



COUNTY ADVISORY BULLETIN

CAB

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NEW TRAINING/ELIGIBILITY REQUIREMENTS FOR SHERIFFS

INTRODUCTION

On January 14, 1997, Substitute House Bill 351 will become effective establishing new training/eligibility requirements for sheriffs.

This CAB highlights the changes in training/eligibility requirements provided by H.B. 351, summarizes all training/eligibility requirements for sheriffs, and discusses the new authority granted to county commissioners' to compensate a sheriff-elect while attending mandated training that must be completed prior to taking office for newly elected sheriffs.

BACKGROUND

H.B. 351 was sponsored by Representative Pat Tiberi, who introduced the measure on behalf of the Buckeye State Sheriffs Association (BSSA). The sponsors sought to increase sheriff training/eligibility standards to be in line with the chief law enforcement officer of the county.

Under former law, a person had to meet certain basic qualifications in order to be a candidate for sheriff or to be appointed to the office. Several court cases that have gone as far as the Supreme Court showed the need to make the law more specific.

In addition to meeting certain basic qualifications, former law required new sheriffs to complete a basic training course offered by the Ohio Peace Officer Training Council lasting three weeks within six months after the election or the date of their appointment. H.B. 351 requires that newly elected sheriffs complete not less than two weeks of this training before taking office. Even though some sheriffs elected in 1996 will be taking course work in December 1996, it is not technically required until the year 2000 because the bill does not become effective until January 14, 1997, after the term of office begins.

Former law, which is unchanged by this act, also requires all sheriffs during each

subsequent year to complete a minimum of 16 hours of continuing education.

Interestingly, sheriffs joined the likes of county treasurers and auditors in having new training requirements placed on their offices during 1996.

CHANGES TO LAW DUE TO H.B. 351

- The bill will require an individual to reside in the county for at least one year immediately prior to the qualification date. Current law does not specify consecutive residency.
- Rather than requiring an individual to hold a high school diploma or a recognized equivalent, the bill will require an individual to have a high school diploma or a certificate of high school equivalence issued for achievement of specified minimum scores on the General Education Development (GED) test of the American Council of Education.
- Rather than requiring an individual to have held, within three years prior to the qualification date, a valid certificate of training as a law enforcement officer compensated with government funds, the bill will require an individual to satisfy at least one of the following conditions:
 - To have held or obtained, within the four-year period immediately prior to the qualification date¹, a valid basic peace officer certificate of training issued by the Ohio Peace Officer Training Council or to have been issued a certificate of training under the State Highway Patrol Law. In addition, the individual must have been employed within the four-year period ending immediately prior to the qualification date as a full-time “peace officer” or as an appointee under the State Highways Patrol Law performing duties related to the enforcement of statutes, ordinances, or codes.
 - To have obtained or held, within the three-year period immediately prior to the qualification date, a valid basic peace officer certificate of training issued by the Ohio Peace Officer Training Council. In addition, the individual must have been employed for at least the last five years prior to the qualification date as a full-time “law enforcement officer” performing duties related to the enforcement of statutes, ordinances, or codes.

¹“qualification date” means the last day on which a candidate for the office of sheriff can file a declaration of candidacy, a statement of candidacy, or a declaration of intent to be a write-in candidate, as applicable, in the case of a primary election for the office of sheriff; the last day on which a person may be appointed to fill a vacancy in a party nomination for the office of sheriff under the elections laws, in the case of a vacancy in the office of sheriff; or a date 30 days after the day on which a vacancy in the office of sheriff occurs, in the case of an appointment to such a vacancy.

- Rather than requiring an individual to have at least five years of full-time law enforcement experience related to enforcing statutes, ordinances, or codes, and at least two years of supervisory experience or its equivalent, or, in place of the supervisory experience, to have completed at least two years of postsecondary education or the equivalent, the bill will require the person to meet at least one of the following conditions:
 - In the five-year period ending immediately prior to the qualification date, to have at least two years of supervisory experience as a “peace officer” at the rank of corporal or above, or to have been appointed under the State Highway Patrol Law and served at the rank of sergeant or above.
 - As under existing law, to have completed at least two years of postsecondary education or the equivalent.
- The bill will require “newly elected” sheriffs to obtain at least two weeks of the required three weeks of the basic training course conducted by the Council before the first Monday in January next after the sheriff’s election. Current law only required training be obtained within six months of taking office. (The current law provisions will remain the same for “appointed” sheriffs.)
- The bill will allow a newly elected sheriff, with the approval of the Board of County Commissioners, to receive compensation, while attending the mandated basic training course prior to officially taking office. Such compensation shall be in the same manner and amounts as if carrying out the powers and duties of the office of sheriff. Such moneys shall come from funds established by the sheriff’s county for this purpose. This provision will be explained in greater detail later in this CAB.
- Requires the board of elections to certify whether or not a candidate for the office of sheriff who has filed a declaration of candidacy, a statement of candidacy, or a declaration of intent to be a write-in candidate meets the statutory qualifications for candidates for sheriff.
- Rather than requiring training be conducted at the Ohio Peace Officer Training Academy, the bill simply will require training by conducted by the Academy.
- The bill eliminates the requirement that individuals attend the next course offered should the Council deny a request from an individual asking that training requirement be waived due to health reasons.

SUMMARY OF ELIGIBILITY/TRAINING REQUIREMENTS FOR SHERIFFS

Following is a complete listing of eligibility/training requirements for sheriffs, incorporating the provisions of H.B. 351:

- Must be a citizen of U.S.
- Will be 18 years of age or older at the next November election.
- Must be registered to vote 30 days before the election.
- Must be a resident of the county for one year immediately prior to the qualification date. (Should an individual meet all other eligibility requirements except the one year residency, such individual can proceed to take action to otherwise hold office. If, on the applicable qualification date, no individual has met all the requirements of this list, then those individuals who have complied with and meet the requirements except for residency, shall be considered qualified candidates.)
- Must possess a high school diploma or a certificate of high school equivalence issued for achievement of specified minimum scores on the general educational development (GED) test of the American Council on Education;
- Has not been convicted or pleaded guilty to a felony, an offense of moral turpitude, or a first degree misdemeanor in Ohio or offenses in other states equivalent thereto.
- Has been fingerprinted and been subject to search of fingerprint files to disclose any criminal record. (Such fingerprints shall be taken under the direction of the administrative judge of the court of common pleas who, prior to the applicable qualification date, shall notify the board of elections, board of county commissioners, or county central committee of the proper political party, as applicable, of the judge's findings.)
- Has prepared a complete history of places of residence, employment and employers during the last six years. (The residence and the employment histories shall be filed with the administrative judge of the court of common pleas of the county, who shall forward them with any fingerprint findings to the appropriate board of elections, board of county commissioners, or county central committee of the proper political party prior to the applicable qualification date.)
- Meets at least one of the following conditions:
 - has held or obtained, within the four-year period immediately prior to the qualification date², a valid basic peace officer certificate of training issued by the Ohio Peace Officer Training Council or to have been issued a certificate of training under the State Highway Patrol Law.

²"qualification date" means the last day on which a candidate for the office of sheriff can file a declaration of candidacy, a statement of candidacy, or a declaration of intent to be a write-in candidate, as applicable, in the case of a primary election for the office of sheriff; the last day on which a person may be appointed to fill a vacancy in a party nomination for the office of sheriff under the elections laws, in the case of a vacancy in the office of sheriff; or a date 30 days after the day on which a vacancy in the office of sheriff occurs, in the case of an appointment to such a vacancy.

In addition, the individual must have been employed within the four-year period ending immediately prior to the qualification date as a full-time “peace officer” or as an appointee under the State Highways Patrol Law performing duties related to the enforcement of statutes, ordinances, or codes.

- has obtained or held, within the three-year period immediately prior to the qualification date, a valid basic peace officer certificate of training issued by the Ohio Peace Officer Training Council. In addition, the individual must have been employed for at least the last five years prior to the qualification date as a full-time “law enforcement officer” performing duties related to the enforcement of statutes, ordinances, or codes.
- Meets at least one of the following conditions:
 - Has at least two years of supervisory experience as a peace officer at the rank of corporal or above or to have been appointed under the State Highway Patrol Law and served at the rank of sergeant or above, in the five-year period ending immediately prior to the qualification date;
 - Has completed satisfactorily at least two years of post-secondary education or the equivalent in semester or quarter hours in a college or university authorized to confer degrees by the Ohio board of regents or the comparable agency of another state in which the college or university is located.
- Newly elected sheriffs shall attend a basic training course conducted by the Ohio peace officer training council. A newly elected sheriff shall complete not less than two weeks of this course before the first Monday in January next after the sheriff’s election.
- Must attend and successfully complete at least 16 hours of continuing education beginning the second calendar year in office. (A sheriff who receives a waiver of this requirement because of medical disabilities or other good cause shall complete the requirement at the earliest time after the disability or cause terminates.)

COMPENSATION FOR SHERIFF-ELECT WHILE ATTENDING THE BASIC TRAINING COURSE

As was previously stated, newly elected sheriffs must complete two of the three weeks of the basic training course offered by the Ohio Peace Officer Training Council before taking office.

In addition, H.B. 351 provides that a sheriff-elect may receive regular compensation from

the county while attending this course. In order to be eligible to receive this compensation prior to assuming office, this payment must be approved by the county commissioners.

Since H.B. 351 does not become effective until January 14, 1997, sheriffs elected for the first time in 1996 do not have to attend the two weeks prior to taking office, although we understand that many intend to do so. As it relates to compensation for these sheriffs-elect, CCAO feels that such compensation is not authorized unless the county receives a prosecutor's ruling that such a payment is authorized. In addition, we are attempting to clarify this issue with the State Auditor's Office.

Beginning in 2000, the payment of compensation to a sheriff-elect is clearly authorized by the act, if approved by the county commissioners. CCAO recommends that before such a payment is authorized that the commissioners should receive a written request from the sheriff-elect and that a resolution be adopted to approve or deny the request. If a county approves such a request, the resolution should specify the source of the payment which may be a line item in the sheriff's budget, a line item in the commissioners' budget, or from the Furtherance of Justice (FOJ) Fund if approved by the incumbent sheriff. Naturally, the source of funds may vary from county to county given the fact that a defeated incumbent sheriff may not agree to the payment from his budget or FOJ Fund.

As it relates to the amount of the payment, the question arises as to the proper amount. Because a portion of the sheriff's salary is reimbursed by the state to the county, and is contingent upon reimbursement from the state, CCAO recommends that the payment only be equal to the county provided amount unless the Attorney General certifies that the state reimbursed amount is available. For additional information on these amounts, refer to County advisory Bulletin 96-2, March 1996. CCAO will attempt to clarify this issue in the future.

ACKNOWLEDGMENT

CCAO thanks Bob Cornwell, Executive Director of the Buckeye State Sheriffs Association (BSSA), for his review of this bulletin. This CAB was prepared by CCAO Research Associate Cheryl Subler, who may be contacted for further information.