



The Office of
FAYETTE COUNTY SHERIFF

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June 14, 2017

Honorable Scott Oelslager, Chairman

Senate Finance Committee

1 Capitol Square

Columbus, Ohio 43215

Dear Mr. Chairman,

Thank you for the opportunity to provide written testimony regarding two amendments to House Bill 49.

First, I'd like to express my concerns with the amendment to ORC 109.71 creating a tenth member of the Ohio Peace Officers Training Commission, specifically, "one member who represents a fraternal organization representing law enforcement officers". Your consideration is important in the review of the proposed changes.

The creation of a tenth commission member creates an equal number of commission members whereby a vote on any issue may create a tie vote and gridlock the commission.

More concerning would be the conflict of interest which would be ongoing as the "fraternal organization representing law enforcement officers" would be a paid representative of its members and pose a loyalty conflict during debate and decision making process of the commission.

The state of Ohio, through the appointing authority of the Governor, would be establishing a state sanctioned "fraternal organization" having authority over other "fraternal organizations representing law enforcement officers". These other fraternal organizations will and should protest their fair share representation on the commission. The question begs where does this stop?

The Ohio Peace Officer Training Commission, an agency as defined by ORC section 119.01 and having the authority or responsibility of issuing, suspending, revoking, or canceling licenses (certifications) would have their authority compromised by a member who inherently cannot be impartial. The member, in a ministerial role, would be positioned to adjudicate suspension or

revocation hearings of superior officers, even from their own agency. The Commission's decision making is broad and impacts all 34,000 peace officers including senior command officers, thereby, giving them authority over superior officers. Further, a gross conflict of interest would be established in each adjudication hearing with a "member who represents a fraternal organization" representing the aggrieved in a revocation or suspension hearing, as well as a "member who represents a fraternal organization" sitting in judgement in the same hearing.

The Ohio Peace Officers Training Commission is currently comprised of senior law enforcement professionals representing small and large police departments and sheriff's officer, state and federal agencies, a civilian (public) representative and the department of education. The commissioners represent all law enforcement officers regardless of their fraternal associations. The Commission strives to refrain from partiality and ensures the decisions of the Commission are for the good of all and not for paid membership of any particular association.

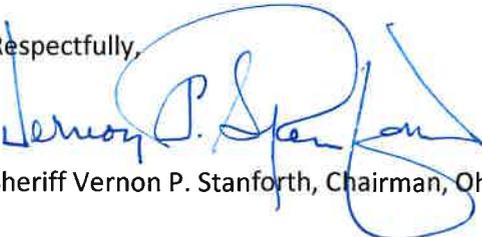
Secondly, I'd like to discuss the proposed changes to the funding model for peace officers continuing professional training (CPT) in OPRC 109.802. The amendment would eliminate the ability for the attorney general and the Commission to set reimbursement amounts for CPT and would instead require reimbursement for "the actual costs incurred by the appointing authority for that training program".

Currently, CPT hours are set by a formula that takes into account the number of officers in the state and the amount of money available in the Law Enforcement Assistance Fund. Per ORC 109.803, if there is no funding available, then the Commission cannot mandate any CPT hours. If the calculation is changed from a fixed reimbursement number to covering actual costs associated with training, CPT will effectively end.

Actual costs of training could include, but not be limited to, tuition and registration fees, salaries and overtime pay for officers attending training, salaries and overtime pay for officers covering shifts for the officers taking the training, travel, meals, and lodging expenses, and even fees for instructors teaching the classes. There would be no feasible way to estimate the costs for COPT if all those variable need to be included, and if we do know the costs that would be incurred, the Commission would be unable to set the number of hours for CPT, which would meant there would be no required annual training for peace officers other than firearms requalification.

Thank you for allowing me the opportunity to address your committee, and I am happy to answer any questions you have.

Respectfully,



Sheriff Vernon P. Stanforth, Chairman, Ohio Peace Officers Training Commission