from the trainer or other official representative of the training program attesting that the unit has been trained in one or more of the areas which are listed in rule 109:2-7-03(B)(3) of the Administrative Code and that the unit successfully met the standards of the program.

(3) The executive director may, upon request from a law enforcement agency which employs a special purpose canine unit, consider comparable training of the canine and the handler. Such a request shall be accompanied by documentation of the training received by both the canine and the handler which must be sufficient in the aggregate to meet or exceed the minimum standards required by paragraph (C) (4) of this rule. Approval of the request shall be granted in writing and shall apply only to the unit for whom the request was filed. Should the executive director deny the request, he shall comply with the provisions of rule 109:2-7-06 of the Administrative Code.

(4) Those units which meet the minimum eligibility requirements shall be eligible to complete the certification examination for special purpose canine units. Certification can be granted for one or more of the following special purpose ~~ss~~ **ss**:

- (a) Tracking
- (b) Article search
- (c) Narcotics detection
- (d) Explosives detection
- (e) Any other topic designated by the executive director

(D) All examinations shall be conducted by commission-certified evaluators in a manner prescribed by the executive director.

109:2-11-05 Approval of instructors.

Each instructor is required to have the approval of the executive director. All persons requesting approval as an instructor shall submit a ~~notarized~~ statement of qualifications on a form provided by the executive director for each subject or unit of subjects for which the instructor is seeking approval.

(A) Minimum qualifications for unit instructor approval shall be as follows:

- (1) High school graduate or possession of a "General Education Development" certificate;
- (2) Five years of relevant full-time law enforcement experience or three years of full-time experience as a corrections officer;
- (3) Completion of a training program which will allow a person to gain specific knowledge and skills in a unit for which the person desires approval;
- (4) Completion of an instructor training program approved by the executive director and consisting of a minimum of forty clock hours which shall include instruction in the theories of learning and adult education, teaching techniques, lesson plan development and usage, behavioral objectives, student evaluation and measurement, role playing, the use of audio-visual aids, and an exercise in practice teaching. Instructor training programs taught by the Ohio peace officer training academy, the Ohio department of education, the Ohio state highway patrol, a college or educational institution, or other programs which in the opinion of the executive director are equivalent will be acceptable.

(5) Recommendation of the jailer training school commander.

(B) Minimum qualifications for special subject instructor approval shall be as follows:

- (1) A high school graduate or possession of a "General Education Development" certificate;
- (2) Three years of combined experience and training in the subject area to be taught; or
- (3) Recognition for occupational competency; and
- (4) Recommendation of the jailer training school commander.

(C) Persons approved as special subject instructors shall be limited to no more than five topics in the commission approved jailer training curriculum.

(D) Renewal of unit and special subject instructor certificates.

(1) Persons approved as unit instructors shall renew their certificate every three years. At least sixty days and no more than ninety days before expiration of the certificate, the instructor shall file with the executive director an application for renewal on a form required by the executive director. The instructor shall also file:

(a) Written evidence from the educational or training facility where the instructor received the training indicating successful completion of a minimum of eight clock hours of training in topics related to the commission approved jailer curriculum or to improve instructional abilities; and

(b) Written evidence from the jailer training school commander that the instructor has taught in one approved school for jailer training for a minimum total of eight teaching hours within the past three years.

(2) Persons approved as special subject instructors after the effective date of this rule shall renew their certificates every three years. At least sixty days and no more than ninety days before expiration of the certificate, the instructor shall file with the executive director an application for renewal on a form supplied by the executive director. The instructor shall also file:

(a) Written evidence from the jailer training school commander that the instructor has taught in one approved school for jailer training for a minimum total of four teaching hours within the past three years;

(b) Written evidence from the educational or training facility where the instructor received the training indicating successful completion of a minimum of four clock hours of training in topics related to the commission approved jailer curriculum or to improve instructional abilities, and;

(c) Copy of documentation showing current proficiency in assigned technical skill topics;

(3) A corrections training program unit or special subject instructor certified under rule [109:2-9-05](#) of the Administrative Code may perform the functions of a jailer training program unit or special subject instructor upon approval from the executive director.

(E) Denial of certificate, denial of renewal of certificate, suspension of certificate or revocation of certificate.

(1) Unless the decision is of a ministerial nature, should the executive director refuse to issue or renew a certificate, or should the executive director suspend or revoke a certificate, the executive director shall notify the person in writing and shall advise the applicant that he or she may request a hearing before the commission as provided in sections [119.06](#) and [119.07](#) of the Revised Code.

(2) The commission shall conduct the hearing as required by sections [119.01](#) to [119.13](#) of the Revised Code.

(3) The executive director may suspend the certification of any instructor that is charged with any felony, crime of moral turpitude, offense of violence, sexually oriented or child-victim oriented offense or any other peace officer disqualifying offense.

(4) The executive director may deny or revoke the certificate of any instructor for the following reasons:

- (a) Failure to meet the minimum qualifications for instructor certification listed in paragraphs (A) and (B) of this rule;
- (b) Failure to meet renewal criteria;
- (c) Failure to meet renewal deadline;
- (d) Submission of falsified records, application, or other documentation;
- (e) Unacceptable performance evaluations;
- (f) Conviction of a felony, a crime of moral turpitude, an offense of violence, a sexually oriented or child-victim oriented offense, or any other peace officer disqualifying offense;
- (g) Any other good cause shown.

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.