State of Oklahoma

Rules governing the

Council on Law Enforcement Education and Training

2008

OAC Title 390
(Includes new and amended permanent rules effective as of July 15, 2008. Unofficial rules, see disclaimer)

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TITLE 390. COUNCIL ON LAW ENFORCEMENT EDUCATION AND TRAINING
CHAPTER 1. AGENCY AUTHORITY AND OBJECTIVES

Section

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390:1-1-1. Purpose

Pursuant to the authority vested in the Council by 70 O.S., Section 3311, 20 O.S., Section 1313.2, and 59 O.S., Section 1750.1 et seq., Section 1451 et seq., 21 O.S. Section 1289.8 and 1290.1 et seq., the rules of this chapter have been promulgated. The purpose of these rules is to set forth the requirements and procedures needed to effectively implement and enforce the provisions of these statutes. These rules supplement existing state and federal laws, and being duly promulgated, shall have the force and effect of law.

390:1-1-2. Compliance with laws and rules

(a) Any statute of the United States, or of the State of Oklahoma now existing, or duly enacted in the future, shall supersede any conflicting provision of the rules of this Chapter to the extent of such conflict, but shall not affect the remaining provisions herein.
(b) All persons and organizations affected by the rules of this Chapter and related laws shall be knowledgeable of and conduct pertinent operations in accordance with all such rules and laws.
(c) The Council on Law Enforcement Education and Training is a state agency and is therefore subject to Oklahoma laws regulating the procedures which must be followed by state agencies.

390:1-1-2.1. Definitions

In addition to terms defined in 70 O.S., Section 3311 et seq., the following words or terms, when used in this Chapter, shall have the following meaning unless the context clearly indicates otherwise:

"Acceptable electronic signature technology" means technology that is capable of creating a signature that is unique to the person using it; is capable of verification, is under the sole control of the person using it, and is linked to the data in such a manner that if the data is changed, the electronic signature is invalidated.

"Authorized signature" means a manual, electronic or digital identifier uniquely linked to an individual, or if representing an agency, the agency head or person authorized by the head of the agency to sign documents submitted to CLEET.

"CLEET" means the Council on Law Enforcement Education and Training, and its administrative officers and personnel.

"Council" means the appointed members of the Council on Law Enforcement Education and

Training, as defined in Title 70 O.S., Section 3311.

"Director" means the Director of the Council on Law Enforcement Education and Training, or designated agent.

"Electronic photograph" means a photograph created, generated, sent, communicated, received or stored by electronic means.

"Electronic record" means a record created, generated, sent, communicated, received, or stored by electronic means.

"Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record. Unless otherwise provided by law, an electronic signature may be used to sign a document and shall have the same force and effect as a written signature.

"Nationally recognized credit card" means any instrument or device, whether known as a credit card, credit plate, charge plate, or by any other name, issued with or without fee by the issuer for the use of the cardholder in obtaining goods, services, or anything else of value on credit which is accepted by over one thousand merchants in the state.

390:1-1-3. Organization

(a) Composition of the Council is established in 70 O.S., Section 3311. Members shall meet at least quarterly or more often as the business of the Council demands. The members shall serve until their successors have been appointed.

(b) The Council shall elect a Chairman and Vice-Chairman from among its members during the last regularly scheduled meeting of odd numbered years.

(1) The Chairman and Vice-Chairman shall serve a term of two (2) years, beginning on January 1st of the calendar year immediately following an election.

(2) Vacancies in the position of Chairman or Vice-Chairman shall be filled by election. The elected member shall assume the duties of the vacant position immediately, for the remainder of the unexpired term.

(3) Members may serve two (2) consecutive terms in each office, not including any unexpired terms for which the member was elected.

390:1-1-4. Objectives of the Council

The objectives of the Council are:

(1) To raise the level of professional competence and integrity of law enforcement by:

(A) Establishing and administering minimum standards for the training and certification of law enforcement officers, to include physical, mental, and moral standards.

(B) Establishing and administering minimum curriculum and instructional standards for law enforcement training at a variety of levels.

(C) Providing these and other services to law enforcement officers as directed by law.

(D) Recommending legislation necessary to upgrade Oklahoma law enforcement to professional status.

(E) Appointing a larger Advisory Council.

(i) The Advisory Council shall be composed of seventeen (17) members who are certified full-time peace officers employed by a campus, city, county, state or federal law enforcement agency. At least one member shall be appointed from each of the ten (10) geographic CLEET training regions.

(ii) Advisory Council members shall serve for a term of three years and may be reappointed for additional terms, unless removed by the Council.

(iii) An Advisory Council member may be removed and that position declared vacant

by the Council for any reason.

(iv) When a vacancy occurs on the Advisory Council, the Advisory Council shall recommend an individual to the Council for the vacant position.

(F) Appointing a Drug Dog Advisory Council.

(i) The Drug Dog Advisory Council shall be composed of members as provided in 70 O.S. §3311(K).

(ii) Drug Dog Advisory Council members shall serve for a term of three years and may be reappointed for additional terms, unless removed by the Council.

(iii) The Drug Dog Advisory Council shall meet as the business of the Drug Dog Advisory Council demands.

(iv) A Drug Dog Advisory Council member may be removed and that position declared vacant by the Council for any reason.

(v) The Drug Dog Advisory Council shall report research, recommendations and other matters related to minimum standards, educational needs, and other matters imperative to the certification of canines and canine teams trained to detect controlled dangerous substances to the larger Advisory Council for review prior to submission to the Council for final action.

(vi) When a vacancy occurs on the Drug Dog Advisory Council, the Drug Dog Advisory Council shall recommend an individual to the Council for the vacant position.

(G) Appointing a Bomb Dog Advisory Council

(i) The Bomb Dog Advisory Council shall be composed of members as provided in 70 O.S. §3311(L).

(ii) Bomb Dog Advisory Council members shall serve for a term of three years and may be reappointed for additional terms, unless removed by the Council.

(iii) The Bomb Dog Advisory Council shall meet as the business of the Bomb Dog Advisory Council demands.

(iv) A Bomb Dog Advisory Council member may be removed and that position declared vacant by the Council for any reason.

(v) The Bomb Dog Advisory Council shall report research, recommendations and other matters related to minimum standards, educational needs, and other matters imperative to the certification of canines and canine teams trained to detect explosives, explosive materials, explosive devices, and materials which could be used to construct an explosive device to the larger Advisory Council for review prior to submission to the Council for final action.

(vi) When a vacancy occurs on the Bomb Dog Advisory Council, the Bomb Dog Advisory Council shall recommend an individual to the Council for the vacant position.

(H) Appointing a Curriculum Review Board as provided in 70 O.S., Section 3311(B)(16).

(2) To raise the level of professional competence and integrity of the private security industry by:

(A) Establishing and administering minimum standards for the employment of security guards and private investigators, and the establishment of private security and investigative agencies, through a licensing program based on physical, mental, and moral standards.

(B) Establishing and supervising a validated training program for security guards and private investigators.

(C) Enforcing the provisions for the Oklahoma Security Guard and Private Investigator Act (Title 59, Sections 1750.1 - 1750.13).

(D) Appointing an Advisory Committee comprised of representatives from security guard and investigative agencies.

(i) The Committee shall be comprised of seven (7) representatives from licensed security guard and private investigative agencies as follows: One (1) from each quadrant of the state, one (1) at large, one (1) selected by the American Society for Industrial Security (ASIS) and one (1) selected by the Oklahoma Private Investigators Association (OPIA).

(ii) Committee representatives shall serve for a term of three years and may be reappointed for additional terms unless removed by the Council.

(iii) A Committee representative may be removed and that position declared vacant by the Council for any reason including but not limited to the following:

(I) Failure to be in good standing with their license;

(II) Use of their appointment on the Committee for threats or perceived personal gain; or

(III) Repeated absences.

(iv) When a vacancy occurs on the Advisory Committee, the Advisory Committee shall recommend an individual to the Council for the vacant position.

(v) Committee representatives shall meet at least quarterly or more often as the business of the Committee demands.

(vi) The Committee shall report research, recommendations and other matters related to licensure of security guards, security agencies, private investigators and private investigative agencies to the Advisory Council for review prior to submission to the Council for final action.

390:1-1-5. Powers and duties of the Council [REVOKED]

390:1-1-6. Public records

(a) Except as specifically exempted as a confidential record, official records of the Council on Law Enforcement Education and Training are subject to the Oklahoma Open Records Act, Sections 24A.1 through 24A.20 of Title 51 of the Oklahoma Statutes.

(b) Copies of public information may be obtained from the Council office during regular business hours upon receipt of a written request and payment of a fee to cover the cost of providing copies of the requested.

(c) There may be a charge of Twenty-Five Cents ($.25) per page for copies of public records of the Council.

(d) In the event a request for copies is for a commercial purpose or would cause disruption of the performance of the regular duties of the Council or Council staff, there may be an additional charge computed and assessed for locating and copying the requested materials based upon the cost of the lowest paid employee necessary to accomplish the copying request.

390:1-1-7. Requests of agency information [REVOKED]

390:1-1-8. Forms

In order to maintain efficiency and uniformity in the administration of CLEET's duties, CLEET will devise and maintain forms for use by any party. The forms may be revised periodically to insure uniformity, efficiency, and expediency. The prescribed forms must be used by affected party unless another form is approved by CLEET prior to its submission. Forms may be acquired from the CLEET website, electronically, or by writing CLEET.

390:1-1-9. Official office and location for information

(a) Unless otherwise specified in this Title, the address for CLEET is: CLEET, 2401 Egypt Road, Ada, Oklahoma 74820-0669.

(b) The normal business hours of CLEET are 8:00 a.m. to 5:00 p.m. Central Time, Monday through Friday, except legal holidays.

390:1-1-10. Electronic signatures, photographs and records

(a) CLEET may issue and receive electronic signatures, photographs, and records as defined in this Chapter.

(b) Information received electronically is subject to verification and may be denied if CLEET is unable to validate the source.

(c) CLEET reserves the right to request signatures, photographs and records in a particular format.

390:1-1-11. Credit card payments

(a) CLEET may accept credit cards as defined in this chapter as a method of payment.

(b) CLEET shall determine which nationally recognized credit cards will be accepted.

TITLE 390. COUNCIL ON LAW ENFORCEMENT EDUCATION AND TRAINING
CHAPTER 2. ADMINISTRATIVE PROCEDURES

Section

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390:2-1-8. Hearing examiners
390:2-1-9. Sanctions for non-compliance with hearing and discovery procedures
390:2-1-10. Conduct of hearings
390:2-1-11. Declaratory rulings
390:2-1-12. Procedures to petition for promulgation, amendment or repeal of rule

390:2-1-1. Purpose

(a) The purpose of this chapter is to outline the different administrative sanctions imposed against individuals who are governed by the Council.
(b) Further, this chapter sets forth the procedural aspects of individual proceedings and hearings provided for in accordance with the Oklahoma Administrative Procedures Act.

390:2-1-2. Denials, reprimands, suspensions, revocations, disciplinary penalties, fines

(a) **Persons affected by individual actions.** Under the authority of 70 O.S., Section 3311 et seq.; 59 O.S., Section 1750.1 et seq.; 59 O.S., Sections 1451-1476; 20 O.S., Section 1313.2, 21 O.S., Section 1289.9 and 21 O.S. Section 1290.1 et seq., CLEET may take Administrative Actions against the following parties for violations of said statutes and the Rules and Regulations of CLEET:

(1) Certified peace officers and applicants;
(2) Basic Peace Officer Academy students and applicants;
(3) Private security training schools and applicants;
(4) Armed and unarmed security guards, private investigators, security agencies, investigative agencies and applicants;
(5) Certified drug detector dogs, handlers and applicants;
(6) CLEET certified instructors for Law Enforcement;
(7) Counties, cities and towns involved in the penalty assessment program;
(8) Private security training instructors and applicants;
(9) Approved SDA Firearms Instructors;
(10) Retired municipal, county, state and federal peace officers;
(11) Certified Reserve Peace Officers and applicants; and
(12) any other parties for which CLEET has statutory responsibility.

(b) **Type of sanctions.** CLEET may take the following actions against the parties mentioned in (a) of this section:

(1) Oral Reprimand
(2) Written Reprimand
(3) Denial
(4) Suspensions

(5) Revocation and/or

(6) Disciplinary penalty or fine.

(c) **Disciplinary procedures.** In the event CLEET, or its designated agent, has determined that an action will be taken, the following procedures shall apply in accordance with the Administrative Procedures Act, Section 301, et. seq. Title 75 of the Oklahoma Statutes.

(1) The issuance or denial of a new license or new certification is not an individual proceeding, and is not subject to review by the administrative hearing process set forth below.

(2) CLEET or its designated agent shall serve by certified mail, return receipt requested, or by personal delivery by an individual authorized by CLEET, a "Notice of Council Action" containing information required by 75 O.S. Section 309 et. seq., to the party at his last known residential address as reflected by the records of CLEET or current employing department or agency address if the personal address is unknown. If said letter is returned and notation of U.S. Postal Service indicates "unclaimed", "moved","refused" or any non-delivery markings and the Council's records indicate no change of address as required by rule 390:35-5-13, the notice and any subsequent order shall be deemed served. Any order issued shall be deemed valid as if said individual or agency had been served.

(3) The notice shall provide that CLEET action shall commence and become effective fifteen (15) days after receipt of said notice by the party, unless the party timely files a written request for a hearing with CLEET except as follows:

(A) When CLEET determines that an allegation warrants immediate action, the commencement and effective date of fifteen (15) days will be waived and the action will be effective upon receipt of said notice.

(B) A request for hearing will be timely filed if said request is in writing and received by CLEET, its Director, or designated agent within ten (10) days of the date the party received notice.

(C) If a timely written request for a hearing is not received by CLEET, the allegations shall be deemed confessed by the party and the action will become final.

(D) If the written request for hearings is timely received by CLEET, such hearings shall be scheduled within sixty (60) days from the date said request is received.

(4) The timely filing of a written request for a hearing will stay CLEET's action pending disposition of the hearing, unless the notice and allegations fall within the purview of (2)(A) of this subsection.

(5) The hearings will be held at a location designated by the Council.

(6) The hearing officer will be designated by CLEET or the Director thereof, and each party shall be afforded an opportunity to be heard and present evidence.

(7) The hearing will be electronically recorded and the tapes of said hearing will be preserved until all avenues of appeal have expired or been exhausted. If a party desires a court reporter, or certified stenographer, it shall be the party's burden to provide and bear the cost of said services and subsequent transcription.

(8) If a party fails to appear at the scheduled hearings without prior notification or good cause, the hearing officer shall default the party, and enter an order sustaining the allegations set forth in the notice and imposing the sanctions set forth therein; or if the State sustains its burden, the hearing examiner shall rule accordingly.

(9) If the complaining party fails to show or the state otherwise fails to prove the allegations by clear and convincing evidence, the action against the party shall be dismissed without sanctions.

(10) The designated hearing officer shall render a decision based upon the law and the

evidence presented at the hearing.

(11) Each party shall be notified, in written order form, of the findings of fact and conclusions of law relating to the action.

(12) A party may appeal the hearing officer's decision as set forth in 75 O.S. Section 301 et. seq. of the Administrative Procedures Act.

390:2-1-3. Continuances

(a) **Continuance by CLEET.** The Hearing Examiner or CLEET may continue or adjourn at any time for a specified time, with notice or motion.

(b) **Continuance by motion of parties.** Except for good cause shown, or by agreement of all parties appearing at the hearing, no continuance will be granted upon motion of a party unless written request therefore is filed and served on all parties of record and submitted to CLEET at least seven (7) days prior to the date set for hearing. A stipulation for continuance among all parties of record ordinarily will be approved, unless CLEET determines that the public interest requires otherwise

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390:2-1-4. Discovery

(a) **Purpose.** Discovery is designed to enable a party to obtain relevant information needed for presentation of the party's case. These Rules are intended to provide a simple method of discovery.

(b) **Explanation.** Discovery is a process apart from the hearing whereby a party may obtain relevant information from another person which has not otherwise been provided. Relevant information means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the information. This information is obtained for the purpose of assisting the parties in developing, preparing and presenting their cases.

(c) **Methods.** Discovery may be obtained by written interrogatories or oral interrogatories reduced in writing, depositions, production of documents for inspection or copying.

(1) **Depositions.**

(A) Deposition of a witness for use at a hearing may be taken only when ordered upon motion by CLEET or on application of a party. The order may direct that the deposition of a witness be taken inside or outside the State of Oklahoma.

(B) The order shall state the time and place the deposition shall be taken, and the party taking the deposition shall serve a copy of the order by regular mail on each party of record at least five days prior to the date scheduled for taking the deposition.

(C) The manner of taking depositions and the attendance of witnesses shall be governed by the laws relating to taking the depositions for use in the District Courts, except that the attendance of a witness for deposition shall be required only in the county of his residence.

(D) A deposition may be offered in evidence at the hearing by any party.

(2) **Production of documents.**

(A) Upon application of a party, or upon motion of CLEET, with or without notice, CLEET may make an order requiring a party to produce designated documents or tangible objects for inspection by parties to the proceeding, or for copying at the expense of the applicant, or to be offered into evidence. The order shall direct production thereof at the hearing, and production shall be at the principal office of CLEET, unless some other place is stated in the order.

(B) The party applying therefore shall serve a copy of the order by regular mail on

each party of record at least five days prior to the date upon which production is required.

(C) An order pursuant to this section may require production of any document not privileged which constitutes or contains evidence relevant to the subject matter of the proceeding, or may reasonably lead to such evidence. Business records shall not be deemed privileged as such; but confidential business records and information will be protected from disclosure except where directly relevant to the issues in the proceeding. (D) The order shall identify the documents or object to be produced individually or by categories, with sufficient particularity to permit easy identification thereof by the party ordered to make production.

(E) An exact photographic copy of a document may be substituted for the original, at the expense of the person producing the instrument.

(3) **Admission of facts and genuineness of documents.** CLEET may order any party to respond to requests for the admission of the genuineness of any relevant documents identified within the request or the truth of any relevant matters of fact or application of law to the facts as set forth in the request.

(4) **Stipulations.** The parties may stipulate as to any matter of fact. Such a stipulation will satisfy a party's burden of proving the fact alleged.

(d) **Witnesses.**

(1) **Lists.** All parties to a proceeding shall file a list of witnesses expected to be called during the proceeding. Such list shall include a brief statement describing the testimony to be offered. Witness lists will be made available for inspection and copying to all parties of record. The witness list shall be made available at least five days prior to the hearing.

(2) **Exclusion.** The Hearing Examiner may exclude the testimony of any witness when said testimony is deemed irrelevant, unduly repetitious or cumulative.

(3) **Testimony.** A witness present at a hearing pursuant to subpoena may be called to testify by the Hearing Examiner or by any party.

(4) **Protective orders.** CLEET may make any orders with respect to subpoenas and attendance of a witness with or without application or notice, as may be appropriate for the protection of parties and witnesses, including an order excusing attendance, or limiting documents to be produced.

(e) **Subpoenas.**

(1) **Duces Tecum.** CLEET may, upon request of a party, issue a subpoena in the name of CLEET in any pending proceeding requiring attendance of a witness from any place in the state to the place of hearing. A Subpoena Duces Tecum may require a witness to produce at the hearing, books, records, accounts, papers and other instruments and tangible objects, which shall be described with reasonable particularity in the subpoena. A subpoena duces tecum directed to a party, not an individual, may direct that the records be produced by an officer or employee responsible therefore.

(2) **Request for subpoena.** A request for subpoena shall be submitted to CLEET not less than five days prior to the hearing. Such requests shall be supported by a showing of general relevance and reasonable scope and a statement of the facts expected to be proven.

(f) **Interrogatories.**

(1) Upon application of a party, or upon the motion of CLEET, with or without notice, an order may be entered requiring a party to answer in writing under oath of the party or a person authorized to make an answer, certain written interrogatories attached to the order. Unless otherwise ordered, the answers shall be submitted at the hearing, or at a pre-hearing conference.

(2) The party applying for the order shall serve a copy thereof, with interrogatories attached,

by regular mail, upon each party of record at least ten days prior to the date upon which answer is required.

390:2-1-5. Protective orders

(a) The Hearing Examiner at the hearing or at anytime upon application of a party, with or without notice, may make such orders relating to discovery as may be necessary or appropriate for the protection of the parties, and to prevent hardship to and excessive burden upon a party. Such orders may, among other subjects, limit the scope of depositions, prohibit questions or subjects of inquiry, require or excuse answers to questions on deposition, limit or excuse, in whole or in part, production of documents or answers to interrogatories, and shorten or extend the time within which any act shall be performed.

(b) CLEET may make appropriate orders, including dismissal of a proceeding or denial of relief, as may be warranted for failure or refusal to comply with an order issued pursuant to this rule.

390:2-1-6. Service of subpoenas; motion to quash

(a) A subpoena may be served by a law enforcement officer, by an attorney, or by any other person who is over eighteen (18) years of age. The person serving the subpoena shall attach an affidavit showing the person served, and the time and manner of service. Service may be made in person, by certified mail, with return receipt, by leaving a copy of the subpoena at the principal place of business of the party, with the party, or an employee who customarily serves as the secretary or receptionist of the party. Service may also be made in any other manner provided by law. A subpoena shall be served on a witness not less than three (3) days prior to the hearing.

(b) The original subpoena, with affidavit of service thereon, shall be filed with CLEET. The attendance of a witness shall not be enforced unless the original subpoena is on file at the time of the hearing.

(c) Any person to whom a subpoena is directed, may file a motion to quash or limit the subpoena, setting forth the reasons why the subpoena should not be complied with or why it should be limited in scope.

390:2-1-7. Hearings open to public; hearing record

(a) Every hearing before CLEET shall be conducted by the designated Hearing Examiner. All hearings shall be open to the public; however, upon motion of a party to the proceeding, the Hearing Examiner may exclude from the hearing room any witness not at that time under examination. A party to the proceeding and/or that party's attorney may not be excluded.

(b) All testimony will be taken on the record unless otherwise designated by the Hearing Examiner.

390:2-1-8. Hearing examiners

(a) **Exercise of authority.** Hearing Examiners shall conduct fair and impartial hearings and take all necessary action to avoid delay in the disposition of all proceedings. They shall have all powers necessary to that end unless otherwise limited by law, including but not limited to, the authority to:

(1) Administer oaths and affirmations;

(2) Rule upon offers of proof and receive relevant evidence;

(3) Rule upon the institution of discovery procedures as appropriate;

(4) Convene a hearing as appropriate, regulate the course of the hearing, examine any witness in order to clarify issues; maintain decorum and exclude from the hearing any disruptive persons;

(5) Exclude from the hearing any witness whose later testimony might be colored by

testimony of other witnesses or any person whose presence might have a chilling effect on testifying witness;

(6) Rule on all motions, witness and exhibit lists and proposed findings;

(7) Require the filing of memoranda of law and the presentation of oral argument with respect to any question of law;

(8) Order the production of evidence and the appearance of witnesses whose testimony would be relevant, material and non-repetitious;

(9) Make inquiries of the parties or witnesses for the purpose of clarification or fact findings to insure a fair and impartial decision;

(10) Identify and document Findings of Fact and Conclusions of Law and render decisions pursuant to the particular action taken.

(b) **Disqualification of hearing examiner.**

(1) In the event that a Hearing Examiner considers himself/herself disqualified, he/she shall withdraw from the case, stating on the record the reasons why and shall immediately notify CLEET of the withdrawal.

(2) Any party may file a motion requesting the Hearing Examiner to withdraw on the basis of personal bias or other disqualification and specifically setting forth the reasons for the request. This motion shall be filed as soon as the party has reason to believe there is a basis for disqualification.

(3) The Hearing Examiner shall rule on the motion.

390:2-1-9. Sanctions for non-compliance with hearing and discovery procedures

The Hearing Examiner may impose sanctions upon the parties as necessary to serve the ends of justice.

(1) **Failure to comply with an order.** When a party fails to comply with an order, including an order for taking a deposition, the production of evidence within the party's control, a request for admission, and/or production of witnesses, the Hearing Examiner may:

(A) Draw an inference in favor of the requesting party with regard to the information sought;

(B) Prohibit the party failing to comply with such order from introducing evidence concerning, or otherwise relying upon testimony relating to the information sought;

(C) Permit the requesting party to introduce secondary evidence concerning the information sought; and

(D) Strike any part of the pleadings or other submissions of the party failing to comply with such request.

(2) **Failure to prosecute or defend.** If a party fails to prosecute or defend an appeal, the Hearing Examiner may dismiss the action with or without prejudice as would best serve the ends of justice.

(3) **Failure to make timely filing.** Any party who fails to file any pleading as ordered by the hearing examiner may be subject to sanctions including dismissal of the case.

(4) **Scope of hearings.** The Hearing Examiner may state the purpose and scope of the hearing, or the issues upon which evidence will be heard.

390:2-1-10. Conduct of hearings

(a) **Appearances.** Every party appearing at a hearing shall enter an appearance by stating their name and address. An individual may appear on their own behalf or be represented by an attorney.

(b) **Preliminary matters.** The following shall be taken up prior to receiving evidence:

(1) The licensee and other parties may offer preliminary exhibits, including pleadings necessary to present the issues to be heard.

(2) Ruling shall be made on any pending motions, including requests for delivery of documents.

(3) Stipulations of fact and stipulated exhibits shall be received.

(4) Parties shall make opening statements where appropriate.

(5) Any other preliminary matters appropriate for dispositions prior to offers of evidence.

(c) **Rules of evidence.** Appeals from CLEET actions (pursuant to 59 O.S. Section 1750.1 et seq.) shall be conducted generally in accordance with the Rules of Evidence applied in the District Courts of Oklahoma. The order of proof in cases brought under 390:2-1-2 (c) shall be as follows:

(1) Presentation of the State's case followed by examination.

(2) Responsive presentation by appellant, followed by cross examination.

(3) Closing Argument for The State.

(4) Closing Argument for Appellant.

(5) Submission of case.

(6) If requested, the parties may present rebuttal and surrebuttal evidence, in the proper turn.

(d) **Administrative Procedures Act.** Hearing of alleged violations of the Oklahoma Security Guard and Private Investigator Act shall be conducted in accordance with the Administrative Procedures Act.

(e) **Examination of witnesses**. Every witness shall be examined and cross-examined orally and under oath by not more than one representative for each party. The Hearing Examiner may designate the order of examination of witnesses and may limit the scope of examination and cross-examination.

(f) **Adverse party.** A party may call an adverse party or an officer or employee of an adverse party, in which case the witness may be impeached and otherwise cross-examined.

(g) **Prepared testimony.** Written testimony of a witness in the form of questions and answers, or a narrative statement may be received in lieu of direct examination upon authentication by the witness under oath. The witness shall be subject to cross-examination. A written or oral statement or a communication from any person, or a statement or resolution without cross-examination, will be considered only as argument, and not as proof of any recitation of facts contained therein.

(h) **Documents.**

(1) A photographic copy of an instrument which is on file as part of the official records of CLEET will be received without further authentication.

(2) A photographic copy of a public record certified by the official custodian thereof will be received without further authentication. A written statement by such custodian of records that no record or entry of described character is found in his/her records shall be received as proof of absence of such record.

(3) A photographic copy of a document may be substituted for the original at the time the original is offered in evidence.

(4) A document may not be incorporated in the record by reference except by permission of the Hearing Examiner. Any document so received must be precisely identified.

(5) When evidence is offered which is contained in a book or document containing material not offered, the party offering the same shall extract or clearly identify the portion offered.

(6) The Hearing Examiner may permit a party to offer a document as part of the record within a designated time, after conclusion of the hearing.

(7) The Hearing Examiner may require or allow the filing of briefs by the parties, and may designate the order and time for filing briefs and reply briefs.

(8) The record shall be closed when all interested parties have had an opportunity to be heard and to present evidence, and the Hearing Examiner announces that the record of testimony and exhibits is closed. Unless a decision is then announced, the matter will be taken under advisement for a written decision to be rendered not more than fifteen (15) days following the close of the record.

390:2-1-11. Declaratory rulings

(a) Any person subject to the rules and regulations contained in this chapter may petition in writing to CLEET or its designated agent for interpretation of a specific rule, regulation or order as to the applicability of said rule, regulation or order and its effect on petitioner. In petitioning CLEET for a declaratory ruling the following procedures must be followed:

(1) The petition must be in writing and submitted to CLEET or its designated agent.

(2) The petition shall state with specificity the rule, regulation or order in question; and

(3) The petition shall state a brief, concise statement of facts in question; and

(4) The petition shall pose a specific question(s) to be answered by CLEET.

(5) The petition must further allege that application or the threatened application of said rule or regulation interferes with or impairs or threatens to interfere with or impair, the legal rights or privileges of the petitioner.

(b) CLEET or its designated agent shall make a declaratory ruling based upon the rule, regulation, facts, and question(s) presented.

(c) The petitioner will be notified of the declaratory ruling in writing by the U.S. Mails. (d) The declaratory ruling will apply only to the petitioner unless CLEET or its designated agent finds that said ruling is general in nature and not unique to the petitioner.

(e) A declaratory ruling or refusal to issue such ruling, shall be subject to judicial review in the manner provided for review of decisions in individual proceedings in the Administrative Procedures Act.

390:2-1-12. Procedures to petition for promulgation, amendment or repeal of rule

Any person affected by a rule and regulation promulgated and adopted by CLEET, or the lack of a rule and regulation may petition CLEET to promulgate, adopt, amend or repeal the rule pursuant to 75 O.S. Section 306 and in accordance to this section.

(1) A written request must be received by CLEET setting forth:

(A) The proposed amendment, promulgation, or repeal of a specific rule or regulation.

(B) The reason for the petition to repeal, promulgate, or amend a rule or regulation.

(C) The effect that the repeal, amendment or promulgation of a rule or regulation would have on the petitioner.

(2) The petition must be in writing, signed by the petitioner and submitted to CLEET or its Director.

(3) To be considered at the next CLEET meeting the petition must be submitted and received at least fifteen (15) days prior to the scheduled meeting. If said petition is received less than fifteen (15) days prior to the next scheduled meeting, the petition will not be considered until the Council reconvenes.

(4) The petitioner will be notified by regular mail as to the date, time, and place that the petition will be considered.

(5) If the petitioner fails to show at said meeting, the petition will not be considered.

(6) If the petitioner appears, CLEET will entertain any additional information or evidence

in support of said petition. However, CLEET may limit the presentation time as it deems necessary. If a time limitation is to be imposed, CLEET will so state in the notice to petitioner.

(7) CLEET, after consideration of said petition, will inform the petitioner of its findings and action on the petition within thirty (30) days from the date the petition is considered. If the subject matter contained in the petition is complex in nature, CLEET may extend the thirty (30) day limit and will inform the petitioner of a date certain that a decision will be rendered.

TITLE 390. COUNCIL ON LAW ENFORCEMENT EDUCATION AND TRAINING
CHAPTER 10. PEACE OFFICER CERTIFICATION

Section
390:10-1-1. Purpose
390:10-1-2. Minimum certification and employment standards
390:10-1-3. Employment status reporting
390:10-1-4. Peace officer employment standards
390:10-1-5. Requirements for certification
390:10-1-6. Certification by reciprocity

[**Authority:** 70 O.S., Section 3311]
[**Source:** Codified 12-31-91]

390:10-1-1. Purpose

(a) The purpose of this chapter is to outline minimum peace officer certification and employment standards, and requirements of law enforcement agencies to report hiring and terminations to the Council.
(b) This chapter outlines the procedures to obtain certification through reciprocity from other states and entities.

390:10-1-2. Minimum certification and employment standards

(a) For the purposes of the rules of this Chapter and 70 O.S. Section 3311, a peace officer is defined as a duly appointed or elected law enforcement officer who is paid for working more than twenty-five (25) hours per week and whose duties minimally include all of the following on a full-time basis:

(1) Preserving the public peace;
(2) Preventing crime;
(3) Protecting life and property;
(4) Enforcing laws and ordinances of this state and its political subdivisions; and
(5) Executing arrest warrants and search warrants.

(b) All persons hired or elected as peace officers shall meet the employment and training standards set forth in this chapter as set forth in Section 3311 of Title 70 of the Oklahoma Statutes. Calculation of said employment shall be based on cumulative periods of employment.
(c) The Council, or its designee, may grant an extension of the time frame specified in Section 3311 of Title 70 of the Oklahoma Statutes, upon written application by the employing agency, and when good cause is shown, as determined by the Council or its designee.
(d) In the event any officer so appointed or elected fails to comply with the employment and training standards and an extension of time is not granted, the employing agency shall comply with 70 O.S., Section 3311(E)(3) at the first opportunity made available by CLEET.
(e) Students are expected to complete the first basic academy in which they are enrolled. In the event a student cannot complete their initial academy, the student can complete the course work in another academy if such work can be completed within a one year period from the date of hiring or appointment as a peace officer. If reentry exceeds one year, students will be required to start the academy over again without regard to previous classwork completed unless reentry was delayed by a documented medical condition or military orders prohibiting participation. Exceptions may be made by the Director, or Director designee, for students who have been

granted extensions of time as authorized by 70 O.S., Section 3311 (E)(3).
(f) The Council may provide options for remedial or make-up training for students attending approved academy or CLEET basic academy programs.

390:10-1-3. Employment status reporting

All state, county, and local law enforcement agencies affected by the rules of this chapter and 70 O.S. Section 3311, shall report to CLEET the employment and termination of any appointed or elected peace officer within ten (10) days of the date of employment or termination of employment of said officer. Such notification shall be in a format accepted by CLEET. Termination reports shall include resignations, discharges or dismissals, retirements, and deaths of officers covered under the rules of this chapter and laws.

390:10-1-4. Peace officer employment standards

(a) A person shall comply with the requirements of 70 O.S. Section 3311(E)(F)(G) in order to be employed as a peace officer.
(b) Nothing herein shall preclude any law enforcement agency from establishing and implementing minimum employment standards in addition to those set forth by law and the rules of this chapter.

390:10-1-5. Requirements for certification

(a) No person may be certified as a peace officer under the laws and the rules of this chapter until the following requirements have been met.

(1) The agency employing an officer seeking certification, or in the case of an elected official, the elected official himself must certify to CLEET that the employment standards set forth in 70 O.S. Section 3311 (E)(F)(G)(J) have been met. This certification shall be in a format accepted by CLEET.
(2) Having met the employment standards set forth herein, an officer must certify to CLEET that he or she is physically able to fully participate in and complete all phases of the CLEET Basic Peace Officer Certification Academy. This certification shall be in writing on forms to be provided by CLEET. CLEET shall reserve the right to refuse training to persons found to be physically unable to complete all phases of basic certification training.
(3) The head of the agency employing an officer enrolling in a CLEET Basic Certification Academy, shall first certify to CLEET that the officers's employing agency will fully assume all medical expenses incurred by said officers as a result of any injury or illness incurred during basic certification training.
(4) Any officer seeking peace officer certification must successfully complete all phases of a CLEET Basic Certification Academy, or a CLEET - approved basic certification academy.
(5) Every full-time peace officer, certified by the Council, who has been inactive for five (5) or more years, upon re-entry to full-time status, must complete refresher training as prescribed by CLEET and successfully pass a written examination as prescribed by the Council, within one (1) year of employment.

(A) Trainees must achieve a passing score as determined by CLEET on the examination.

(B) Any trainee that fails the examination will be permitted to retake that examination within five (5) business days of the first examination.
(C) If the trainee fails the retake examination, the trainee's agency head must petition

the Director in writing, to receive additional training and examination opportunities.
(b) The Council on Law Enforcement Education and Training, pursuant to relevant provisions of the Americans With Disabilities Act, will not discriminate against persons capable of performing essential functions required in peace officer training programs with or without reasonable accommodation.

390:10-1-6. Certification by reciprocity

Any officer seeking Oklahoma Peace Officer Certification, who has been certified by a state peace officer standards and training agency as a peace officer in another state, or any officer who has been certified as a federal peace officer by a Council recognized federal law enforcement agency, may obtain certification by reciprocity, under the following conditions:

(1) The officer must meet the minimum peace officer employment standards set forth by law.

(2) The officer must have been employed as a full time peace officer for at least three (3) months within the two (2) year period immediately preceding the request for Oklahoma certification.

(3) The officer must attend training as specified by CLEET.

(4) The officer must successfully pass a certification examination which is designed to be scored by functional area blocks, with the exception of skills training functional areas which shall not be tested. Officers must pass every functional area block tested at a standard prescribed by the Council. Officers may have one retest for each functional area block which they fail.

(5) If an officer fails both a block test and a retest for any given functional area, then that officer must successfully complete the corresponding functional area in a CLEET Basic Academy, to include successfully passing the block examination(s). Any retest would follow the guidelines listed in OAC 390:15-1-13.

390:10-1-7. Withdrawal, suspension and reinstatement of certification

(a) "**Withdrawal" defined**. A withdrawal of certification is the voluntary surrender of peace officer certification by an officer that has been certified pursuant to the provisions of 70 O.S. 3311 et seq.

(1) An officer requesting a withdrawal of certification must notify CLEET of his intent in writing to voluntarily surrender peace officer certification and have his name withdrawn from the list of Oklahoma certified peace officers.

(2) If an officer is requesting withdrawal by voluntary surrender of peace officer certification based upon completed, pending or contemplated criminal proceedings, the officer must include in the notice to withdraw certification, a certified copy of the charges, sentencing agreement or other information to support the action. This would include any deferred sentencing agreement.

(3) When a request for withdrawal of certification has been received by CLEET, the supporting documents will be verified and an investigation conducted to determine the facts for the stated underlying purpose of the withdrawal of certification.

(4) CLEET will enter a Final Order of Withdrawal which must be signed by the officer requesting the voluntary surrender of peace officer certification and the Director. The Final Order of Withdrawal must include:

(A) A statement by the officer that the withdrawal and surrender of peace officer certification is voluntary; and

(B) Acknowledgment of the underlying facts for the withdrawal; and

(C) Acknowledgment that the information gathered during the investigation of the request for withdrawal may be submitted as evidence at a hearing upon the request of

the officer for reinstatement of certification;

(b) **Suspension**. The certification of a peace officer may be suspended pursuant to the provisions of 70 O.S. §3311 et seq.

(1) If any action against a peace officer results in the suspension of peace officer certification, the suspended officer shall not engage in law enforcement activities of any type during the period of suspension.

(2) When permitted by law, the officer and CLEET may enter an agreement for the suspension of peace officer certification. The Agreed Final Order of Suspension must include the length of the suspension.

(3) Administrative actions involving actions against a peace officer in which suspension of peace officer certification is provided by law, shall be conducted in accordance 70 O.S. 3311, the Administrative Procedures Act, OAC 390:2-1 et. seq. and this chapter.

(4) A suspension ordered after administrative hearing shall state the term of the suspension. Unless otherwise provided by law, the Hearing Examiner may establish a reasonable length of suspension.

(c) **Reinstatement**.

(1) After five years, an officer who has had peace officer certification suspended or who has voluntarily withdrawn his certification, may have peace officer certification reinstated through the following procedures:

(A) The officer shall file a request for reinstatement in writing, under oath.

(B) The request shall require the applicant to furnish information reasonably required to enable the Council to determine the fitness of the applicant for certification.

(2) The request for reinstatement shall be referred to the Assistant Director for processing of the request.

(3) The request will be reviewed by the Assistant Director and General Counsel to approve or deny the request. The following factors will be considered during the review:

(A) Circumstances surrounding the suspension or voluntary withdrawal of certification;

(B) Successful completion of the terms for suspension or voluntary withdrawal of certification;

(C) Any pending charges or actions in this state or any other state; and

(D) Activities of applicant during the period of suspension.

(4) If a request is denied, the Administrative Procedures found in OAC 390:2-1 et. seq. will govern the hearing.

(5) Individuals who have had their certification reinstated must meet the continuing education requirements described in 70 O.S. 3311.4.

(d) **Notification.** Upon the suspension, withdrawal or revocation of peace officer certification pursuant to 70 O.S. 3311 et seq. or these rules, CLEET shall provide written notification of such action to the head of the employing law enforcement agency and the district attorney in the jurisdiction where the officer is or was last employed, and to any other entity required by law.

TITLE 390. COUNCIL ON LAW ENFORCEMENT EDUCATION AND TRAINING
CHAPTER 15. BASIC PEACE OFFICER CERTIFICATION TRAINING

Subchapter	Section
1. Basic Academy Programs	390:15-1-1
3. Collegiate Officer Program	390:15-3-1

[Authority: 70 O.S. Section 3311 20 O.S. 1313.2]

SUBCHAPTER 1. BASIC ACADEMY PROGRAMS

Section
390:15-1-1. Purpose
390:15-1-2. Curriculum and courses of study
390:15-1-3. Examinations and testing; remedial training; missed time
390:15-1-4. Attendance; Academy administration
390:15-1-5. Certification examination
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390:15-1-17. Clothing
390:15-1-18. Administrative discipline
390:15-1-19. Council-approved Basic Peace Officer Certification training

Appendix A. Academy City Agreement Form

[**Authority:** 70 O.S., Section 3311]
[**Source:** Codified 12-31-91]

390:15-1-1. Purpose

(a) This chapter is devoted to basic peace officer certification training. Basic peace officer certification requires curriculum and courses of study validation through testing, course file maintenance, academy participation and academy rules.
(b) Further, this chapter outlines procedures for CLEET academies and for approved academies providing basic peace officer training to their own officers.
(c) This chapter also provides the employment, attendance and academic requirements for those enrolled in the Council's basic peace officer training.

390:15-1-2. Curriculum and courses of study

a) The Council shall formulate and promulgate a program of instruction for peace officer certification, comprised of fundamental law enforcement skills and knowledge, which shall be designated as the Basic Peace Officer Certification Academy, known herein as the Basic

Academy.
(b) Major block curriculum changes, and/or changes in the total number of hours of the Basic Academy, shall only be made upon the consideration of public input, CLEET's constituency's opinion or by state statute. CLEET shall seek constituency opinion for major block changes, and/or changes in the total number of Basic Academy hours by requesting input from the Council via an agenda item at a regular or special Council meeting and through one or more of the following: 1) written or oral communication requesting input from local law enforcement chiefs, sheriffs, and agency heads; 2) requesting input from local law enforcement chiefs, sheriffs, and agency heads, at CLEET Regional Meetings; 3) requesting input from the Advisory Council to the Council on Law Enforcement Education and Training via an agenda item at a regular or special meeting.
(c) The curriculum of the Basic Academy was established upon a job-task analysis conducted in 1987 as a joint project of CLEET and the University of Oklahoma. The curriculum shall include functional areas as prescribed by the Council. Functional areas shall include, but shall not be limited to the following:

(1) Orientation/Legal Matters
(2) First Aid
(3) Firearms
(4) Criminal Investigation
(5) Custody Control and Arrest
(6) Traffic
(7) Patrol
(8) Community Relations
(9) Law Enforcement Driver Training
(10) DWI Detection and Standardized Field Sobriety Testing (SFST)
(11) Radar

(d) The Basic Academy shall meet the hourly and course of study requirements as provided by O.S. 70 Section 3311 et seq.
(e) Each topic of instruction to be taught as a separate unit within the functional area shall have specifically defined performance objectives. A performance objective shall be defined as a task to be performed, or knowledge to be gained, by a trainee as part of the training process. Performance objectives shall serve as a foundation for student performance expectations and shall be the primary gauge against which the progress and achievement of each trainee is measured and tested.
(f) Additional hours of independent study may be required to fulfill one or more functional area requirements.
(g) Approved academy entities must meet instructional objectives established by CLEET but they may establish an hourly schedule that meets their needs.

390:15-1-3. Examinations and testing; remedial training; missed time
(a) For objectives that demand performance of observable behavior by a trainee, the test method, where appropriate, shall be performance oriented and shall duplicate, to the extent possible, realistic job situations.
(b) For objectives that demand mastery of cognitive material, the test method shall involve a written examination and, wherever possible, the written examination should test a trainee's ability to apply methods, concepts, and techniques taught in the classroom.
(c) Examinations shall be given at designated intervals during the Basic Academy to determine trainee achievement of objectives.

(d) Successful achievement on each cognitive examination or performance test shall be at a standard established by CLEET or a higher standard if so required by an approved academy entity.
(e) Re-examination scores will be recorded on individual profile forms of peace officers.
(f) Practical application exercises may be evaluated at a standard established by CLEET.
(g) Approved academy entities shall establish their own procedures for testing and retesting except that CLEET shall administer the certification examination for purposes of certification.

390:15-1-4. Attendance; Academy administration

CLEET shall establish rules governing trainee conduct, attendance requirements, trainee equipment needs, and other matters necessary to the administration of the Basic Academy.

390:15-1-5. Certification examination

CLEET shall develop and administer a final comprehensive examination to each trainee who otherwise successfully completes all phases of the Basic Academy. This examination shall be known as the Oklahoma Basic Peace Officer Certification Examination. No person who is enrolled in a Basic Academy, conducted or approved by the Council, shall receive peace officer certification until satisfactorily passing such examination.

390:15-1-6. Basic Academy participation

(a) All trainees shall be capable of full participation in all Basic Academy activities.
(b) Until implementation of the pre-academy physical training assessment as provided in paragraph (e) of this section, trainees will be administered a physical training assessment by CLEET staff during the Basic Academy at the agency administrator's request.
(c) The physical training assessment will be used to compile statistical data indicating the level of general fitness required to satisfy the physical demands of the Academy without undo risk of injury.
(d) Upon request, an employing agency will be provided information as to whether or not the trainee participated in the voluntary physical training assessment and the results of the assessment.
(e) Beginning July 1, 2006, or as soon thereafter as CLEET occupies the training facility in Ada, Oklahoma, every candidate for the Basic Academy must participate in a pre-academy physical training assessment.

(1) The pre-academy physical training assessment will be conducted by CLEET staff, or their designee, at the CLEET training facility in Ada, Oklahoma prior to admission in the Basic Academy. Provided, entities authorized by the Council to provide Peace Officer Certification training pursuant to OAC 390:15-1-19 shall complete the requirements of this section through use of their own personnel and at a location of their choosing. The results of all physical training assessments conducted by approved academy entities shall be reported to CLEET.

(2) No candidate will be permitted to attend the Basic Academy without first participating in the pre-academy physical training assessment.

(3) No candidate will be denied admittance to the Basic Academy based upon performance in the pre-academy physical training assessment, except for failure or refusal to participate in the pre-academy physical training assessment.

(4) Prior to participation in the pre-academy physical training assessment, the candidate and the employing agency head or a licensed physician must submit a statement in writing that the candidate is capable of safe participation in pre-academy physical training assessment.

(5) The results of each candidates' participation in the pre-academy physical training

assessment shall be reported by CLEET to the employing agency or governing body, together with suggestions for general fitness improvement, if indicated by the results.
(6) The pre-academy physical training assessment will be used to compile statistical data indicating the level of general fitness required to satisfy the physical demands of the Academy without undo risk of injury, while optimizing training retention.

390:15-1-7. Administrative course files

CLEET shall maintain an administrative file that pertains to each Basic Academy class it conducts. This file shall minimally include the following:

(1) A final course schedule showing the actual instructor used for each topic;
(2) Attendance records for each trainee;
(3) Disciplinary actions taken against any trainee, provided that the details of trainee misconduct shall be retained in the trainee's individual file;
(4) Examination and testing records, including retests and remedial training needed; and
(5) Additional training documentation as deemed necessary.

390:15-1-8. Safety rules

CLEET shall establish written safety rules for skills training.

390:15-1-9. Council instructors

(a) Instructors who teach in the Basic Academy shall possess CLEET recognized instructor training, or shall possess professionally recognized training and experience in the assigned subject area.
(b) Basic Academy instructors shall adhere to the performance objectives and lesson plans in all cases, except when changes in the law, or other circumstances dictate that more current instructional material be substituted. In such cases, proper revisions shall be made to the lesson plan in question as soon as possible. Such changes shall be forwarded to the appropriate instructors and to all Council-approved Basic Peace Officer Certification Academy coordinators in a timely manner.
(c) CLEET shall establish written guidelines for CLEET, contract, adjunct and volunteer instructors regarding classroom demeanor and attire. All instructors who are scheduled to teach for the Council in a Basic Academy program shall be provided with and comply with the written guidelines.

(1) Instructors who are lodging or visiting facilities owned, operated, or rented by CLEET may not use or bring any alcoholic beverages, intoxicants, or any controlled dangerous substances, onto the property, grounds, or into the facilities.
(2) It shall be prohibited for any instructor to attend any training session while under the influence of any of the above named substances.
(3) Instructors who arrive at lodging, eating, classroom, or training facilities, who appear impaired, may be subject to standard field sobriety testing, or other tests, and to disciplinary action.

390:15-1-10. Basic Academy Rules

(a) Specific rules governing the administration of Basic Academy classes shall be published and have the same effect as the rules published herein. Said rules shall be designated as the Basic Academy Rules and Regulations.
(b) All basic police trainees who have been accepted into a CLEET Basic Academy program shall be provided with and comply with academy policies and procedures set forth by the Council.
(c) Failure of trainees to abide by the policies and procedures set forth by the Council may lead

to disciplinary action and possible dismissal from the academy.

390:15-1-11. General rules of Academy conduct

(a) The conduct of all trainees shall be consistent with the Law Enforcement Code of Ethics.

(b) Trainees shall conscientiously, and in a timely manner, carry out all proper and lawful instructions of authorized personnel while enrolled in the Basic Academy. Violations of any general rules of academy conduct or basic academy rules may result in disciplinary action as outlined in OAC 390:15-1-18 and OAC 390:15-1-18.1

(c) Trainees shall bring no firearms or ammunition into the basic training facility or its associated parts, unless directed by the instructional staff.

(d) Reckless handling, unauthorized brandishing, or other unauthorized display of any firearms will not be tolerated.

(e) Trainees who are lodging or visiting facilities owned, operated, or rented by CLEET may not use or bring any alcoholic beverages, intoxicants, or any controlled dangerous substances, onto the property, grounds, or into the facilities.

(1) It shall be prohibited for any trainee to attend any training session while under the influence of any of the above named substances.

(2) Trainees who arrive at lodging, eating, classroom, or training facilities, who appear impaired, may be subject to standard field sobriety testing, or other tests, and to disciplinary action. Refusal to submit to any such tests requested by CLEET staff shall result in disciplinary action as outlined in OAC 390:15-1-18 and OAC 390:15-1-18.1

(f) Trainees who are taking medications or controlled substances as prescribed by a physician shall advise the Basic Academy Coordinator immediately as to the type of medication, the prescribing physician, and purpose of the medication. All such substances shall be kept in the prescribed container. Trainees who appear to be impaired by prescribed substances may be subject to disciplinary action as outlined in OAC 390:15-1-18 and OAC 390:15-1-18.1

(g) The use of tobacco in any form shall be in accordance with State law, local rules, facility rules or as directed by CLEET staff.

(h) Trainees shall avoid the excessive use of profanity.

(i) Trainees shall not gamble in or around training, housing, or eating facilities provided by CLEET.

(j) Trainees shall avoid intentionally marking, defacing, or damaging any state property, the property of the owner of any state-provided facility, or the property of another.

(k) Trainees shall avoid the continual disruption of instructional activities, by conversation or otherwise, in and around any training classroom or facility.

(l) Cheating on examinations, or any other manner of dishonest conduct will not be tolerated.

(m) Trainees will exhibit behavior which is in keeping with the Law Enforcement Code of Ethics, CLEET guidelines and departmental guidelines when working with and socializing with officers of the same or opposite gender. Situations involving issues of moral turpitude may result in administrative discipline.

(n) Trainees shall avoid any disruptive behavior at any CLEET provided facility that may be injurious or distracting to other trainees or people in close proximity.

(o) The Council on Law Enforcement Education and Training will not tolerate harassment of students, trainees, staff or participants, on the basis of race, color, creed, national origin, or gender.

(p) Approved academy entities shall establish their own rules of academy conduct.

390:15-1-12. Dress code

(a) Trainees will dress in accordance with CLEET guidelines.
(b) Exceptions to the dress code may be addressed by petitioning the Director for a waiver. In the petition, the agency head should state the circumstances that justify an exception, and explain what alternative mode of apparel is being requested.

390:15-1-13. Academic requirements

(a) In order to successfully complete the basic academy program, trainees must achieve a minimum passing score as designated by CLEET or a higher standard if so required by an approved academy entity.
(b) Any trainee who fails a specific block examination will be permitted to retake that block examination within a time frame established by CLEET.
(c) If the trainee fails the retake examination the trainee will be required to repeat the entire block of instruction and pass the block examination (third test).
(d) If the trainee fails the block examination a third time, the trainee's agency head may petition the Director to request that the trainee repeat the block of instruction for a third time and take the examination for a fourth time.
(e) If a trainee successfully completes all academic blocks but still needs to complete a proficiency block, the trainee may take the certification examination. However, the examination will be maintained in CLEET files until the required proficiency blocks are successfully completed.
(f) If a trainee fails to complete an academic block of instruction the trainee will not be allowed to take the certification examination until the academic block is successfully completed.
(g) Trainees who fail the certification examination will be permitted to retake the examination within ten (10) business days. If a trainee fails the certification examination a second time, the trainee's agency head must petition the Director in writing, to request a third attempt. A third failure will necessitate reenrollment into a basic academy.
(h) When a trainee fails a proficiency test in the Custody Control block, or the Law Enforcement Driver Training block, the trainee will not be certified, and will be scheduled for up to two remedial training courses at a later time. If the trainee does not successfully complete remedial training, the trainee's agency head must petition the Director in writing, to request any further training.
(i) Petitions for further remedial testing or training, except for the Firearms Block, shall be made immediately upon notification by CLEET of the trainee's academic or proficiency failure. Such petitions should be addressed to the CLEET Director and should articulate the reasons for allowing the trainee to continue. Should the Director deny such a petition, the trainee's agency head may similarly petition the Council to request further testing or training for the trainee.
(j) If the trainee fails a proficiency test in the Firearms Block, and cannot be remediated within that academy, the trainee will not be certified, and shall be required to obtain additional firearms training through his/her employing agency; such training to be conducted by a CLEET certified firearms instructor within ninety (90) calendar days of the student's original academy completion date. Upon completion of such training, the student's employing agency administrator must, in writing, notify the Director of CLEET that the student is ready to be scheduled for firearms proficiency testing by CLEET firearms staff. Such testing shall be completed by allowing the student up to three (3) attempts to attain the CLEET required proficiency in firearms. Should the trainee not attain the required proficiency, the employing agency administrator must, within fifteen (15) business days of such failure, petition the Director of CLEET for further testing or training. Such petitions must articulate the reasons for allowing the trainee to continue. Should the Director deny such a petition, the trainee's agency head may similarly petition the Council to request further testing or training for the trainee.

(k) Trainees are expected to attend all blocks of instruction. If a trainee misses any time during the academy, the trainee must state in writing the reasons for the absence.
(l) Absences due to unforeseen emergencies, illnesses, subpoenas, or other unusual circumstances may be approved by the Training Division Manager or Assistant Director for make-up during the current academy. Each case will be reviewed to evaluate the length of time missed, the impact upon the instructional staff and class to remediate the trainee, and options for the student to make up the missed time. The trainee may be required to provide documentation for excused absences such as a copy of the subpoena, doctor's statement, etc.
(m) Unexcused absences or repeated tardiness may require makeup work during a current or future academy, and may result in administrative discipline.
(n) Decisions that the Training Manager or Assistant Director make, regarding attendance and makeup requirements, may be appealed to the Director.
(o) It is mandated by the Council that all examinations, and all proficiency tests must be successfully completed to meet the requirements for peace officer certification.
(p) Each applicant is required to attend all class sessions, subject to previously stated exceptions. Lost time due to unexcused tardiness or absenteeism must be made up in a subsequent academy to complete the requirements for certification.
(q) If a health condition or an injury exists, prohibiting a trainee from fully participating in any block of instruction, a signed and notarized release from the trainee's physician must be submitted before the trainee will be allowed to further participate in that block.
(r) If the trainee cannot be so released by a physician to fully participate in that block then participation is prohibited. In that event, peace officer certification will not be granted until such time that the trainee is physically or medically able to satisfy all certification requirements.
(s) Extensions of time to complete the requirements for certification may be granted at the Director or designee's discretion.
(t) Approved academy entities shall establish their own requirements for academy testing, retesting, and attendance except that no academic standards shall be less than those established by CLEET in 390:15-1-13.

390:15-1-14. Study assignments
(a) Trainees will be provided certain study materials. Material should be read during free time and prior to the class to which the material is relevant.
(b) Extra assignments that might be given during the academy must be completed by the prescribed deadline.

390:15-1-15. Training hours
(a) In order to complete certain necessary administrative functions, the first day of class will begin at a time designated by CLEET.
(b) Training hours, as established by CLEET, will be adjusted to accommodate the training schedule.

390:15-1-16. Equipment required
(a) All trainees will be provided with a list of equipment which trainees are required to furnish in order to complete the CLEET Basic Academy.
(b) The weapons and related leather gear which trainees are required to bring, will be inspected by a staff armorer prior to their use. Weapons must meet factory and safety specifications to ensure against shooting accidents.
[Source: Amended at 12 Ok Reg 2808, eff 7-13-95]

390:15-1-17. Clothing

(a) Recommendations for physical fitness training will be provided in order to help trainees prepare for the Self Defense/Custody Control block. Trainees must bring a hoodless sweat suit, jogging suit, or other acceptable work-out clothing. Do not bring clothing that bears unprofessional slogans, images, logos, or designs, because such clothing will not be permitted.

(b) A good quality, comfortable running shoe is also necessary.

(c) For outdoor exercises, trainees are urged to bring clothing to protect against cold weather and rainy weather.

(d) "Blue jeans" are not acceptable for physical training or defensive tactics.

390:15-1-18. Administrative discipline

(a) In the event that a trainee's personal conduct or academic performance falls below accepted standards, appropriate reports shall be submitted by the academy coordinator to the Training Division Manager. Reports shall outline the nature and scope of the trainee's substandard performance or conduct, the nature of any counseling or remedial action taken by coordinator/instructors, and recommendations for resolution of the matter. A copy of these reports shall be retained in the trainee's file.

(b) The Training Division Manager shall make every effort to resolve the matter in the best interest of the trainee, the sponsoring agency, and CLEET. Should it become necessary, matters may be referred to the Assistant Director, and the trainee's agency head may be notified.

(c) Trainees who wish to register a complaint regarding some aspect of his or her treatment at the academy, shall make every effort to resolve the matter with the class coordinator. In the event this is not possible, the class coordinator shall consult with the Training Division Manager on the matter. If necessary, arrangements shall be made for the trainee to discuss the complaint with the manager. If the matter cannot be resolved, the manager shall consult with the Assistant Director. Students wishing to appeal the decision of the Assistant Director may submit a request for appeal in writing to the Director.

(d) Approved academy entities shall establish their own requirements for administrative discipline.

390:15-1-18.1. Suspension, dismissal and reinstatement to academy

(a) Trainees may be removed from active participation, but not dismissed from the academy by a CLEET instructor, for violations of academy rules, guidelines, safety rules or other justified reasons.

(b) Trainees will not be dismissed from the academy except upon instructions from the Director or Director's designee.

(c) The Director, or Director's designee, may take disciplinary action, up to and including, suspension and dismissal from the academy, for violations of academy rules, guidelines, safety rules, or other justified reasons.

(d) A trainee that has been suspended or dismissed from a basic academy and desires to return to the academy must make written request to the Director. The written request to return to the academy must also be signed by the head of the employing agency.

(e) Upon receipt of a written request to return to the academy, the Director will review the request for readmittance together with the reasons for suspension or dismissal, and decide if and when the trainee may return. In the discretion of the Director, the trainee may or may not be placed into the same academy from which the trainee was suspended or dismissed.

390:15-1-19. Council-approved Basic Peace Officer Certification training

(a) Municipalities and counties who obtain Council approval to conduct Basic Peace Officer

Certification training for their own personnel are only authorized to retain monies pursuant to provisions in 70 O.S., Section 3311.5(D)(E)(Version 2 as amended by Laws 2007, SB920, c. 360 Section 8, effective November 1, 2007) and 20 O.S., Section 1313.2.

(b) Any municipal or county law enforcement agency that desires to obtain Council approval of said agency's Basic Peace Officer Certification training program must make written request to the Council, providing satisfactory evidence that the agency will conduct such training in accordance with the Council's prescribed minimum training standards, and utilize hiring practices in accordance with minimum employment standards designated by law, and in accordance with the rules of this chapter; that the agency maintains adequate training facilities and equipment; and that the agency will provide qualified instructors.

(c) This request shall be submitted to the Council. The Director shall make written notification of the Council's approval or denial of the request. If approved, the notification shall include an agreement between the Council and the agency making the request. This agreement shall set forth the responsibilities of each party to the agreement, pursuant to 70 O.S. Section 3311 and 20 O.S. Section 1313.2 if applicable.

(d) Requests for Council approval to conduct Basic Peace Officer Certification training as authorized by 70 O.S., Section 3311.5(D)(Version 2 as amended by Laws 2007, SB920, c. 360 Section 8, effective November 1, 2007) shall minimally include the following information:

(1) **Justification.** The agency making the request must demonstrate to the Council that it meets criteria set forth in 70 O.S., Section 3311.5(D)(Version 2 as amended by Laws 2007, SB920, c. 360 Section 8, effective November 1, 2007).

(2) **Employment standards.** The agency making the request shall report to CLEET, under oath, that all persons to be trained have satisfactorily met the peace officer employment standards set forth by 70 O.S. Section 3311, and in accordance with rules set forth by the Council, in a format approved by the Council.

(3) **Program documentation.** The agency making the request shall submit the following information not less than thirty (30) calendar days prior to the beginning of each Basic Peace Officer Certification Academy to be conducted:

(A) The name of the person designated as the Director or coordinator of that agency's Basic Peace Officer Certification training program;

(B) The proposed course schedule, clearly indicating the inclusion of CLEET mandated functional areas and units of instruction to include identified instructional objectives;

(C) The instructors for each unit of instruction;

(D) A statement as to the process of examination and testing to be used, and the process of evaluating instructors.

(E) Upon timely notification, CLEET shall administer the Basic Peace Officer Certification Examination to trainees of CLEET-approved Basic Peace Officer Certification Academies who are otherwise qualified to take the examination.

(e) Agencies conducting Council approved Basic Peace Officer Certification Training shall submit the following documentation to CLEET within fifteen (15) calendar days following the completion of each basic academy class:

(1) A final roster of graduates and their social security numbers;

(2) Trainee Academic and proficiency scores from all examinations and proficiency tests, including the Peace Officer Certification Examination.

(3) A final course schedule clearly indicating the actual instructors of each unit of instruction.

(4) A formal request that all trainees who successfully completed the Basic Academy class be granted full-time peace officer certification.

(f) Instructors who teach in Council approved Basic Peace Officer Academies shall possess CLEET recognized instructor training, or shall possess professionally recognized training and

experience in their assigned area of instruction.
(g) CLEET shall issue identification cards and certificates as evidence of peace officer certification to trainees who successfully complete Council-approved Basic Peace Officer Academies, and who have been certified by their employing agency to be otherwise qualified pursuant to Section 3311 of Title 70 of the Oklahoma Statutes.
(h) The Council may revoke academy status for failure to adhere to the CLEET rules.

SUBCHAPTER 3. COLLEGIATE OFFICER PROGRAM

Section
390:15-3-1. Purpose
390:15-3-2. Program administration
390:15-3-3. CLEET oversight and program administration
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[Authority: 70 O.S., Section 3311]
[Source: Codified 12-31-95]

390:15-3-1. Purpose

The Collegiate Officer Program provides an alternative route to full time and reserve peace officer certification via degree granting institutions of higher education. It supplements the two other routes available, i.e., through the completion of a Council on Law Enforcement Education and Training Basic Peace Officer Certification Academy, or through the completion of a CLEET approved academy city/agency basic academy.

390:15-3-2. Program Administration

(a) The Council on Law Enforcement Education and Training shall provide a route to peace officer certification by providing degree granting institutions of higher education authority to conduct courses of study which are designed to include and cover all CLEET mandated Basic law Enforcement Academy course objectives. Courses that include CLEET objectives must be within the confines of an academic degree, i.e., the courses must count towards academic credit.
(b) CLEET shall establish minimum COP standards for instructors, curriculum, program evaluation, student enrollment, achievement and certification.

390:15-3-3. CLEET oversight and program administration

(a) CLEET shall require institutions offering the COP to request and receive accreditation from the Executive Director of the Council.
(b) COP institutions shall be required to appoint a COP Director.
(c) CLEET shall require a COP to extend over a two semester period of time in order to accommodate course prerequisites.
(d) CLEET may waive course work completed by students, at a COP institution, between January

1, 1993 and the implementation date of the COP program by the Council.
(e) COP are required to meet minimum curriculum requirements as set forth in 390:15-1-2.
(f) All academic COP testing shall be subject to the sponsoring institution's testing and grading system, except in no case shall a passing grade be lower than 70 percent. First Aid skills area testing shall meet the minimum grading requirements set forth by CLEET.
(g) CLEET shall support the student attendance policy of any COP institution with the exception that skills area testing requires 100 percent attendance.

390:15-3-4. Director qualifications
(a) COP Directors should possess abilities which would enable them to assume administrative responsibility for planning, scheduling, presenting, coordinating, reporting and generally managing a COP.
(b) CLEET may deny, suspend or revoke certification of a COP Director for cause.

390:15-3-5. Director functions
(a) COP Directors are responsible for applying for their institutions COP accreditation, for resource allocation, ensuring adequate facilities are available, records maintenance, course scheduling and delivery, selection and scheduling of instructors and instructor evaluations.
(b) COP Directors are responsible for their institutions advisement of interested COP students and for COP tract student enrollment.

390:15-3-6. Curriculum mandates
(a) COP courses shall include, but are not limited to, instruction in the following topical areas:
___(1) Orientation/Legal Matters
(2) First Aid
(3) Firearms
(4) Criminal Investigation
(5) Traffic
(6) Custody Control
(7) Patrol
(8) Community Relations
(9) Law Enforcement Drivers Training
10) DWI Detection and Standarized Field Sobriety Testing (SFST)
(11) Radar
(b) CLEET shall make functional area instructional objectives, as well as current Basic Academy lesson plans, available to all COP institutions. COP institutions may utilize a collegiate accredited First Aid course and a collegiate accredited CPR course as a substitute for CLEET's First Aid course.

390:15-3-7. Course testing
(a) All academic COP course testing shall be subject to the higher education institution's testing and grading system with the exception that under no circumstances shall a course grade of less than 80 percent for First Aid, and no less than 70 percent for other course offerings, be considered a passing score for a course offering which contains a portion of the CLEET basic Academy instructional goals and objectives.
(b) COP skills training courses shall meet the minimum grading standards set forth for the CLEET Basic Academy skills training programs.
(c) Practical application exercises may be evaluated at a standard established by the COP institution.

390:15-3-8. Qualification examination

(a) The CLEET qualification which is administered to COP students by an authorized CLEET representative, is a comprehensive objective examination which covers, at a minimum, those topical areas set forth in 390:15-1-2 and 390:15-3-6. Should additional topical areas be added, the qualification examination may be expanded to cover such additions.

(b) The qualification examination shall be administered on a quarterly basis at times and locations to be determined by CLEET.

(c) Students may take the qualification examination prior to their twenty-first birthday but certification verifications shall be withheld until their twenty-first birthday.

(d) Students who pass the qualification examination prior to becoming commissioned shall have two-years in which to obtain their certification. Certification shall be withheld until they have been commissioned and all requirements of 70 O.S., Section 3311 have been met.

(e) A score of 70 percent or higher shall be required to pass the qualification examination.

(f) Students who fail their initial qualification examination may be given only two re-tests.

390:15-3-9. Instructor requirements

(a) Skills area instructors of record, or lead instructors, are required to meet the instructor specifications set forth in 390:25-1-9 through 390:25-1-12.

(b) Instructors of record are required to participate as an instructor in the appropriate skills training block of a CLEET Basic Academy or CLEET approved academy city/agency basic academy, at least one time in the year preceding their scheduled participation as a COP skills instructor.

(c) To remain active as a COP skills instructor, COP skills instructors must instruct annually within a CLEET or approved academy city/agency basic academy.

(d) Skills instructors who are not lead instructors or instructors of record, shall meet the CLEET specialized instructor requirements set forth in 390:25-1-9 through 390:25-1-12.

(e) Instructors, other than skills instructors, shall meet the requirements of the institution sponsoring the COP.

(f) Instructors for portions of the COP legal block identified by CLEET must be taught by an attorney currently licensed by the Oklahoma Bar Association.

390:15-3-10. Student responsibilities

(a) All students admitted to a COP must meet the admission requirements of the sponsoring college or university.

(b) COP students, when commissioned, must meet the requirements set forth in 70 O.S., Section 3311 and the requirements set forth in 390:10-1-4.

(c) COP student class absences shall be recorded in accordance with individual university/college policies.

(d) COP tract students shall be accountable for 100 percent attendance in skills level courses.

(e) Prior to enrolling in a COP Firearms Training course, students shall request a current local records check from their county of residence and the Oklahoma State Bureau of Investigation, and shall submit the returns to the COP school Director prior to the first day of firearms training.

(f) COP students are responsible for submitting documentation to CLEET of COP course completion, prior to taking the qualification examination.

(g) COP students must present a picture identification when taking the qualification examination.

(h) COP students must successfully complete all COP course work and receive an associate or bachelor degree, and make a score of 70 percent or better on the qualification examination to be eligible for peace officer certification.

390:15-3-11. Psychological evaluations

(a) Prior to "Firearms" training, all students shall be administered a Minnesota Multi-Phasic Personality Inventory (MMPI), or a CLEET approved equivalent psychological examination, by a person qualified to administer such examinations. Examinations shall be evaluated by a licensed psychologist of each student's choice and at each student's expense. The results of the psychological evaluations shall be forwarded to CLEET and the school coordinator, by the evaluating psychologist on forms to be provided by CLEET.

(b) If, after evaluating this initial psychological testing instrument, an evaluating psychologist is not able to form an opinion as to whether or not an applicant is "at risk" or "capable" of exercising appropriate judgement, restraint, and self-control in the use of a firearm, the Act directs the psychologist to "employ whatever other psychological measuring instruments or techniques deemed necessary to form his professional opinion". For the purposes of this subsection, an evaluating psychologist is not necessarily obliged to find an applicant "at risk", by virtue of deficiencies in any particular area (judgement, restraint, and self control), but may consider the applicant's psychological traits in light of all three areas in formulating his opinion. (c) Any additional testing shall be done through mutual agreement between the psychologist and the applicant, and at the expense of the applicant.

(d) In the event that the evaluating psychologist is unable to form an opinion (either "at risk" or "capable"), or in the event an applicant does not agree to any further testing, the evaluating psychologist may so indicate on the "Notification of Psychological Evaluation for Peace Officers Full-Time and Reserve". In such cases, the applicant's psychological evaluation shall be treated in the same manner as an "at risk" evaluation, pursuant to the Act.

(e) No psychological evaluation shall be accepted as valid for the purposes of this Act when the following conditions have not been satisfied:

(1) The evaluation results may be used for up to one (1) year from the date of the evaluation; and

(2) The evaluation must have been performed for the specific purpose of evaluating an applicant's capability of exercising appropriate judgement, restraint, and self-control in the use of a firearm.

APPENDIX A. ACADEMY CITY AGREEMENT FORM [REVOKED]

TITLE 390. COUNCIL ON LAW ENFORCEMENT EDUCATION AND TRAINING
CHAPTER 20. RESERVE PEACE OFFICER CERTIFICATION AND TRAINING

Section

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390:20-1-2. Reserve officer defined; employment standards
390:20-1-3. Reserve peace officer certification training
390:20-1-3.1 Reserve coordinator qualifications
390:20-1-4. Application to conduct Reserve Peace Officer Academy
390:20-1-5. Reserve Academy Coordinator's manual
390:20-1-6. Duties of Reserve Academy Coordinator
390:20-1-7. Review and notification
390:20-1-8. Request for lesson plans
390:20-1-9. Procedures for conducting Reserve Academy
390:20-1-10. CLEET monitoring of Reserve Academies
390:20-1-11. Notice of compliance with employment standards
390:20-1-12. Materials returned to CLEET
390:20-1-13. Certificates issued
390:20-1-14. Withdrawal, suspension and reinstatement of certification

[**Authority:** 70 O.S., Section 3311; 19 O.S., Section 547; 11 O.S., Sections 34-101; 63 O.S., Sections 683.1 et. seq.;]
[**Source:** Codified 12-31-91]

390:20-1-1. Purpose

(a) This chapter is devoted to basic reserve peace officer certification training. This chapter explains the processes involved in conducting a reserve peace officer academy in accordance with 70 O.S., Section 3311.
(b) Further, this chapter sets forth instructor requirements, and curriculum requirements in addition to the duties of the reserve academy coordinator.

390:20-1-2. Reserve officer defined; employment standards

(a) For the purposes of this Chapter, and pursuant to 70 O.S., Section 3311, a reserve peace officer shall mean a law enforcement officer who:

(1) May be appointed by a municipality [11 O.S. 34-101], a duly elected sheriff [19 O.S. 547], or any other agency authorized by statute to appoint such reserve peace officers.
(2) May not work as a reserve peace officer more than twenty-five (25) hours per week unless authorized by 11 O.S. 34-101 or 19 O.S. 547.
(3) May be paid a wage or salary, or may serve as a volunteer for the appointing agency.
(4) May be appointed by any political subdivision of this state to serve as an auxiliary police or peace officer pursuant to the Oklahoma Civil Defense Act [63 O.S. 683.1 et. seq].
(5) May have the same powers, duties, and functions as regular full-time peace officers, or as prescribed by state laws, or the ordinances of the appointing municipality.

(b) Employment standards for reserve peace officer certification shall be the same as the employment standards for full-time peace officers, as set forth in 70 O.S. Section 3311, and in 390:10-1-4.

390:20-1-3. Reserve peace officer certification training

(a) The Council shall formulate a program of instruction for reserve peace officer certification,

which shall be based on the Basic Peace Officer Academy, and which shall be known herein as the Reserve Academy.
(b) The lesson plans of each Reserve Academy shall be based upon the functional areas of the CLEET Reserve Academy curriculum. The total number of hours for all functional areas combined shall meet or exceed the number of hours required by 70 O.S., Section 3311 (E)(2) for Reserve certification.
(c) Trainee attendance is critical. One-hundred percent (100%) attendance is required in all blocks of instruction.
(d) Remedial training may be accomplished under the following conditions:
(1) The trainee attends remedial training taught by the same instructor who taught the original academy class.
(2) The training is conducted in an academy setting and monitored by the academy coordinator.
(3) Trainees failing to successfully complete remedial training in the original academy shall be required to successfully complete remedial training in another academy in a time frame established by CLEET.
(e) Trainees must successfully complete required classroom and/or skills proficiency testing prior to being administered the required progress or certification examinations.
(f) Trainees who fail to successfully complete any skills proficiency portion(s) of the academy may be administered progress and certification examinations, however, certification will be withheld until all requirements have been fulfilled.
(g) Any officer seeking Oklahoma Reserve Peace Officer Certification, who has been certified by a state peace officer standards and training agency as a **full-time** peace officer in another state, or any officer who has been certified as a federal peace officer by a Council recognized federal law enforcement agency, may obtain reserve certification by reciprocity, under the following conditions:
(1) The officer must meet the minimum peace officer employment standards set forth by law.
(2) The officer must have been employed as a full time peace officer within the two (2) year period immediately preceding the request for Oklahoma Reserve Peace Officer Certification.
(3) The officer must attend the Legal Matters block of instruction and successfully pass all Progress and Certification examinations at a standard prescribed by the Council. Skills training functional areas shall not be tested. Officers may have one retest for each functional examination which they fail.
(4) If an officer fails both a test and a retest for any given functional area, then that officer must successfully complete the corresponding functional area in a CLEET Basic Reserve Academy, to include successfully passing the functional area examination(s).

390:20-1-3.1. Reserve Coordinator Qualifications
(a) All reserve academy coordinators must be a certified full-time, salaried peace officer as set forth in 70 O. S. 3311.
(b) All reserve academy coordinators must have a minimum of two years of law enforcement experience after certification as a peace officer.
(c) All reserve academy coordinators must be employed by a municipal, county, state or tribal law enforcement agency.
(d) All reserve academy coordinators must be CLEET certified basic instructors.
(e) All reserve academy coordinators must successfully complete a CLEET Reserve Academy Coordinators' school prior to being given approval to conduct a reserve academy.

390:20-1-4. Application to conduct Reserve Peace Officer Academy

Reserve Academies shall be sponsored by the heads of law enforcement agencies. Requests to conduct Reserve Academies shall be in letter form, on the appropriate agency letterhead. Such request must be made not less than forty-five (45) days prior to the proposed opening date of the Basic Reserve Peace Officer Academy.

(1) **Justification.** Agencies making application must demonstrate to the Council that there is a significant need to conduct a Basic Reserve Peace Officer Academy and that a minimum of ten (10) trainees will be enrolled.

(2) **Employment standards.** Agencies having trainees enrolled in the Basic Reserve Peace Officer Academy must, in conjunction with the Reserve Academy Coordinator, ensure that the trainee satisfactorily meets the peace officer employment standards set forth in 70 O. S. 3311 and rules established by the Council.

390:20-1-5. Reserve Academy Coordinator's manual

CLEET shall provide the Reserve Academy Coordinator with certain materials to assist him in conducting the Reserve Academy. These materials shall include a Reserve Academy Coordinator's Manual, Reserve Academy Instructor Guide and Student Manual.

390:20-1-6. Duties of Reserve Academy Coordinator

Upon receipt of a Reserve Academy Coordinator's Manual, the Coordinator shall, thirty (30) days prior to commencement of the Reserve Academy, submit the following information to CLEET:

(1) An academy schedule, showing the dates and times of each class session, and the topics to be taught;

(2) A list of CLEET certified instructors to be used, and the topics each will teach; and

(3) A list of guest instructors to be used with the topics each will teach, and a resume' for each, showing their training, experience, or other qualifications for guest lecturer status.

(4) An instructor may not also be a trainee in the Reserve Academy.

390:20-1-7. Review and notification

CLEET shall review the materials listed in 390:20-1-6 for completeness and shall notify the Reserve Academy Coordinator in writing as to the approval, denial, or material deficiencies in the original request.

390:20-1-8. Request for lesson plans

(a) Upon receiving approval to proceed with a Reserve Academy, the Reserve Academy Coordinator shall request Reserve Academy Lesson Plans from CLEET. Within ten (10) days of receipt of the lesson plans, the Reserve Academy Coordinator shall reconcile the CLEET Lesson Plans with his Lesson Plans for correctness and completeness, and shall so notify CLEET.

(b) The Reserve Academy Coordinator may increase the hours or curriculum content of the Reserve Academy as an enhancement to the academy. Such increase shall be documented on forms provided for that purpose and submitted to the CLEET Standards Division prior to the opening of the academy.

390:20-1-9. Procedures for conducting Reserve Academy

CLEET shall provide each Reserve Academy Coordinator with Reserve Academy Administrative Guidelines and Procedures to help facilitate the paperwork and general conduct of a Reserve Academy.

390:20-1-10. CLEET monitoring of Reserve Academies

In order to enhance the relationships between CLEET and the Reserve Academies throughout the state, a CLEET staff member may attend, participate in, and/or monitor each Reserve Academy as follows:

(1) Attend opening night of the school;
(2) Monitor classroom session(s);
(3) Monitor firearms qualifications;
(4) Administer the Reserve Officer progress and certification examinations; and
(5) Attend graduation ceremony, upon invitation.

390:20-1-11. Notice of compliance with employment standards

(a) A properly completed CLEET Reserve Academy Student Enrollment Packet must be submitted prior to being administered the first progress examination.
(b) Credit for CLEET Reserve Academy Training shall be given only to bonafide properly appointed, properly enrolled reserve peace officers.

390:20-1-12. Materials returned to CLEET

The Reserve Academy Coordinator shall submit the following to a CLEET representative on the date of the Reserve Officer Certification Examination:

(1) Master Grade Sheet, showing the actual grades scored by each trainee, for each examination given;
(2) List of CLEET certified firearms instructors, record of inspection of all firearms used by trainees for firearms qualification and record of all firearms scores, including handgun and shotgun.
(3) Master Attendance Rosters, showing actual attendance of each trainee during each class conducted;
(4) All CLEET Lesson Plans; and
(5) All audio visual aids, and other material on loan from CLEET.

390:20-1-13. Certificates issued

CLEET shall grant Reserve Peace Officer Certification, through appropriate certificates and pocket I.D. Cards, to applicants for whom the following documentation has been completed and properly submitted:

(1) All employment standards are in compliance with the rules of this Chapter and 70 O.S., Section 3311;
(2) Successful attendance and completion of all phases of the Reserve Academy;
(3) Successful completion of all reserve officer examinations including the final certification examination;
(4) All administrative paperwork has been submitted, and all on-loan CLEET materials have been returned to CLEET.

390:20-1-14. Withdrawal, suspension and reinstatement of certification

Withdrawal, suspension and reinstatement of reserve peace officer certification will be in accordance with the procedure for withdrawal, suspension and reinstatement of certification of peace officer certification as found in OAC 390:10-1-7.

TITLE 390. COUNCIL ON LAW ENFORCEMENT EDUCATION AND TRAINING
CHAPTER 25. CONTINUING LAW ENFORCEMENT EDUCATION

Section
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390:25-1-2. Continuing education definition and objectives
390:25-1-3. Enrollment and tuition
390:25-1-4. Instructor qualifications
390:25-1-5. Documentation of training
390:25-1-6. Certificates issued
390:25-1-7. Training records
390:25-1-8. Outside law enforcement schools and seminars
390:25-1-9. Law enforcement Instructor Certification Program
390:25-1-10. Requirements for general instructor certification
390:25-1-11. Requirements for specialized instructor certification
390:25-1-12. Application for instructor certification
390:25-1-13. Adjunct instructor certification
390:25-1-14. Mandatory Continuing Education
390:25-1-15 Levels of Certification
390:25-1-16 Conditions of eligibility
390:25-1-17 Application procedure
390:25-1-18 Point computation formula
390:25-1-19 Grounds for revocation
390:25-1-20 Lapse of certification

[**Authority:** 70 O.S., Section 3311]
[**Source:** Codified 12-31-91]

390:25-1-1. Purpose

(a) The purpose of this chapter is to set forth the procedures governing continuing law enforcement education as it relates to full-time peace officers actively employed with a law enforcement agency.
(b) This chapter outlines the procedures for enrollment into continuing education classes, instructor qualifications, and documentation of training.
(c) Further, this chapter explains what requirements agencies, other than the Council, must fulfill to have a course accredited for continuing law enforcement training.

390:25-1-2. Continuing education definition and objectives

(a) **Definition.** CLEET Continuing Education Schools shall mean schools and seminars that are:
(1) fully managed and conducted by CLEET, or
(2) conducted by direct arrangement between CLEET and selected individuals, agencies, or institutions.
(b) **Objective.** It shall be the objective of CLEET to conduct a Continuing Education Program for law enforcement officers and employees throughout the state. The Continuing Education Program shall be conducted regionally and shall be based, to the extent possible, upon the needs of the law enforcement agencies in each region, as determined by an annual assessment of regional training needs. The Continuing Education Program shall include:

(1) Refresher training in Basic Academy subject areas;
(2) Advanced training in Basic Academy subject areas;
(3) Training in technical or specialized skills;
(4) Training in management skills; and
(5) Instructor Development training.

390:25-1-3. Enrollment and tuition

(a) **Who may attend.** Full-time, certified peace officers shall have enrollment priority in CLEET Continuing Education Schools and Seminars. If classroom space is available, reserve peace officers, retired certified peace officers, who are instructors and are maintaining their instructor certifications, non-sworn law enforcement employees, and others who work directly with law enforcement may enroll in such schools and seminars. CLEET shall reserve the right to restrict certain schools and seminars to full-time, certified peace officers only, based on the subject of the school.

(b) **Tuition and expenses.** Generally, there shall be no tuition or other enrollment fees charged by CLEET for attending Continuing Education Schools or Seminars. Generally, CLEET shall not provide food or lodging to officers or employees attending such schools or seminars. Specific course offerings may require payment of tuition, fees or other expenses.

(c) **Enrollment approval.** Attendance at Continuing Education Schools and Seminars must be approved, in writing, by each attendee's agency head or his designee, using forms and procedures to be prescribed by CLEET.

(d) **Notification of schools; course catalog.** CLEET shall publish a schedule of Continuing Education Schools. This published schedule shall include the dates, locations, course descriptions, instructors, enrollment procedures, and other information related to the Continuing Education Program. This shall not preclude the scheduling of schools in addition to schools so scheduled.

390:25-1-4. Instructor qualifications

Instructors who teach in Continuing Education Schools and Seminars shall possess CLEET-recognized Instructor Development Training, or shall possess professionally recognized education, training or experience in the assigned subject. This shall not preclude the use of guest lecturers, provided that guest lecturers may have their lesson planning and classroom activities monitored by CLEET staff.

390:25-1-5. Documentation of training

CLEET shall maintain files pertaining to Continuing Education Schools in accordance with the Consolidated General Records Disposition Schedule on file with the State of Oklahoma Archival and Records Commission.

390:25-1-6. Certificates issued

For successful completion of Continuing Education Schools that require a test for mastery of cognitive material or of skills proficiency, attendees shall be issued "CERTIFICATES OF SUCCESSFUL COMPLETION". For satisfactory attendance at schools that do not require such tests, proof of attendance may be issued in a format approved by CLEET.

390:25-1-7. Training records

(a) CLEET may provide paper or electronic copies of individual officers' training records upon written request, pursuant to the Oklahoma Open Records Act.
(b) Recognizing that law enforcement agencies must bear the ultimate responsibility for maintaining comprehensive training records for their own personnel, nothing in these rules shall be construed to mean that CLEET assumes such responsibilities.

390:25-1-8. Outside law enforcement schools and seminars

(a) **Centralized peace officer training records.**

(1) CLEET shall maintain a centralized depository of training records for each full-time, certified peace officer in the State of Oklahoma. Schools and Seminars attended by such officers may be entered into their individual training files upon request.

(2) Local "in-service" training or informational sessions of less than one (1) hour shall not be entered.

(3) Requests for individual training record entries shall be in format approved by CLEET.

(4) Requests for training entries shall minimally contain the following documentation:

(A) The date(s), location and title of the school or seminar; and

(B) An official school Attendance Roster or electronic roster, showing the name, CLEET number, and employing agency of each full-time, certified officer in attendance; and

(C) One of the following:

(i) The name and address of the instructor(s); or

(ii) A copy of the completion or attendance certificate issued by the school, and the requesting officer's name, CLEET number, and employing agency.

(D) Training may not be recorded when names provided on the roster or electronic record cannot be matched to CLEET records by the CLEET number or name until additional identifying information is provided.

(E) Agencies or individuals submitting rosters or electronic records shall maintain a file copy, subject to inspection, for a period of two years.

(b) **Local training incentive accreditation.**

(1) For the purposes of this sub-section, "ACCREDITATION" means that CLEET will assign a course accreditation number and send a confirmation letter to the agency requesting such accreditation for a lesson plan submitted by that agency. It will be the responsibility of the agency requesting accreditation to retain the lesson plan and all supporting material. All lesson plans and supporting materials on file with the agency requesting an accreditation number will be considered by CLEET to be copyrighted. Regarding any law enforcement concepts, practices, methods, techniques, products, or devices as might be taught, promoted, or otherwise espoused in outside schools or seminars, there is no intent, expressed or implied, that "accreditation" indicates or in an way conveys "CLEET approval" of such concepts, practices, methods, techniques, products, or devices, unless such approval is explicitly stated by CLEET.

(2) For the purpose of qualifying for training or educational pay increases, or for other training incentives which might be initiated by law enforcement agencies, and for which CLEET accreditation is a requisite, the rules and procedures set forth in (3) and (4) of this subsection shall apply.

(3) Requests for local training incentive accreditation for any outside school or seminar, shall be made in writing in a format approved by CLEET and shall minimally contain the following information:

(A) A description of the subject of the school or seminar;

(B) A resume' or summary of each known instructor's qualifications, describing his or her training and experience in the particular subject.

390:25-1-9. Law enforcement Instructor Certification Program

(a) **Purpose and intent.** The purpose of CLEET's Instructor Certification Program is to ensure that law enforcement training in Oklahoma remains consistent with minimum professional standards, and to enable CLEET to attest, to any interested party, that instructors so certified have successfully completed a course or courses of education or training that qualifies them to develop and teach law enforcement training courses in a responsible and professional manner. There is no intent, expressed or implied, to discourage or render invalid any training conducted by any law enforcement agency in this state, by mere reason of failure to obtain CLEET instructor certification.

(b) **Instructor Development.** To support and encourage professional law enforcement training in Oklahoma, instructor certification shall be offered in two (2) categories,"basic" and "specialized".

(1) Basic Instructor Development shall involve training in the skills necessary to

(A) research particular subject areas;

(B) develop instructional and/or performance objectives, lesson plans, and valid testing methods; and

(C) develop instructional techniques and classroom presentation skills, for the teaching of subjects that primarily require only cognitive knowledge.

(2) Specialized Instructor Development shall involve training in the skills necessary to successfully train others in physical or highly technical skills, through coaching and repetition. Specialized instructor development certification shall include subject areas such as:

(A) Firearms Instructor

(B) Self-Defense Instructor

(C) Police Radar Instructor

(D) Law Enforcement Driver Training

(E) Police Motorcycle Instructor

(F) CPR/First Aid Instructor

390:25-1-10. Requirements for basic instructor certification

To qualify for basic instructor certification, applicants must meet the following qualifications:

(1) Have a minimum of two (2) years of full-time experience in law enforcement after completing the basic certification course, and be in compliance with 70 O.S., Section 33ll, and

(2) Successfully complete a CLEET recognized instructor development school, or

(3) Possess a teaching certificate for secondary education; or

(4) Possess an advanced degree in the field of secondary or adult education, or

(5) Be qualified to instruct at an accredited 4-year college or university.

390:25-1-11. Requirements for specialized instructor certification

To qualify for specialized instructor certification, applicants must meet the following qualifications:

(1) Meet the qualifications for basic instructor certification as described in OAC 390:25-1-10; and

(2) Successfully complete a CLEET recognized instructor development school in the specialized field for which application is made.

390:25-1-12. Application for instructor certification

Qualified officers may apply for CLEET instructor certification on forms to be provided by CLEET, and in the following ways:

(1) Make application for admission to a CLEET Instructor Development School;

(2) Make application for instructor certification by submitting documented evidence of instructor development training or educational attainment equivalent to CLEET instructor development training, as prescribed in OAC 390:25-1-10.

390:25-1-13. Adjunct Instructor

(a) **Justification.** Realizing that it would be contrary to the best interests of law enforcement to restrict or discourage qualified private individuals from participating in law enforcement training, CLEET shall recognize such individuals as adjunct instructors.

(b) **Conditions for recognition.** CLEET shall recognize individuals who meet the following qualifications and under the following conditions:

(1) Individuals whose exceptional training, experience, or educational attainment qualifies him or her to teach particular subject areas without the benefit of Instructor Development Training.

(2) Applications shall be in writing and shall include the applicant's name, address, and biographical data; a description of the subject area(s) to be taught, and a resume' of the applicant's training, experience, and/or educational attainment in these subject areas.

(3) For the purpose of this subsection, CLEET will only recognize training, experience and educational attainment that can be classified as professionally recognized and formal in nature.

390:25-1-14. Mandatory Continuing Education

(a) All full-time, certified, active peace officers shall successfully complete the minimum amount of hours of mandatory continuing education as set forth in 70 O.S., Section 3311.4, per year. The Council shall grant credit only for courses conducted by the Council or for courses accredited pursuant to OAC 390:25-1-8.

(b) Failure to meet annual training requirements shall subject the officer to suspension of their certification in accordance with Chapter 2 of the Rules Governing the Council and 70 O.S., Section 3311.4.

(1) A reasonable time as set forth in 70 O.S., Section 3311.4(c) shall mean no more than thirty (30) calendar days after the notice of intent to suspend certification has been received, except in situations of documented medical or military leave. Training rosters for mandated training should be submitted as soon as training is conducted. Intent notices will be generated based upon training rosters submitted by the first working day in January.

(2) Travel, Food and Lodging Expenses. The Council will not be responsible for travel, food and lodging expenses incurred by officers attending the mandatory training pursuant to 70 O.S., Section 3311.4. These expenses shall be the responsibility of the employing agency or the individual officer.

(c) Any full time certified active peace officer who fails to complete evidence-based sexual assault and sexual violence training by January 1, 2012, shall be subject to suspension of their certification in accordance with Chapter 2 of the rules governing the Council.

390:25-1-15. Levels of Certification

(a) The levels of certification program provides a method for officers to receive recognition for continuing education, higher education, and on-the-job experience.

(b) The objective of the levels of certification program is to offer intermediate and advanced certificates to qualifying officers.

[Source: Added at 12 Ok Reg 2814, eff 7-13-95]

390:25-1-16. Conditions of eligibility

To be eligible for intermediate or advanced certificate awards, officers must meet the following criterion: They must currently hold a basic academy certification; they must be paid, full-time sworn members of an Oklahoma state or local law enforcement agency; and lastly, they must subscribe to the law enforcement code of ethics.

[Source: Added at 12 Ok Reg 2814, eff 7-13-95]

390:25-1-17. Application procedure

(a) Applications for certification must be submitted to CLEET and must include documentation of minimum standards of employment, training, education and experience.

(b) Applicants must certify as to the accuracy of the information submitted and the applicants administrator must certify that the applicant meets minimum standards of employment, training, education and experience.

[Source: Added at 12 Ok Reg 2814, eff 7-13-95]

390:25-1-18. Point computation formula

(a) Fifteen training points shall be given for the completion of a Basic Law Enforcement Academy.

(b) Two training points shall be given for the successful completion of a field training officer program which is ten weeks or longer in length.

(c) Each semester hour of college credit shall equal one training point; each quarter hour shall equal two-third point.

(d) Twenty classroom hours of job-related training, as determined by the Council, shall equal one training point.

(e) Using a table provided by the Council, training points may be substituted for years of experience.

(f) Using a table provided by the Council, certificates shall be awarded to levels applicants based upon points accumulated and years of experience.

[Source: Added at 12 Ok Reg 2814, eff 7-13-95]

390:25-1-19 Grounds for revocation

(a) The Council may deny or revoke intermediate or advanced certification of an officer who obtains, or attempts to obtain, certification by supplying the Council with false, forged, altered, or otherwise erroneous information.

(b) Intermediate and advanced certification are revoked if an officer's basic certification is revoked in accordance with 70 O.S. § 3311, Section (k).

390:25-1-20 Lapse of certification

(a) An intermediate or advanced certification lapses if the holder is not employed as a law enforcement officer with an agency in this or another state or territory for a period of twelve consecutive months.

(b) A person may request reinstatement of a lapsed certificate after serving a twelve months probationary period. The council may require supplemental training as a condition of reinstatement.

[Source: Added at 12 Ok Reg 2814, eff 7-13-95]

TITLE 390. COUNCIL ON LAW ENFORCEMENT EDUCATION AND TRAINING
CHAPTER 27. FIREARMS REQUALIFICATION STANDARDS

390:27-1-1. Purpose

(a) The purpose of this chapter is to outline annual minimum firearms requalification standards, and requirements of law enforcement agencies to report such requalification to the Council and;
(b) This chapter outlines the procedures to implement requirements necessary for active full-time and reserve peace officers to meet the annual firearms requalification mandated by 70 O.S. 3311 and report same to the Council.

390:27-1-2. Minimum requalification standards

(a) Requalification shall consist of successful completion of a course of fire approved by the Council and attaining a qualifying score of not less than seventy percent (70%).
(b) Requalification shall be accomplished with a handgun (revolver or semi-automatic) carried by the law enforcement officer as the primary duty weapon. Nothing shall preclude employing agencies from requiring requalification with additional handguns carried by the officer for special purposes.
(c) Requalification shall be conducted using a paper target of the same design currently used for firearms qualification in the CLEET basic academy, or of comparable design.
(d) Requalification must be successfully completed in the presence of a CLEET certified firearms instructor or a firearms instructor approved by the employing agency.
(e) The Council will not be responsible for expenses incurred by officers to complete firearms requalification.

390:27-1-3. Remedial training

In the event remedial training is required in order for a peace officer to successfully complete annual firearms requalification, such training shall be the responsibility of the employing agency.

390:27-1-4. Exemptions

(a) A certified peace officer will be exempt from firearms requalification for the remainder of the calendar year in which he or she was certified.
(b) A certified peace officer must successfully complete firearms requalification during the next calendar year after he or she receives peace officer certification.
(c) Any peace officer changing employment between law enforcement agencies shall not be exempt from annual requalification requirements and must show proof of successfully requalifying during the calendar year while employed as a peace officer.

390:27-1-5. Proof of requalification

(a) Proof of successful firearms requalification shall be reported to CLEET by the employing agency in a format approved by CLEET. The report shall contain the following information:

(1) Date and location of requalification
(2) Full name and social security number of the officer requalifying
(3) A “pass”or “fail” score
(4) The name of the employing agency
(5) The full name of the CLEET Certified Firearms Instructor and CLEET Firearms Instructor number, or the full name of the approved instructor, the name of the agency or association granting firearms instructor status to the instructor providing the requalifying testing, and telephone number of the instructor.

(b) Firearms requalification shall not be credited for purposes of meeting the annual peace officer training requirements of 70 O. S. Section 3311.4.
(c) Proof of firearms requalification may be submitted to CLEET throughout the year as the requalification event occurs.
(d) Reports for the ending calendar year shall be submitted to CLEET by January 25th of the new year.

390:27-1-6. Failure to meet annual requalification requirement

Failure to meet the annual requalification requirements shall subject the officer to disciplinary action in accordance with OAC 390:2.

TITLE 390. COUNCIL ON LAW ENFORCEMENT EDUCATION AND TRAINING
CHAPTER 30. CDS DETECTOR DOG CERTIFICATION

Section
390:30-1-1. Purpose
390:30-1-2. Definitions
390:30-1-3. Statutory requirements and fees
390:30-1-4. Conduct of business
390:30-1-5. Standards for certification
390:30-1-6. Application for certification
390:30-1-7. Denial of certification

[**Authority:** 70 O. S., Section 3311; 20 O. S., Section 1313.2]

[**Source:** Codified 12-31-91]

390:30-1-1. Purpose

The purpose of the rules of this Chapter is to set forth the standards and procedures needed to implement and enforce the provisions of laws regarding the certification and recertification of canines trained to detect controlled dangerous substances, and to protect the interest of the public and parties who contract for such services.

390:30-1-2. Definitions

The following words or terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Alert" means a positive response.

"**Canine team**" means the handler and the CDS detector dog.

"CDS" means Controlled Dangerous Substance.

"CDS detector canine team" means the handler and the CDS detector dog.

"CDS detector dog" means a dog trained to detect the scent of controlled dangerous substances in a variety of environments.

"Certification/recertification" means confirmation, through field performance testing, of a CDS detector dog's ability to detect controlled dangerous substances in accordance with standards designated by CLEET.

"CLEET" means administrative staff of the Council on Law Enforcement Education and Training.

"Controlled Dangerous Substance" means a drug, substance or immediate precursor in Schedules of I-V of the Uniform Controlled Dangerous Substances Act (Title 63, Sections 2-204 through 2-210, of the Oklahoma State Statutes).

"Dog" means animals of the canine or "canidae" family.

"False response" occurs when a dog being tested registers a positive response to an area where no CDS exist.

"Find rate" means the percentage of positive responses registered by a dog being tested for certification.

"Handler" means a person who has received training in the handling of CDS detector dogs, and is in control of the Dog being tested.

"Handler error" occurs when a dog being tested has made a positive response and the Handler apparently fails to recognize it, and leads the dog away from the area.

"Negative response" occurs when a dog being tested fails to respond to an area where CDS is known to exist.
"OBNDD" means Oklahoma Bureau of Narcotics and Dangerous Drugs.
"Positive response" occurs when a dog being tested registers a response to an area where CDS is known to exist, with no assistance of a Handler.
"Training aid" means a container holding predetermined amount of CDS which shall be used for evaluating the performance of dogs being tested.

390:30-1-3. Statutory requirements and fees
(a) Every canine team in the state trained to detect controlled dangerous substances shall be certified, by test, in the detection of such controlled dangerous substances and shall be recertified annually so long as the canine team is used for such detection purposes. The certification test and annual recertification test provisions of this section shall not be applicable to canine teams that are owned by a law enforcement agency and that are certified and annually recertified in the detection of controlled dangerous substances by the United State Custom Service.
(b) Each application shall be accompanied by the required fee established in 70 O.S. Section 3311 (L) before the tests are given. These fees are non-refundable.
(c) Payment must be in the form of a money order, cashiers check, or if presented in person, United States Currency. Checks and money orders should be made to CLEET.

390:30-1-4. Conduct of business
(a) All persons affected by the rules of this Chapter shall be knowledgeable of and conduct business in accordance with all federal, state and local laws, and the rules of this Chapter.
(b) Interested parties may obtain information or submit comments related to the rules of this Chapter by writing to CLEET, 2401 Egypt Road, Ada, Oklahoma 74820-0669.

390:30-1-5. Standards for certification
(a) Based on demand and the availability of staff, CLEET will conduct certification trials at designated sites across the state. Known dates and locations of certification trials shall be published annually in January.
(b) Testing for certification of CDS detector canine teams shall be conducted by qualified agents of the Oklahoma Bureau of Narcotics and Dangerous Drugs (OBNDD), and/or their designees, who have successfully completed an appropriate course of instruction, or who are currently certified in the training and handling of CDS Detector Dogs by the United State Custom Service.
(c) Certification trials and testing criteria shall be consistent with the standards currently utilized for the certification of CDS detector dogs.
(d) CDS detector canine teams shall be certified only in the detection of controlled dangerous substances for which the dog scores an eighty per cent (80%) higher "find" rate, and not more than a twenty per cent (20%) "false response" rate.

390:30-1-6. Application for certification
(a) Any person, group, or organization, public or private, that utilized canine teams for the purposes of detecting controlled dangerous substances, as a public service or for private gain, shall be required to annually obtain CLEET certification for such canine teams. Certification as to the demonstration abilities of any such canine team shall be based on evaluation of the canine team's performance during field tests to be designated and conducted jointly by CLEET and OBNDD.

(b) Persons wishing to seek CLEET CDS detector canine team certification may receive an application and instructions by calling or making a written request to CLEET administrative offices.
(c) Applicants must submit the application and appropriate test fee to CLEET not less than fifteen (15) days prior to testing.
(d) All applications must be completely filled out and be accompanied by two (2) full-body, color photographs of the applicant canine team and any other information required by CLEET. The photographs shall include the full side-body of the dog and the face of the handler.
(e) Normally, no more than ten (10) applicant dogs shall be scheduled for testing on any date.
(f) Upon completion of CDS detector canine team testing, the owner/handler of each dog shall be informed as to the examiner's evaluation of the canine team's performance.
(g) Canine teams that fail to successfully complete the CDS detector tests in accordance with the required standards of performance may not be retested until sixty (60) days from the last attempt, and must submit the retest fee to CLEET prior to testing.
(h) Canine teams that successfully complete CDS Detections tests in accordance with the required standards of performance shall be notified in writing by CLEET.
(i) When CLEET has determined that all application procedures are fully complete; the applicant canine team has met all required performance standards; and the correct certification fee has been received, a CDS detector canine team certificate shall be issued by CLEET.
(j) Any time a certified CDS detector canine team is being employed or otherwise utilized in CDS detection activities, the CLEET CDS detector canine team certificate, or a copy thereof, shall be immediately available for inspection by any interested party.
(k) CLEET CDS detector canine team certification shall remain effective for one (1) year from the date it was issued.
(l) CDS detector canine teams shall be recertified annually. Application for renewal and the process of testing and performance evaluation shall be conducted in the same manner as the original certification. Application for recertification should be initiated not less than fifteen (15) days prior to the expiration date of the previous certificate.
(m) All CDS detector canine team certifications that are not renewed shall be inactivated by CLEET. If a renewal of an expired certification is not initiated by the canine team within thirty (30) days from the expiration date of the certificate, the canine team shall be required to remit the full two hundred dollars ($200.00) certification test fee to reinstate the certification status of the canine team concerned. Application and testing procedures in such cases shall be conducted in the same manner as an original certification.
(n) When any canine team certified under these laws and rules will no longer be utilized in the performance of CDS detection activities, the owner of such dog or the handler shall notify CLEET in writing.
(o) CDS detector canine teams owned by or used solely by a bona fide law enforcement agency for CDS detection activities in the service of the public shall be exempt from the certification fees herein, but shall be required to certify such canine teams annually in accordance with the laws and the rules of this section, unless such canine teams are certified annually by the United States Custom Service.

390:30-1-7. Denial of certification

(a) Canine teams may be denied certification for any of the following reasons:
(1) Incomplete application
(2) Fraudulent application
(3) Failure to satisfy certification standards as utilized for the certification of CDS detector dogs.

(4) Failure to remit the proper certification fees.

(b) Any dog or handler denied certification shall be entitled to an administrative appeal pursuant to 390:2.

(c) CLEET may investigate any complaints involving the use of a canine team certified or required to be certified by 70 O.S. 3311 (K) (1) (2).

TITLE 390. COUNCIL ON LAW ENFORCEMENT EDUCATION AND TRAINING
CHAPTER 31. BOMB DETECTOR DOG CERTIFICATION

Section

390:31-1-1. Purpose
390:31-1-2. Definitions
390:31-1-3. Statutory requirements and fees
390:31-1-4. Conduct of business
390:31-1-5. Standards for certification
390:31-1-6. Application for certification
390:31-1-7. Denial of certification

390:31-1-1. Purpose

The purpose of the rules of this Chapter is to set forth the standards and procedures needed to implement and enforce the provisions of laws regarding the certification and recertification of canines trained to detect explosives, explosive materials, explosive devices and materials which could be used to construct an explosive device, and to protect the interest of the public and parties who contract for such services.

390:31-1-2. Definitions

The following words or terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"**Canine team**" means the handler and the explosives detector dog.

"Bomb detector canine team" means the handler and the explosives detector dog.

"Bomb detector dog" means a dog trained to detect the scent of explosive substances in a variety of environments.

"Certification/recertification" means confirmation, through field performance testing, of a detector dog's ability to detect explosive substances in accordance with standards designated by CLEET.

"CLEET" means administrative staff of the Council on Law Enforcement Education and Training.

"Dog" means animals of the canine or "canidae" family.

"Explosives detector canine team" means the handler and the bomb detector dog.

"Explosives detector dog" means a dog trained to detect the scent of explosive substances in a variety of environments.

"Explosive" means any chemical compound mixture, or device, the primary or common purpose of which is to function by explosion; the term includes but is not limited to, dynamite and other high explosives, black powder, pellet powder, initiating explosives, detonators, safety fuses, squibs, detonating cord, igniter cord and igniters.

"Handler" means a person who has received training in the handling of explosives detector dogs, and is in control of the dog being tested.

"NAPWDA" means North American Police Work Dog Association.

"NEDCP" means the TSA National Explosives Detection Canine Program.

"TSA" means Transportation Security Administration.

"USPCA" means United States Police Canine Association, Inc.

390:31-1-3. Statutory requirements and fees

(a) Every canine team in the state trained to detect explosive substances shall be certified, by test, in the detection of such explosive substances and shall be recertified annually so long as the canine team is used for such detection purposes. The certification test and annual recertification test provisions of this section shall not be applicable to canine teams that are owned by a law enforcement agency and that are certified and annually recertified in the detection of explosives by the North American Police Work Dog Association, TSA National Explosives Detection Canine Program or United States Police Canine Association, Inc.
(b) No canine team will be dual certified in controlled dangerous substances and bomb detection.
(c) Each application shall be accompanied by the required fee established in 70 O.S. Section 3311 (L). These fees are non-refundable.
(d) Payment must be in the form of a money order, cashiers check, or if presented in person, United States Currency. Checks and money orders should be made to CLEET.

390:31-1-4. Conduct of business
(a) All persons affected by the rules of this Chapter shall be knowledgeable of and conduct business in accordance with all federal, state and local laws, and the rules of this Chapter.
(b) Interested parties may obtain information or submit comments related to the rules of this Chapter by writing to: CLEET, 2401 Egypt Road, Ada, Oklahoma 74820-0669.

390:31-1-5. Standards for certification
The following agency or organization certification standards are recognized as a valid test for certification and annual recertification of the Bomb detector canine team:
(1) North American Police Work Dog Association (NAPWDA)
(2) United States Police Canine Association, Inc. (USPCA)
(3) TSA National Explosives Detection Canine Program (NEDCP)
(4) Other standards reviewed and accepted by the Bomb Dog Advisory Council

390:31-1-6. Application for certification
(a) Any person, group, or organization, public or private, that utilize canine teams for the purposes of detecting explosive substances, as a public service or for private gain, shall be required to annually obtain CLEET certification for such canine teams. Certification as to the demonstration abilities of any such canine team shall be based on evaluation of the canine team's performance by an approved testing organization.
(b) Persons seeking CLEET Bomb Detector Canine Team Certification may receive an application and instructions by calling or making a written request to CLEET administrative offices.
(c) Applicants must submit the application fee to CLEET with the application.
(d) All applications must be completed and be accompanied by two (2) full-body, color photographs of the applicant canine team and any other information required by CLEET. The photographs shall include the full side-body of the dog and the face of the handler.
(e) Upon completion of Bomb detector canine team testing CLEET shall be notified in writing that the canine team has successfully completed all Explosives Detection test requirements and the test examiner has documented evaluation of the canine team's performance.
(f) Canine teams that fail to successfully complete the Bomb detector tests in accordance with the required standards of performance may not be retested except as provided for by the standards for retesting established by the agency or organization which conducted the initial test.
(g) When CLEET has determined that all application procedures are complete; the applicant canine team has met all required performance standards; and the correct certification fee has been received, a Bomb Detector Canine Team Certificate shall be issued by CLEET.

(h) Any time a certified Bomb detector canine team is being employed or otherwise utilized in explosives detection activities, the CLEET Bomb Detector Canine Team Certificate, or a copy thereof, shall be immediately available for inspection by any interested party.
(i) CLEET Bomb Detector Canine Team certification shall remain effective for one (1) year from the date it was issued.
(j) Bomb Detector Canine Teams shall be recertified annually. Application for renewal and the process of testing and performance evaluation shall be conducted in the same manner as the original certification. Application for recertification should be initiated not less than fifteen (15) days prior to the expiration date of the previous certificate.
(k) All Bomb detector canine team certifications that are not renewed shall be inactivated by CLEET. If a renewal of an expired certification is not initiated by the canine team within thirty (30) days from the expiration date of the certificate, the canine team shall be required to remit the full certification test fee to reinstate the certification status of the canine team. Application and testing procedures in such cases shall be conducted in the same manner as an original certification.
(l) When any canine team certified under these laws and rules will no longer be utilized in the performance of explosives detection activities, the owner of such dog or the handler shall notify CLEET in writing.
(m) Bomb detector canine teams owned by or used solely by a bona fide law enforcement agency for Explosives detection activities in the service of the public shall be exempt from the certification fees herein as provided in 70 O.S. Section 3311 (L), but shall be required to certify such canine teams annually in accordance with the laws and the rules of this section, unless such canine teams are certified and annually recertified in the detection of explosives and materials by the United States Department of Defense.

390:31-1-7. Denial of certification

(a) Canine teams may be denied certification for any of the following reasons:
   (1) Incomplete application
   (2) Fraudulent application
   (3) Failure to satisfy certification standards as utilized for the certification of Bomb detector canine teams
   (4) Failure to remit the proper certification fees
(b) Any dog or handler denied certification shall be entitled to an administrative appeal pursuant to 390:2.
(c) CLEET may investigate any complaints involving the use of a canine team certified or required to be certified by 70 O.S. 3311 (L) (1) (2).

TITLE 390. COUNCIL ON LAW ENFORCEMENT EDUCATION AND TRAINING
CHAPTER 35. REGULATION OF PRIVATE SECURITY INDUSTRY

Subchapter Section
1. General Provisions. 390:35-1-1
3. [Reserved]
5. License Requirements. 390:35-5-1
7. Application Procedure. 390:35-7-1
9. Violations and Investigations. 390:35-9-1
11 Insurance and Bond Requirements.. . . . . 390:35-11-1
13. Use of Firearms. 390:35-13-1
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Appendix A. Disqualifying Convictions
Appendix B. Pump Shotgun Illustration
Appendix C. Disciplinary Penalty and Fine Schedule

[**Authority:** 59 O.S., Sections 1750.1 - 1750.13, 70 O.S. Sections 3311]
[**Source:** Codified 12-31-91]

SUBCHAPTER 1. GENERAL PROVISIONS

Section
390:35-1-1. Purpose
390:35-1-2. Statutory authority
390:35-1-3. Definitions
390:35-1-4. Compliance with laws and rules

390:35-1-1. Purpose

The purpose of the rules of this Chapter is to set forth the requirements and guidelines needed to efficiently and effectively implement and enforce the provisions of the Oklahoma Security Guard and Private Investigator Act, regulating the private security business in the State of Oklahoma. Generally, they are intended to implement standards and procedures designed to protect the interests of the public without placing undue burdens upon the operation of the private security business.

390:35-1-2. Statutory authority

Pursuant to the authority vested in the Council on Law Enforcement Education and Training by the Oklahoma Security Guard and Private Investigator Act Title 59 O.S., Section 1750.1 et seq., the rules of this Chapter have been promulgated. These rules and regulations supplement existing state and federal laws, and being properly promulgated, the rules and regulations contained in this Chapter shall have the force and effect of law.

390:35-1-3. Definitions

The following words or terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Act" means the Oklahoma Security Guard and Private Investigator Act, Title 59, O.S., Section 1750.1, et seq.

"Agency" means a private security agency or private investigative agency, as defined in this Act.

"Applicant" means a person, or as it relates to an agency license, any of its owners, partners, directors, or in the case of a corporation, each officer and registered agent (branch manager), applying for a license under the provisions of the Act.

"Approved school" means an organization or institution authorized by CLEET to conduct private security training pursuant to the Act.

"Armored car" means any vehicle operated, in the normal course of business, by an armored car company, while such vehicle is engaged in the transportation and protection of cash, securities, negotiables and/or other items of unusual value.

"Armored car company" means a company that knowingly and willingly transports and protects cash, securities, negotiables and/or other items of unusual value for a fee or other renumeration.

"Armored car employee" means an individual who provides protection for cash, securities, negotiables and/or other items of unusual value transported by an armored car company.

"Armed private investigator" means an informal term, referring to a licensed private investigator who is also a licensed armed security guard, and who is authorized to carry a firearm.

"Armed security guard" means a security guard who is licensed to carry a firearm.

"CLEET" means the Council on Law Enforcement Education and Training, and its administrative officers and personnel.

"Client" means a real person or legal entity having a contract which authorizes services to be provided in return for financial or other considerations.

"**Conditional license"** means a temporary license issued, pending completion of a satisfactory background investigation and completion of required training.

"Conflict of interest" means a conflict or the appearance thereof between the private interests and public obligations of an individual, organization, or other legal entity authorized to conduct business pursuant to the Act.

"Contract," means, for the purposes of these rules, a contract is an agreement between a person or agency licensed under this Act and a client, to provide security or investigative services, including guards and/or investigators to the client, for a contract labor fee; and where the wages of the guards or investigators are paid by the contractor. Such contracts may be oral or written, or in any combination thereof.

"Contractor," means, for the purposes of these rules, a contractor is a person or business entity not employed in a direct employer-employee relationship, but instead contracts with a client to provide his services as a security guard or to provide security guards and their services to that client, for a contract labor fee. The term "contractor" shall include "sub-contractor".

"Conviction" means any final adjudication of guilt, whether pursuant to a plea of guilty or nolo contendere, or otherwise, and any deferred or suspended sentence or judgment.

"**Council**" means the appointed members of the Council on Law Enforcement Education and Training, as defined in Title 70 O.S., Section 3311.

"Curriculum" means the collective, written documentation of the material content of a training course, or any particular phase of training prescribed by the Act, minimally consisting of course objectives, student objectives, lesson plans, training aids, and examinations.

"Director" means the Director of the Council on Law Enforcement Education and Training, or designated agent.

"Full-time employment" means any security guard, armed or unarmed, or private investigator, who is employed and paid for working twenty-five (25) hours or more per week on a regular basis.

"Instructor" means a person who directly facilitates learning through means of lecture, group participation, practical exercise, or other means, where there is a direct student-teacher relationship.

"License" means written authorization in the form of a certificate or identification card, issued by CLEET, under the provisions of the Act, permitting the holder to conduct business as a security guard, armed security guard, private investigator, security agency, or investigative agency.

"Licensee" means a person or as it relates to an agency license, any of its owners, partners, directors, or in the case of a corporation, each officer and registered agent (branch manager), authorized by CLEET under the provisions of this Act, to lawfully conduct business as a security guard, armed security guard, private investigator, security agency, or investigative agency.

"Over-payment" means monies in excess of the amount due for a license, permit or fine that is returned to the individual or agency.

"Person" means any corporation, company, association, operation, firm, partnership, institution, trust, or other form of business association, as well as a natural person.

"Private security" refers collectively to the fields of occupations described in the Act.

"Reciprocity" means the mutual recognition of standards and practices of another state, as related to qualifications, background investigation, training, and assessment, for the purposes of professional licensure granted pursuant to the Act.

"School coordinator" means a person certified by CLEET to coordinate and conduct private security training at an approved school, and arrange or administer psychological examinations to firearms training students.

"Special event status" means term denoting that an event has been approved as a special event pursuant to the Act.

"**Training course"** means a complete, multi-phase course of instruction required to qualify for a license under the provisions of the Act.

"**Training phase"** means a block of training units that comprises a distinct phase in the private security training course.

"**Training unit"** means a unit of instruction within a training phase.

390:35-1-4. Compliance with laws and rules

(a) All licensees and approved schools shall be knowledgeable of and conduct operations in accordance with all federal, state, and local laws; and rules and regulations of CLEET. A commission, by clear and convincing evidence, of any criminal offense, may be grounds for an action against any person falling within the jurisdiction and purview of 59 O.S., Section 1750.1 et seq, if such offense reflects negatively on the licensee's or school's moral character.

(b) Any statute of the United States or of the State of Oklahoma now existent, or duly enacted in the future, shall supersede any conflicting provision of this Chapter to the extent of such conflict, but shall not affect the remaining provisions herein.

(c) Any violation of this Chapter and applicable Laws of the State of Oklahoma may result in a written reprimand or the denial, suspension, or revocation of a license, and/or disciplinary penalty or fine.

(d) Interested parties may obtain information or submit comments related to this Chapter by writing to CLEET, Private Security Division, 2401 Egypt Road, Ada, Oklahoma, 74820-0669.

SUBCHAPTER 3. [RESERVED]

SUBCHAPTER 5. LICENSE REQUIREMENTS

Section

390:35-5-1. Agency license requirements
390:35-5-2. Security guard, armed security guard, and private investigator licenses

390:35-5-3. Conditional licenses
390:35-5-4. Special Event licenses
390:35-5-5. Peace officer exemptions and non-exemptions
390:35-5-6. Licensure of self-employed guards with no training and no experience
390:35-5-7. Licensure of private investigator applicants with no training or experience
390:35-5-8. Licensure of private investigators as armed security guards
390:35-5-9. Individual identification cards
390:35-5-10. Lost or damaged licenses or identification cards
390:35-5-11. Temporary licenses; out-of-state practitioners
390:35-5-12. Use of certain emblems and statements
390:35-5-13. Notification of change of address or telephone number
390:35-5-14. Reinstatement and late fees [REVOKED]

390:35-5-1. Agency license requirements

(a) All licensed security guard and private investigative agencies, shall maintain a place of business within the State of Oklahoma, and shall maintain an operative telephone having a published listing, in the agency name. Every license issued under this chapter shall be posted conspicuously in the licensee's principal place of business in this state. The phone number shall be on file with CLEET. The office of such business may be maintained at the personal residence of the executive officer, manager, or supervisor of such office. Such notification shall include both the geographical location (street address) and the mailing address. Any changes in the above shall be submitted to CLEET within 10 days of the effective date of the change.

(b) The executive officer, manager, or other person in charge of supervising security guards and/or private investigators shall be a resident of the State of Oklahoma.

(1) The executive officer, manager, or other person in charge of supervising security guards in the performance of their duties shall be a licensed security guard.

(2) The executive officer, manager, or other person in charge of supervising private investigators in the performance of their duties shall be a licensed private investigator.

(c) Agency licenses are not transferrable upon the sale of a company. The Council may approve the transfer of a license to a new entity providing that one or more of the original licensees retain ownership in the new entity, and the new licensee meets the qualifications listed in (d) of this section. The licensee shall notify CLEET in writing within ten (10) days of any change of identity of the licensee, or as it relates to an agency license, any of its owners, partners, directors, or in the case of a corporation, officers and registered agents (branch managers); and any substitute in the person enumerated must satisfy the requirements listed in (d) of this section; and be approved by CLEET.

(d) Every applicant for an agency license, or any of its owners, partners, directors, or in the case of a corporation, each officer and registered agent (branch manager), shall meet the following qualifications before it may engage in any business licensed under this chapter:

(1) be 21 years of age;

(2) be a citizen of the United States or a resident alien;

(3) not have been convicted of a felony or crime involving moral turpitude unless waived by the Council pursuant to O.S. Title 59, Section 1750.5 (H);

(4) not have had his license revoked or application for such license denied by CLEET;

(5) be of good moral character; and

(6) in the case of a corporation, be incorporated under the laws of this state, or shall be duly qualified to do business within this state.

(e) Alarm Companies who respond to electrical, electronic or mechanical alarm signal devices, burglar alarms, television cameras or still cameras used to manually or automatically signal or

detect burglary, fire, breaking or entering, shoplifting, pilferage, theft, or hold-up are required to be licensed as a Security Agency, and individually license employees as security guards, or armed security guards, who provide the response.
(f) Temporary employment agencies who provide guards or private investigators to its clients on a contractual basis falls within the definition of a contract security or investigative company and must be licensed pursuant to the Act, and individually license employees utilized in this service.
(g) Employee leasing services who provide an administrative service only for handling the payroll, employee's salaries, and benefits, who do not make assignments, supervise or direct the work of the employee, or select the employees, but who lease the employee back to the licensed agency, do not fall within the definition of a contract security or investigative company and are not required to obtain an agency license. Licensed agencies who utilize the employee leasing services, are responsible for the duties such as reporting employments, terminations, address changes to our agency, providing appropriate liability insurance coverage, etc., as if the employee were paid by the agency.

390:35-5-2. Security guard, armed security guard, and private investigator licenses
(a) Applicants for security guard, private investigator, or armed security guard licenses must meet and satisfy the requirements set forth in 59 O.S., Section 1750.5.
(b) Applicants for Armed Security Guard or firearms authorized licenses must further:
(1) Successfully pass a psychological evaluation by a licensed psychologist; provided that the applicant shall bear the cost of such evaluation.
(2) Successfully complete the firearms phase of private security training;
(3) Be twenty-one (21) years of age, and
(4) Applicants for an armed security guard license must submit an affidavit that they are gainfully employed as an armed security guard and that a firearm is required within the scope of their employment.
(c) An Armed Security Guard License grants no authority to carry a firearm when not acting directly in the course and scope of employment.
(d) No licensee shall brandish, point, exhibit, or otherwise display a firearm at any time, except as authorized by law, and the rules of this Chapter.
(e) Continuing education training is required for renewal of an individual license.
(1) Private Investigators must complete a minimum of sixteen (16) hours of continuing education training from an approved source, during the licensing period to maintain their license.
(2) Security Guards must complete a minimum of eight (8) hours of continuing education training from an approved source, during the licensing period to maintain their license.
(3) A person holding both a security guard license and private investigator license or a combination license must complete a total of sixteen (16) hours of continuing education training during the licensing period to maintain their license.
(4) Any expenses incurred for continuing education courses by any licensee shall be the responsibility of the licensee.
(5) For purposes of continuing education requirements, “licensing period" shall mean (730) calendar days from the date the license was issued.
(6) Firearms requalification courses will not count towards mandate training. Approved sources for mandated training are:
(A) College credit hours. Fifteen hours of mandate training will be granted for each successfully completed college hour. Proof of attendance needed is a certified copy of the grade report;

(B) Established Entities (Recognized county, state, and federal associations, professional associations, vocational-technical schools). One hour of training will be granted for each hour attended in a topic which directly relates to the performance of duties under the respective license. Proof of attendance needed is a copy of a certificate, sign-in roster, electronic notification or other proof from the sponsor accepted by CLEET; or

(C) CLEET Accredited Schools, Seminars, and Conferences. One hour of mandate training credit will be granted for each hour of instruction. For approval to conduct mandate training, sponsors must:

(i) Submit a written request for program accreditation to CLEET;

(ii) Provide course outline, and course objectives;

(iii) Provide Resume for Instructors; and

(iv) After training, submit a roster of attendees completing the training to CLEET.

(D) Completion of training courses required for initial licensing will satisfy the continuing education requirements for the first licensing period of an initial license.

(7) Continuing education training may be reported to CLEET as it is completed or at the time of license renewal. Verification of the minimum hours of continuing education training will be made by CLEET when the licensee requests renewal. A licensee will be subject to the following disciplinary sanctions for failure to comply with the mandate training requirements:

(A) Written Reprimand

(B) Denial

(C) Suspension

(D) Revocation and/or

(E) Disciplinary penalty or fine

(8) A renewal license will be issued only after CLEET receives a request for renewal, the renewal fee, current photographs, verification of current insurance or bond coverage, verification of the minimum hours of continuing education training for the license period.

(9) A licensee who has timely submitted a request for renewal with payment and has failed to meet the minimum training requirements will be issued official notification of CLEET's intent to impose a disciplinary action for failure to meet the mandated training requirements in compliance with Chapter 2 of this Title.

(10) This official notification shall provide that the licensee may temporarily continue to work for forty-five (45) days during which time the licensee must complete the training requirements and submit proof of such training to CLEET. The temporary work provisions of the Notice may be extended or cancelled by CLEET, as necessary to complete the administrative hearing process.

(f) Any person seeking an Oklahoma Security Guard or Private Investigators license, who has been licensed by a state whose training and standards have been deemed comparable to and approved by the Oklahoma Council on Law Enforcement Education and Training may obtain a license by reciprocity, under the following conditions:

(1) The applicant must meet the minimum license requirement standards set forth by Oklahoma Law including fingerprint requirements. Such fingerprints requirement may be waived by CLEET where a verified records check has been made within a reasonable period of time in the context of existing law requiring fingerprint checks.

(2) The applicant must have an active license in the original licensing state, and not be subject to any administrative action regarding the active status in the licensing state.

(3) The applicant receiving a license by reciprocity in Oklahoma shall at all times while working as a security guard or private investigator in Oklahoma be subject to all laws regarding security guards and private investigators including all applicable fees for such license.

(4) Reciprocity may be granted only from the state in which the applicant was originally licensed and not from any intervening state by reciprocity to the original licensing state.

(5) The applicant must sign a statement of irrevocable consent that service of process, in any complaint or disciplinary action filed against the applicant, arising out of the applicant's private investigative activities in the reciprocating state, may be made by the delivery of such process on the administrator of the private investigation regulatory agency in his/her/its state of residence.

(6) An armored car employee who is primarily employed by an armored car company in another state, and is properly licensed by that state to carry a weapon while acting in the services of that company in the home state, and meets the minimum home state requirements, would be exempt from other requirements of 59 O. S. Section 1750.1 et seq. during such time as the armored vehicle from that state is actively engaged in interstate commerce within Oklahoma pursuant to 15 U.S.C. Section 5901, the "Armored Car Industry Reciprocity Act of 1993."

390:35-5-3. Conditional licenses

(a) Conditional licenses may be issued only to employees of security or investigative agencies.

(b) Conditional licenses may be issued to such employees when the following requirements have been met:

(1) Receipt of an applicant's completed license application form. An application form shall be considered complete when all applicable spaces have been filled in properly, and it has been signed and notarized;

(2) Receipt of two (2) properly completed, CLEET-issued "applicant" fingerprint cards or fingerprints submitted electronically through a fingerprint system approved by CLEET;

(3) Receipt of correct license fees;

(4) Receipt of three (3) personal photographs, in color and of the prescribed size or submission of a photograph electronically such as a digital photograph or scanned photograph;

(5) Receipt of proof of bond or liability insurance coverage, in the prescribed amount.

390:35-5-4. Special Event Licenses

(a) Special Event Licenses may be issued only to employees of security agencies.

(b) Applications for Special Event Status shall be made only by the security agency which has contracted to provide security guards for a particular event.

(c) Such applications shall be submitted on forms to be provided by CLEET, and not less than forty-eight (48) hours prior to the event. Exceptions may be granted when good cause is shown that a timely request could not be made.

(d) Applications for Special Event Status shall contain information as prescribed by CLEET, but shall contain at least the following:

(1) The name and location of the event;

(2) The dates for which security guards will be provided at the event;

(3) The nature of the event;

(4) Justification for Special Event Status including an explanation as to why regularly licensed guards may not be used;

(5) Examples of duties to be performed by the licensees; and

(6) The projected number of guards to be licensed.

(e) When an application for Special Event Status has been approved, the contracting agency shall apply in writing, to CLEET, for individual licenses. Such applications for individual licenses shall contain information as prescribed by CLEET, but shall contain at least the following:

(1) Each applicant's name, race, gender, date of birth, social security number, home address, citizenship status;

(2) Certification that the employing agency has conducted a criminal history check with the sheriff in the county of residence of each applicant, and that such criminal history check was conducted within thirty (30) days prior to the date of the event to be licensed;

(3) Certification that each applicant is covered by the employing agency's bond or liability insurance, pursuant to the Act;

(4) Proper fee payment, which shall be seven dollars ($7.00) per individual applicant.

(f) Regularly licensed and conditionally licensed guards shall be exempt from the provisions of this section.

(g) No person shall be issued more than two (2) Special Event Licenses in any calendar year.

390:35-5-5. Peace officer exemptions and non-exemptions

(a) If a peace officer who is ordinarily exempt from licensing chooses to become licensed as a security guard or private investigator shall comply with 59 O.S. Section 1750.1 et seq., and these rules in all respects.

(b) The peace officer exemption shall not apply in the following applications of the Act:

(1) When a peace officer contracts with an employer to provide other guards;

(2) No peace officer or reserve peace officer may wear his official police uniform and insignia while working in a capacity of a licensed security guard, except when the policies of his employing law enforcement agency, and the agency in whose jurisdiction he is so privately employed, allow him to do so;

(3) CLEET certified peace officers, whether full-time or reserve, may be given comparable training credit for successful completion of their CLEET basic peace officer or basic reserve officer certification training, when applying for a private security license;

(4) Active, full-time peace officers are exempt from the psychological evaluation that is required for armed security guard applicants. Retired, full-time peace officers are exempt from the psychological evaluation for a period of one (1) year from the date of their retirement. This exemption shall apply to any person who possesses CLEET peace officer certification, except when such person has been terminated from a law enforcement agency for failure to exercise appropriate judgement, restraint, and self-control in the use of force, or when there exists clear and convincing evidence of such;

(5) Reserve peace officers are not exempt from the psychological evaluation required for an armed security guard license, unless they are in the active service of a law enforcement agency as a reserve peace officer at the time of application.

(6) Reserve peace officers are not exempt from security guard, armed security guard, or private investigator licenses, and must be licensed while employed as such;

(7) When working as a licensed security guard, armed security guard, or private investigator, peace officers and reserve peace officers may possess firearms only to the extent of the authority allowed under law, as applied to licensed armed security guards.

390:35-5-6. Licensure of self-employed guards with no training and no experience

(a) The Act does not provide for the issuance of a conditional license to any person who is not employed by a security agency as a trainee.

(b) Security guard and armed security guard applicants who intend to be only self-employed, are advised to take the following steps in obtaining a license:

(1) The applicant should first determine that he meets the basic qualifications for a license, pursuant to this Act;

(2) The applicant should complete all the training requirements, and a psychological evaluation, if applicable;
(3) The applicant must pass the appropriate licensing examination;
(4) The applicant must complete the application process for the desired license;
(5) The applicant must obtain a regular license for the desired position.

390:35-5-7. Licensure of private investigator applicants with no training or experience

Applicants for a private investigator license who lack the necessary training or experience to meet such requirements for a license must complete the following steps in obtaining a license:

(1) The applicant must be employed by a licensed investigative agency as a bonafide, full-time investigator, or investigator-trainee;
(2) The applicant must make immediate application for a conditional license;
(3) The applicant must complete the training requirements for a regular license, within 180 days of the date of his conditional license, including a psychological evaluation, if applicable;
(4) The applicant must pass the appropriate licensing examination;
(5) The applicant must obtain a regular license;
(6) Upon attainment of a regular license, a private investigator may become self-employed. In such case, the licensee must also obtain an Investigative Agency License.

390:35-5-8. Licensure of private investigators to carry a firearm

(a) Licensed private investigators who wish to carry a firearm and performs no security guard functions, must obtain a "firearms authorized", endorsement on the private investigator's license. Private investigators who also work as an armed security guard must obtain an armed security guard and private investigator's license, or a combination license.
(b) Private Investigators seeking firearms authorization who perform no security guard duties, must satisfy and meet all training and licensing requirements for a private investigator's license and complete all training and testing requirements for Phase IV firearms training.
(c) Any person issued a valid private investigators license with a firearms authorized endorsement, may carry a concealed weapon in accordance with the provisions of 59 O.S. Section 1750.5 (C).

390:35-5-9. Individual identification cards

(a) An identification card shall be issued to all licensees. This card shall clearly indicate that the licensee is authorized by the State of Oklahoma to conduct business as a security guard, armed security guard, or private investigator.
(b) The identification card shall not be altered or defaced in any manner.
(c) The licensee shall not knowingly allow any other person to carry or use his identification card for any purpose whatsoever.
(d) The licensee shall carry his identification card on his person at all times while acting within the course and scope of his employment as a security guard or private investigator.
(e) The licensee shall present his identification card upon demand, for inspection by any person, within the course and scope of his employment as a security guard, armed security guard, or private investigator, unless the licensee is involved in a bonafide, covert investigation at the time. The card must be presented, upon demand, for inspection by a law enforcement officer or by a representative of CLEET, at any time.
(f) All identification cards or other written authorization shall remain the property of CLEET, and the licensee shall surrender his identification card to the Director or his designated representative upon written notice setting forth the reasons for such surrender.
(g) Agencies shall maintain a copy of the individual identification card for all employees.

390:35-5-10. Lost or damaged licenses or identification cards

Duplicate licenses and identification cards may be issued to active, current licensees upon request and payment of the fee set forth in O.S. 59 Section 1750.6(E).

390:35-5-11. Temporary licenses; out-of-state practitioners

Any private investigator, or security guard who is duly licensed in another state as a security guard or private investigator may obtain a temporary license to conduct business in this state subject to the following provisions:

(1) Said private investigator or security guard must immediately, or as soon as possible, register with CLEET;

(2) Provide proof of a valid license granted by another state;

(3) Provide proof of adequate financial responsibility in the form of insurance or surety bond as set forth in the rules of this Chapter; and

(4) Provide a general description of business to be conducted.

(5) No temporary license shall be granted to authorize the possession or use of firearms.

(6) A person obtaining temporary authorization shall not violate any federal, state or municipal laws, or the provisions of the rules of this Chapter.

(7) Any security guard or private investigator who is licensed in another state and conducts business pursuant to this Act for a period of longer than fifteen (15) days, shall be required to obtain a regular license.

390:35-5-12. Use of certain emblems and statements

(a) Licensees may use the phrase "Licensed by the State of Oklahoma" on stationary, business cards, and in advertisements, but no person or licensee shall use any facsimile reproduction or pictorial portion of the Great Seal of the State of Oklahoma on any badge, credentials, identification card, or other means of identification used in connection with any activities regulated under the Act.

(b) Every marked security vehicle shall conform to the following requirements:

(1) The agency's state license number, or in the event of an individual security guard, the individual's license number shall be displayed on the rear of the vehicle or on both sides of the vehicle displayed in characters of no less than three (3) inches in height and clearly readable.

(2) The word "Security", either alone or in conjunction with the Company name, shall appear on each side and the rear of the vehicle in letters of no less than three (3) inches in height, and readable from a reasonable distance.

(3) A security vehicle shall not bear any similar color or markings to authorized law enforcement vehicles in the locale of the security company's business. For the purpose of subsection (3) markings shall mean any emblem, sticker, seal, paint, etc., used to decorate the exterior of the vehicle.

(4) Licensed security guards who are also full-time or reserve peace officers shall not use a police vehicle to patrol private security accounts while outside the peace officer's official peace officer jurisdiction.

(c) For the purpose of this Chapter and other applicable section, a marked security vehicle shall be considered marked if said vehicle falls within the following:

(1) Has any non-factory lighting such as spotlights (attached), overhead revolving or strobe lights, rear amber deck lights, dashboard revolving or strobe lights,

(2) Is used in private security as transportation; and

(3) Does not fall within the definition of armored car listed in 390:35-1-3.

(d) All uniformed, licensed security personnel and agencies shall conform to the following requirements regarding the security uniform:

(1) The name of the security agency, or in the event the guard is not employed by an agency, the words "Private Security", "Security Guards", "Private Guard", "Security" or "Guard", shall be visibly displayed on the uniform and jacket in a prominent manner.
(2) In all other respects, Uniforms shall comply with Title 59 O.S., Section 1750.9 and Title 59 O.S., Section 1750.10.
(3) Licensees shall not wear a uniform, insignia, badge, etc., that would lead a reasonable person to believe that he is connected with federal, state or local government, unless authorized by proper authorities to do so.
(4) The following options are acceptable attire for plain clothes assignments:
(A) Client logo patch with word "Security" on it with officer's name.
(B) No patch, with security officers name tag only.
(C) No patch, security officer's name and company name or logo on name tag.
(D) Combination company patch - name tag, company name or logo.
(E) No identification at all, just trousers and blazer.

390:35-5-13. Notification of change of address or telephone number
(a) Private investigators, armed security guards, and unarmed security guards shall maintain, with the Council, current residential addresses.
(b) The Agency owner or branch manager (in the instances of national corporations) shall notify the Council of changes in the business address and/or telephone number within 10 days of the effective date of the change.
(c) Failure to notify the Council of business address changes, business telephone changes, or residential address changes, in accordance with the provisions of this Section, shall be considered a violation.
(d) If failure to comply with this Chapter results in Council Action, the use of "lack of notice" shall not be deemed as a valid defense in any proceeding.

390:35-5-14. Reinstatement and late fees [REVOKED]

SUBCHAPTER 7. APPLICATION PROCEDURE

Section
390:35-7-1. Requests for applications
390:35-7-2. Application process; sworn affidavit; penalty
390:35-7-3. Accuracy and completeness of application
390:35-7-4. Background investigation of applicants
390:35-7-5. Individual license fee schedules
390:35-7-6. Conditional license fees
390:35-7-7. Changing from security guard license to armed security guard license

390:35-7-1. Requests for applications
(a) An application may be requested at the following address: CLEET, Private Security Division, 2401 Egypt Road, Ada, Oklahoma, 74820-0669.
(b) When such request is received, requests will be handled in the most expeditious and cost effective manner.

390:35-7-2. Application process; sworn affidavit; penalty
The completed application form pursuant to the Act shall constitute a sworn affidavit. Willful, fraudulent application for a license pursuant to the Act shall constitute a felony offense.

Applicants are hereby warned that willfully making false statements in making applications for licenses pursuant to the Act, or otherwise committing fraud in connection with such application is a felony offense, punishable by two (2) to five (5) years in prison; a fine of not more than $2,000, or both such fine and imprisonment.

390:35-7-3. Accuracy and completeness of application

(a) All information on an application form or any related document must be accurate to the best of the applicant's knowledge.

(b) All sections of the application that are applicable to the applicant must be completed, and all applicable spaces must be filled in with the appropriate information.

390:35-7-4. Background investigation of applicants

(a) The requirements of the Act will necessitate an investigation into the personal history, employment history, and moral character of each applicant. Local, state, and federal criminal indices will be examined in the normal processing of applications for evidence of any prior criminal record. In addition to those offenses set forth in the Statutes, convictions of crimes set forth in Appendix A of this Chapter, shall be deemed as disqualifying convictions.

(b) Failure to provide the information necessary to complete this background investigation, including certified copies of judgement and sentence, shall preclude any further processing and shall result in denial of said application.

(c) Fingerprint cards or electronically captured fingerprints submitted by an applicant which have been rejected by the Oklahoma State Bureau of Investigation (OSBI) or Federal Bureau of Investigation (FBI), have failed to meet the statutory requirement of 59 O. S. Section 1750.6 (A)(1) for providing "classifiable fingerprints to enable the search of criminal indices for evidence of prior criminal record".

(1) Upon notice to CLEET from the OSBI or FBI that fingerprints have been rejected, CLEET shall send written notice to the applicant requesting resubmission of fingerprints.

(2) Failure to resubmit fingerprints within thirty (30) days of the request for resubmittal shall preclude any further processing and shall result in denial, suspension or revocation of any license held by the applicant.

(3) Upon the third rejection of fingerprints by the OSBI or FBI or the expiration of one-hundred-eighty days (180) days, whichever occurs first, from the original date of issuance of any license, such license shall be suspended or revoked until such time that classifiable fingerprints have been submitted and criminal history reports have been received from OSBI and FBI.

390:35-7-5. License fees

(a) Individual and Agency license fees shall be determined as set forth in 59 O.S., Section 1750.1 et seq.

(b) One fingerprint fee is required of each applicant. For example, if a private investigator also applies for an armed security guard license, the applicant need not pay another fingerprint fee. Applicant is responsible for paying any fees required by the F.B.I.

(c) No fingerprint fee is required for Special Event Licenses.

(d) Overpayment amounts will be returned to the remitter.

390:35-7-6. Conditional license fees

(a) All conditional license and fingerprint fees shall be non-refundable, and must accompany the license application.

(b) Conditional licenses shall be issued for a period of 180 days. The fee for a conditional license is the same as the regular license.
(c) The holder of a conditional license shall be issued a regular license when the following conditions have been satisfied:
(1) All required training and tests have been successfully completed; and
(2) The applicant's background investigation is satisfactorily completed.
(d) Regular licenses so issued shall expire two (2) years from the effective date of the conditional license.

390:35-7-7. Changing from security guard license to armed security guard license

An existing security guard license may be changed to an armed security guard license, under the following conditions:
(1) The applicant must request the change;
(2) The applicant must meet all the additional requirements for an armed security guard license;
(3) A criminal history update may be conducted by CLEET, but no additional fingerprint cards, nor additional fingerprint fees shall be needed;
(4) If an applicant wants to retain the expiration date and the number of his original license, he must pay only an additional fee of twenty-five dollars ($25.00);
(5) If an applicant wants his armed security guard license to be effective for a full two-year term, he must accept a new license number and pay the full fifty dollar ($50.00) license fee;
(6) If a change is requested under this sub-section while his license is still in a conditional status, the balance payable for issuance of the armed security guard license shall be the fee difference between the unarmed and armed license.

SUBCHAPTER 9. VIOLATIONS AND INVESTIGATIONS

Section
390:35-9-1. Classifications of actions against licensees
390:35-9-2. Complaint procedure
390:35-9-3. Failure to obtain license
390:35-9-4. Notification of legal proceedings against licensee
390:35-9-5. Grounds for actions against licenses
390:35-9-6. Disciplinary penalties and/or fines

390:35-9-1. Classifications of actions against licensees

Pursuant to the Act, CLEET shall have the responsibility and authority to investigate alleged violations of the Act and of the rules of this Chapter. These investigations may result in one or more of the following classifications of actions to be taken against a licensee:
(1) Written reprimand, without probation;
(2) Written reprimand, with probation;
(3) Suspension of license or identification card;
(4) Revocation of license or identification card;
(5) Denial of license application;
(6) Non-renewal of license;
(7) Arrest; and/or
(8) Disciplinary penalty or fine.

390:35-9-2. Complaint procedure

Complaints of violations subject to investigation may be made in person, by telephone, or in writing to CLEET.

390:35-9-3. Failure to obtain license

Except as provided by law, no person, or in the case of an agency license refers to any corporation, company, association, operation, firm, partnership, institution, trust, or other form of business association, as well as a natural person, whether or not a resident of the State of Oklahoma, may be employed or operate as a security guard, private investigator, armed security guard, security agency or investigative agency until a license has been issued by the Council On Law Enforcement Education and Training.

(1) When it has been determined that an agency or individual coming under the purview of this Act has failed to obtain an appropriate license or licenses, CLEET shall generally take the following actions to ensure compliance:

(A) The person or agency shall be assessed a disciplinary penalty or fine as notification of non-compliance.

(B) Said agency or individual shall submit properly completed application forms, associated materials, and the correct fees, within fifteen (15) days of receipt of the initial notification. (C) If said agency or individual fails to comply with (B) of this paragraph, CLEET shall notify said agency or individual of its intent to prosecute for non-compliance;

(D) CLEET shall then present the evidence of non-compliance to the District Court for prosecution.

(E) If said agency or individual complies with (B) of this paragraph, upon payment of the disciplinary penalty or fine, the application may be accepted for processing.

(2) Nothing in this Chapter shall be construed so as to prohibit or discourage CLEET, or any law enforcement agency from taking immediate, lawful action in the enforcement of the provisions of the Act, or other laws of the State of Oklahoma.

390:35-9-4. Notification of legal proceedings against licensee

(a) All criminal proceedings initiated against a licensee shall be reported by the affected licensee to CLEET immediately, upon discovery of the filing of such proceeding.

(b) All civil proceedings initiated against a licensee related to matters under the purview of the Act shall be reported to CLEET no later than ten (10) days after the licensee is served with notice of said proceeding.

(c) This notification shall provide the following information:

(1) Nature of the proceeding;

(2) Court in which proceeding has been filed;

(3) Docket or case number; and

(4) Parties to the proceeding.

(d) Failure to give notice pursuant to the rules of this Chapter may be cause to initiate an action against the licensee, by CLEET.

(e) Private Security Agencies shall be responsible to ensure that licensed employees comply with the provisions of the Act, and the rules of this Chapter, and the laws of the United States, the State of Oklahoma, and political subdivisions therein. Violations of the Act and/or the rules of this Chapter, committed by any employee or a private security agency, shall be cause to initiate an action against said agency's license, by CLEET, if said violation or offense occurred within the course and scope of employment with said agency.

390:35-9-5. Grounds for actions against licenses

CLEET may take an action against a license issued under this Chapter, if the licensee:

(1) Violates any provisions of the Act or rules and regulations promulgated hereunder;
(2) Practices fraud, deceit or misrepresentation;
(3) Commits an act which would disqualify the licensee;
(4) Conviction of a crime related to the practice of the occupation; and
(5) Willful or grossly negligent failure to comply with substantial provisions of federal law or state statute governing the practice of the occupation.

390:35-9-6. Disciplinary penalties and/or fines

The Director may impose a disciplinary penalty or fine for violations of O.S. Title 59, Section 1750.1 through 1750.11, or the rules promulgated hereunto, not to exceed five-thousand dollars ($ 5,000.00) per offense, if the Director determines that such action better serves the purpose of this chapter.

(1) If, upon investigation, the Director determines a violation has occurred, the Director may issue a citation to the licensee, person or registrant. The citation shall be in writing and shall describe the nature of the violation, including specific reference to the provision of the law or rule determined to have been violated.

(2) The citation shall inform the licensee, person or registrant that he is to contact CLEET within 15 days of receipt of the citation for disposition in one of the following manners:

(A) To pay a disciplinary penalty or fine.

(B) To contest the findings of the violation, and request a review by a Hearing Examiner, in accordance with Chapter 2 of this Title.

(3) Disciplinary penalties and fines disposed of by (2) (A) of this Section will be assessed according to the schedule provided in Appendix C of this Chapter.

(4) Disciplinary penalties and fines disposed of by (2) (B) of this Section will be assessed by the Hearing Examiner on a case-by-case basis.

(5) If the disposition of a violation by (2) (A) of this Section results in automatic referral for a hearing after successive violations, the disciplinary penalties and fines will be assessed by the Hearing Examiner on a case-by-case basis.

(6) If the licensee, person or registrant does not make disposition within 15 days of receipt of the citation, CLEET will initiate an action for revocation against the licensee, and/or file charges.

(7) The disciplinary fines and penalties collected shall be deposited in the General Revenue Fund.

SUBCHAPTER 11. INSURANCE AND BOND REQUIREMENTS

Section

390:35-11-1. Insurance and bond requirement [REVOKED]
390:35-11-2. Notification of employment and termination of employment
390:35-11-3. Liability coverage

390:35-11-1. Insurance and bond requirements [REVOKED]

390:35-11-2. Notification of employment and termination of employment

(a) Licensed security agencies and investigative agencies shall notify CLEET, in an approved format, of the employment of any licensed security guard, armed security guard, or private investigator, or any applicant. This notification shall be made within five (5) days of the employment of such employee, and shall include the employee's name, social security number, and private security license number.

(b) Licensed security agencies and investigative agencies shall notify CLEET, in writing, of the termination of all licensed security guards, armed security guards, or private investigators employed by said agencies, and that had been covered under said agencies' liability insurance or surety bond. This notification shall be made within five (5) days of the employee's termination, and shall include the employee's name, social security number, and private security license number.

390:35-11-3. Liability coverage

(a) Licensed security guards, armed security guards, and private investigators shall be individually responsible for obtaining and maintaining their own liability insurance or surety bond when they leave the employment of an agency, and/or when they are self-employed.

(b) No private security license issued in accordance to 59 O.S., Section 1750.1 et seq. shall be valid when the licensee fails to maintain the prescribed liability coverage.

(c) Proof of insurance shall be provided CLEET by submitting a certificate of insurance, such as the Accord Form; or a copy of the policy, or a copy of the bond; or a letter from the issuing company. Regardless of the method chosen, the proof submitted shall at least contain the following information:

(1) Name of insured
(2) Name and address of insurer
(3) Policy limits, coverages, and amounts
(4) Effective dates of policy
(5) If covered by a bond, the original bond proof of coverage must include an original or copy of the Notification of Bond and Power of Attorney. Proof of renewal of the bond does not require a copy of the Power of Attorney, only submission of the Notification of Bond.

(d) Any company providing insurance or surety bonds must be licensed to do business in the State of Oklahoma.

(e) Every licensee shall ensure that their insurance or bond will not be cancelled or modified unless ten (10) days prior written notice is submitted to CLEET.

(f) A violation of the rules of this subchapter will constitute grounds for immediate suspension or revocation of a license, and/or disciplinary penalty or fine.

SUBCHAPTER 13. USE OF FIREARMS

Section

390:35-13-1. Authorized firearms
390:35-13-2. Reporting the discharge of firearms

390:35-13-1. Authorized firearms

(a) 59 O.S., Section 1750.1 et seq. is not intended to be used as a means to obtain authority to carry a weapon except in the course and scope of gainful employment as an armed security guard.

(b) All armed security guards not in uniform apparel must carry their firearm concealed from view.

(c) Under no condition shall an armed security guard licensee carry an inoperative, unsafe, or replica model firearm while on duty or any firearm in violation of a federal or state law, while in the course and scope of his employment.

(d) No armed security guard or private investigator shall carry a type of firearm with which he has not been formally trained to handle and operate. Formal training must be conducted by an accredited and recognized firearms instructor and training program. Compliance with this requirement is incumbent upon the licensee and notification to CLEET shall be required by submitting a certificate of training or a copy thereof upon completion of said training. Said notification shall include:

(1) Type of firearms
(2) Entity and instructor providing training
(3) Number of training hours
(4) Qualification scores
(5) Date(s) of training

(e) The prescribed revolver or semi-automatic weapon ammunition shall be "factory-loaded". Ammunition commonly referred to as "re-loads" is strictly prohibited for use as service ammunition.

(f) The pump (slide action) 12 gauge shotgun shall be the only authorized shotgun weapon. Pump shotguns which have a hammer safety are prohibited. The pump shotgun nomenclature shall be similar to the type indicated in Appendix B of this Chapter.

(g) The authorized shotgun service ammunition shall be the standard 12-gauge shell which is 2 3/4 inches in length and ordinarily carries from 1 to 1 5/8 ounces of shot with pellets ranging from light bird shot to heavy buckshot.

(h) The prescribed shotgun ammunition shall be "factory loaded". Ammunition commonly referred to as "re-loads" is strictly prohibited for use as service ammunition.

(i) No licensee shall brandish, point, exhibit, or otherwise display a firearm at anytime, except as authorized by law, and the rules of this subchapter.

390:35-13-2. Reporting the discharge of firearms

(a) The discharge of a firearm by a licensee, pursuant to Section l750.9 (C) of the Act, shall be reported by phone immediately by the licensee to CLEET, Private Security Division during working hours (8:00 a.m. to 4:30 p.m. Mon-Fri). If other than during working hours, calls and reports shall be made the next working day to CLEET. The telephonic report shall include:

(1) Name of licensee discharging firearm;
(2) Name of employer;
(3) Location of incident;
(4) A brief narrative of what happened;
(5) Whether death, personal injury or property damage resulted; and
(6) Whether the incident is being or was investigated by a law enforcement agency.

(b) CLEET, when deemed appropriate, shall immediately proceed to the scene of the incident and the investigation shall include, but not be limited to:

(1) Name, address, telephone number and license number of licensee discharging firearm;
(2) Name, address and telephone number of employing agency, if employed by an agency;
(3) Name of person making the report;
(4) Exact location, date and time of the incident and indicate if the location was residential, business or rural;
(5) A detailed description of what happened;
(6) Name of any person(s) killed or injured and the extent of any property damage;
(7) Name, address and telephone number of any witnesses;
(8) If incident was investigated by a law enforcement agency, the name of the investigating officer and employing agency;
(9) Whether criminal charges were filed or anticipated against the licensee; and
(10) Any disciplinary action taken by the employer.

(c) The employing agency shall assure that the involved licensee completes a "Report of Firearm Discharge", to be forwarded by the licensee to CLEET.

(d) Within twenty-four (24) hours after the firearms discharge incident, a separate written report shall be made to CLEET by each, the licensee who discharged a firearm and the employing agency.

If the licensee is self-employed, he shall be personally responsible for reporting any discharge of firearms.

SUBCHAPTER 15. TRAINING STANDARDS AND REQUIREMENTS

Section
390:35-15-1. Private security school accreditation
390:35-15-2. Schools, school coordinators, and instructors
390:35-15-3. Revocation or suspension of private security school accreditation
390:35-15-4. Appeals of suspension or revocation of approved school status
390:35-15-5. Firearms training
390:35-15-6. Psychological evaluations
390:35-15-7. Attendance and administrative requirements
390:35-15-8. Additional violations

390:35-15-1. Private security school accreditation

(a) All schools, school coordinators, and instructors approved by CLEET to conduct private security training shall do so in accordance with the Act and all applicable rules of set forth in this subchapter.

(b) The CLEET approved curricula for private security training was developed and validated by the Oklahoma State Department of Vocational and Technical Education, under the direction of the Oklahoma Department of Public Safety, the Council on Law Enforcement Education and Training, and representatives from the fields of industrial security and private investigation. No additions, deletions, or revisions shall be made to the approved curricula without first obtaining the express permission of CLEET.

(c) Training schools wishing to implement private security training must meet the minimum standards for school coordinators, instructors, training facilities, and curriculum, as set forth in this section, to ensure a consistent training program throughout the State of Oklahoma.

(d) The approved private security training program includes three (3) courses of instruction, each being related to the type of license being applied for. These courses are divided into four (4) training phases:

(1) Phase 1 "Basic" - A course of instruction related to general private security tasks.

(2) Phase 2 "Security Guard" - A course of instruction specifically related to the tasks of unarmed security guards.

(3) Phase 3 "Private Investigator"- A course of instruction specifically related to the tasks of private investigators.

(4) Phase 4 "Firearms" - A course of instruction and familiarization in the care, handling, and firing of revolvers or semi-automatic handguns.

(e) Specific instructional objectives, lesson plans, and examinations for each training phase are published by the Department of Vocational and Technical Education, in manual form.

(f) Security guard license applicants must successfully complete Phase 1 - "Basic", and Phase 2 - "Security Guard". This shall be known as the Security Guard Training Course.

(g) Private Investigator license applicants must successfully complete Phase 1 - "Basic", and Phase 3 - "Private Investigator". This shall be known as the Private Investigator Training Course.

(h) Armed Security Guard License applicants must successfully complete Phase 1 - "Basic", Phase 2 - "Security Guard", and Phase 4 - "Firearms". This shall be known as the Armed Security Guard Training Course.

(i) Private Investigators who wish to be licensed as an armed security guard, must successfully complete all phases of private security training at an approved training school, unless training is waived through experience, or credit is granted for comparable training, pursuant to the Act.

Private Investigators who do not perform the duties as a security guard, who wish to have the "firearms authorized endorsement" must complete Phase I, III and IV.

(j) Every person licensed pursuant to the Act must meet the training requirements set forth therein, except in the following circumstances.

(1) All training requirements, except for firearms training, may be **waived** upon proof that the applicant was employed as a security guard, armed security guard, private investigator, or law enforcement officer on a full-time basis for at least one (1) year in the three (3) years immediately preceding the date of application. This experience may be continuous or cumulative, and must be in accordance with (2) of this subsection.

(2) As defined in the Act, it is unlawful to be employed as a security guard, or private investigator after January l, 1988 unless properly licensed. It is unlawful to be employed as an armed security guard after July 1, 1988 unless properly licensed. No person could lawfully gain the experience necessary to qualify for the "Experience Waiver" while working in a private security position under the purview of the Act. Therefore, credit for experience gained in a private security position shall only apply when this experience was accumulated prior to January 1, 1988. This "Experience Waiver" shall expire on January l, 1990, except for applicants who accumulated such full-time experience while employed in a private security position that is specifically exempted from the license requirements of the Act, or in another state.

(3) CLEET may grant an applicant credit for fulfilling all or part of the training requirements, including firearms training, when an applicant submits documented proof of training that meets or exceeds the prescribed training standards as set forth in the Phase 4 - Firearms curriculum.

(4) Completion of CLEET mandated Basic Peace Officer training or reserve officer training, pursuant to Title 70, Section 3311 (F), may be considered as comparable training.

(k) Private security training conducted by any school without the prior approval of CLEET shall be considered null and void, and not in compliance with the provisions of this Act, and these rules and regulations.

(l) For credit to be given for any training conducted prior to the adoption of these rules and regulations, the training school must make application to CLEET, in compliance with these rules, for the approval of such training to be considered.

(1) If the curriculum of such training courses do not meet the minimum training standards, no credit shall be given.

(2) If any school conducted training under assurances that said training was approved by any agency of the State of Oklahoma, or that such training would satisfy the training requirements of this Act, when in fact there was no such approval, or minimum requirements had not been met, CLEET may:

(A) Deny a subsequent application from that school, or take action against an approved private security training school, or

(B) Present the circumstances to the proper authorities for possible criminal charges or other sanctions authorized by law, or by the rules of this Chapter.

390:35-15-2. Schools, school coordinators, and instructors

(a) Unless otherwise provided in 390:35-15-2, CLEET shall recognize only those training courses that are conducted at approved schools. Approval to conduct private security training may be requested by making written application to the Director.

(b) Approval to conduct private security training courses shall be subject to the following requirements.

(1) Approved private schools must be licensed by the Oklahoma Board of Private Vocational Schools.

(2) Private security training courses must be conducted under the coordinating supervision of a person with professionally recognized training or experience in developing and managing training programs. School coordinators shall submit a resume of related education, training, instructional experience, and work experience. Coordinators may also be approved as instructors.

(3) Private Security student/instructor class ratios shall not exceed forty (40) to one (l); However, firearms instructor-to-shooter ratios shall be not less than one (l) to five (5).

(4) Training units (classes) must be taught by approved instructors.

(A) Instructor qualifications shall be based upon training, education, teaching experience, and work experience, but shall minimally include:

(i) One of the following:

(I) A minimum of two (2) years supervisory experience with a legally recognized security or investigative agency; or

(II) A minimum of two (2) years experience as a full-time certified law enforcement officer; or

(III) A minimum of one (1) year of experience as an instructor at an accredited educational institution in the subject matter for which approval is requested, or in a related field.

(ii) Completion of a curriculum orientation workshop conducted by the State Department of Vocational and Technical Education.

(B) Firearms instructors must be currently certified as a law enforcement or private security firearms instructor, by CLEET, the Federal Bureau of Investigation, the National Rifle Association, or other professionally recognized organizations.

(C) Instructors for Phase 3 - "Private Investigator" courses shall submit additional evidence as to their training or experience relating to the Phase 3 curriculum.

(D) Instructors for Fire Safety must be certified by the accrediting authorities in those fields.

(c) Approved schools will be subject to review and inspection by CLEET staff. Training facilities shall meet local and state fire and safety standards. Facilities shall provide a comfortable environment for students and instructors, with minimal learning distractions. Facility and equipment standards shall be consistent with the standards set forth below:

(1) Classrooms of at least ten (10) square feet per student enrolled;

(2) Classrooms adequately heated and cooled;

(3) Classrooms adequately lighted;

(4) Telephones are accessible;

(5) Restrooms are accessible;

(6) Audio/visual equipment is available (projection equipment, chalkboards, etc.;

(7) Firearms training facilities shall minimally provide:

(A) Protective backstop;

(B) 5 firing points;

(C) 3, 5, 7, 15, and 25 yard firing lines;

(D) Public address system;

(E) Restroom facilities;

(F) Accessible telephone;

(G) First Aid supplies;

(H) Protective equipment for eyes and ears.

(8) Indoor firearms training facilities minimally provide:

(A) Protective backstop;
(B) 3 firing points;
(C) 3, 5, 7, 15, 25 yard firing lines. In those instances where the range does not permit firing at 25 yards, the NRA B-34 or Colt T6 target shall be used for shooting the 25 yard state at 50 feet;
(D) Meet the minimum requirements as set forth in the OSHA Code of Federal Regulations, lead standards;
(i) CRF 29 1910.1025 (C) Permissible Exposure Limit
(ii) CRF 29 1910.1025 (D) Exposure Monitoring
(iii) CRF 29 1910.1025 (D)(9) Accuracy of Measurement
(iv) CRF 29 1910.1025 (D)(5)(11) Mechanical Ventilation for Compliance
(E) An annual exposure monitoring report. The monitoring can be conducted by either private firms or by the OSHA Consultation Division of the Department of Labor;
(F) Public address system;
(G) Restroom facilities;
(H) Accessible telephone;
(I) First Aid supplies;
(J) Protective equipment for eyes and ears.

(d) Schools approved to conduct the private security and investigative training courses required for licensing purposes must:
(1) offer these courses as separate courses, independent of any other training course or hours;
(2) separately charge a fee for these courses, if a fee is charged;
(3) advise students that participation in other training programs is not required for licensing; and
(4) refrain from using any statements as training being "CLEET Certified".

390:35-15-3. Revocation or suspension of private security school accreditation

CLEET may impose disciplinary penalties and fines and/or suspend or revoke the approved status of a school, a school coordinator, or an instructor for good cause, and upon written notification. Such notification shall contain the reasons for disciplinary penalties and fines and/or suspension or revocation. These reasons may include:
(1) Use of non-approved curricula or other instructional materials;
(2) Use of false or other misinformation in any application or other document submitted to CLEET;
(3) Failure to make timely reports as required by the rules of this subchapter;
(4) Failure to maintain records as required by CLEET;
(5) Use of non-approved instructors;
(6) Failure to cooperate fully with CLEET in its efforts to ensure compliance with the provisions with the rules of this subchapter;
(7) Violations of the rules of this subchapter and other acts or omissions as prescribed by CLEET;
(8) Falsification of student records or test information;
(9) Failure to obtain approval from CLEET for instructor discretionary materials (films, student handouts, etc.).

390:35-15-4. Appeals of suspension or revocation of approved school status

Appeals of actions described in 390:35-15-3 may be made by petitioning the Director for a hearing. Such appeals shall be conducted in accordance with the Oklahoma Administrative Procedures Act, and Chapter 2 of this Title.

390:35-15-5. Firearms training

(a) Applicants for armed security guard licenses must show proof of successful completion of firearms training at:

(1) CLEET approved private security training school; or

(2) Firearms training that is held to be comparable to the CLEET approved firearms curriculum.

(b) Standards for completion of firearms training are set forth in the firearms curriculum developed by the Oklahoma State Department of Vocational and Technical Education, which is based on the CLEET Basic Peace Officer Firearms curriculum.

(c) Firearms used for approved firearms training shall be consistent with those described in 390:35-13-1. Handguns shall be limited to revolvers in a minimum of .38 and .357 or larger caliber or semi-automatic handguns in a minimum of 9mm or larger caliber.

(d) Approved schools which intend to conduct Phase 4 "Firearms" training must show proof that a firearm training facility is:

(1) Owned and managed by the school itself; or

(2) Being used through a written agreement with the owner of the facility.

390:35-15-6. Psychological evaluations

(a) Prior to Phase 4 "Firearms" training, all students shall be administered a Minnesota Multi-Phasic Personality Inventory (MMPI), or a CLEET approved equivalent psychological examination, by a person qualified to administer such examinations. The school coordinator shall arrange for the examinations to be evaluated by a licensed psychologist of each student's choice and at each student's expense. The results of the psychological evaluations shall be forwarded to CLEET by the evaluating psychologist on forms to be provided by CLEET.

(b) If, after evaluating this initial psychological testing instrument, an evaluating psychologist is not able to form an opinion as to whether or not an applicant is "at risk" or "capable" of exercising appropriate judgement, restraint, and self-control in the use of a firearm, the Act directs the psychologist to "employ whatever other psychological measuring instruments or techniques deemed necessary to form his professional opinion". For the purposes of this subsection, an evaluating psychologist is not necessarily obliged to find an applicant "at risk", by virtue of deficiencies in any particular area (judgement, restraint, and self control), but may consider the applicant's psychological traits in light of all three areas in formulating his opinion. For example, the test scores may indicate that an applicant is likely to lose his temper, but he also has a strong sense of ethics; so he may not be likely to shoot someone just because he tends to get angry easily.

(c) Any additional testing shall be done through mutual agreement between the psychologist and the applicant, and at the expense of the applicant.

(d) In the event that the evaluating psychologist is unable to form an opinion (either "at risk" or "capable"), or in the event an applicant does not agree to any further testing, the evaluating psychologist may so indicate on the "Notification of Psychological Evaluation". In such cases, the applicant's psychological evaluation shall be treated in the same manner as an "at risk" evaluation, pursuant to the Act.

(e) No psychological evaluation shall be accepted as valid for the purposes of this Act when the following conditions have not been satisfied:

(1) The evaluation results may be used for up to six (6) months from the date of the evaluation; and

(2) The evaluation must have been performed for the specific purpose of evaluating an applicant's capability of exercising appropriate judgement, restraint, and self-control in the use of a firearm.

390:35-15-7. Attendance and administrative requirements

(a) School coordinators shall provide the following information to CLEET, thirty (30) days in advance of each training course conducted, on forms to be provided by CLEET:

(1) Training facility location;
(2) Chief Administrative Officer of the school;
(3) School coordinator and resume;
(4) Course schedule, to include dates, hours and instructors for each unit of instruction; and
(5) Resumes on all Instructors.

(b) Any changes in an approved school curriculum, instructors, or training schedules, shall be reported to CLEET in advance of the changes.

(c) Private security personnel enrolled in an approved training school are required to attend all prescribed units of instruction. Tardiness and absenteeism will not be permitted. Students will be required to make up any training missed.

(d) It shall be incumbent upon students enrolled at an approved school to comply with the rules and policies promulgated by the school and any rules established by, and within the authority of the school coordinator. If a school coordinator considers violations of such rules to be detrimental to the welfare of the school, the school coordinator may expel offending individuals from the school. Notification of such actions shall be reported immediately to the employing agency and to CLEET. School coordinators shall be responsible for ensuring compliance with the provisions of these rules and regulations.

(e) At the end of each training course, each student shall be given the opportunity to evaluate the performance of the school coordinator and each instructor on a form provided by CLEET. CLEET staff may conduct these evaluations, at their discretion.

(f) School coordinators shall submit a roster of graduating students, certifying that each student has met the requirements of the course conducted. This certification shall be submitted to CLEET within seven (7) days after the completion of the course, on a form provided by CLEET.

(g) Each training school coordinator will be required to maintain class files for a period of five (5) years from the completion date of each course conducted. Class files shall contain the following:

(1) Roster of students who attended and/or successfully complete the course;
(2) Accurate attendance records;
(3) Examination scores (including firearms familiarization scores), and
(4) Unit instructors.

(h) Applicants must successfully complete a licensing examination administered by CLEET, based on the official private security curricula, prior to issuance of a license.

(1) Applicants will be given five opportunities to successfully complete the state licensing examination.
(2) If the applicant is unable to successfully pass the examination after five attempts, he/she must retake the course.
(3) After repeating the course, applicants will be given two opportunities to successfully pass the examination.
(4) Training costs will be paid by the applicant.

390:35-15-8. Additional violations

The following, in addition to all other laws, rules and regulations shall constitute unacceptable practices for licensed security guards, investigators and agencies subjecting the violator(s) to administrative actions.

(1) Failure to provide written reports/summaries of activities to clients, when requested.
(2) Providing false or misleading information to a client, or the Council.

(3) Failure to supply CLEET with names of employees, payroll records, roster of employees, job status of employees, employee/employer contractual agreements, proof of legally required deductions and contributions, or any other evidence of employment required to establish employee status and compliance with statutes, upon request.
(4) Giving false statements, oral, written or otherwise to any member of the CLEET staff or any law enforcement officer in this state.
(5) Failure to maintain good moral character.

390:35-15-9. Additional testing and evaluation

(a) The Council may require additional psychological or medical testing to be administered and evaluated by a state licensed psychologist, licensed psychiatrist or licensed medical doctor to determine an individual's ability to exercise judgement and safety for the type of license desired.
(b) The physician will complete a form prescribed by the Council.
(c) The applicant shall bear the cost of additional testing and evaluation necessary to determine the suitability of the applicant for a license.
(d) Applicants must wait one year to be retested if found "at risk".

APPENDIX A. DISQUALIFYING CONVICTIONS

In addition to those crimes specified in 59 O.S., Section 1750.1, et seq., the following is a list of additional crimes which may disqualify a person from obtaining or holding an unarmed or armed security guard license, or a private investigator license:

1. Assault and Battery
2. Theft (Petty or Grand)
3. Larceny (Petty or Grand)
4. Any sex offense - including pornography
5. Any offense involving Controlled Dangerous Substances
6. Fraud
7. Extortion
8. Treason
9. Murder
10. Manslaughter
11. Shoplifting
12. Forgery
13. Arson
14. Kidnapping
15. Perjury
16. Tax Evasion
17. Unauthorized use of a Motor Vehicle
18. Conspiracy to commit any of offenses listed herein
19. Accomplice to any offenses listed herein
20. Hijacking
21. Receiving or Possession of Stolen Property
22. Burglary
23. Tax Fraud
24. Swindling
25. Inciting or being involved with a riot
26. Any conviction of a civil rights violation
27. Desertion
28. Escape from jail, prison, or custody
29. Resisting Arrest
30. Assault and Battery upon Police Officer
31. False and Bogus Checks
32. Terrorist Activities
33. Assist in Suicide
34. Bigamy
35. An attempt to commit one of the above offenses.

Appendix B. Pump Shotgun Illustration

(Source: IACP Police Reference notebook, Section 5A-44.
Reprinted from NRA Police Firearms Instructor's Manual.)

APPENDIX C. DISCIPLINARY PENALTY AND FINE SCHEDULE

Description	1st	2nd	3rd
All violations subject to revocation			
General Civil Penalty/Fine Provision for violation of any rule adopted by the Council or statute	$ 150	$ 300	$ 500
Allowing any other person to carry or use individual identification card	$ 250	$ 500	Revoke
Conducting or advertising business without valid insurance or bond	$ 500	$1,500	Revoke
Conducting or advertising business without a valid license	$2,000	Criminal	Charges
Employing unlicensed guards or investigators-armed	$ 150	$ 250	$ 500
Employing unlicensed guards or investigators-unarmed	$ 100	$ 200	$ 500
Failure to carry identification card while working	$ 50	$ 75	$ 100
Failure to maintain physical address in Oklahoma (Agencies)	$ 50	$ 75	$ 100
Failure to notify of address or phone change	$ 50	$ 75	$ 100
Failure to notify of changes in owners, partners, corporation officers within 10 days	$ 50	$ 75	$ 100
Failure to notify of insurance cancellation	$ 50	$ 75	$ 100
Failure to obtain approval for courses advertised as CLEET approved	$ 500	$1,000	$1,500
Failure to obtain mandated continuing education training	$ 50	$ 75	$ 100
Failure to obtain special event license	$ 50	$ 75	$ 100
Failure to provide a list of licensed employees upon request	$ 500	$1,000	$1,500
Failure to provide employment records upon request	$ 500	$1,000	$1,500
Failure to provide proof of insurance by January 30th of the new year- Agencies	$ 50	$ 75	$ 100
Failure to provide written reports or summaries to clients or the council	$ 500	$1,000	$1,500
Failure to report criminal proceedings initiated against a licensee	$ 50	$ 75	$ 100
Failure to report hirings and terminations within 5 days	$ 50	$ 75	$ 100
Failure to show identification to law enforcement officer or CLEET official upon request	$ 500	$1,000	$1,500
Firearms violation. Brandishing, pointing or exhibiting a firearm	$ 500	$1,500	Revoke
Firearms violation. Carrying unauthorized weapon or ammunition	$ 100	$ 500	$1,000
Firearms violation. Carrying while not on duty	$ 100	$ 500	$1,000
Firearms violation. Failure to report discharge within 24 hours	$ 100	$ 500	$1,000
Firearms violation. Inappropriate discharge	$ 500	$1,000	$1,500
Firearms violation. Involving drugs or alcohol	$1,000	$2,000	Revoke
Impersonating a local, state, or federal government employee	$ 500	$1,000	Revoke
Impersonating a local, state, or federal government law enforcement officer	$1,000	Revoke	
Impersonating a private investigator or security guard	$ 500	$1,000	$1,500
Insurance/Bond. Failure to obtain and maintain liability insurance or surety bond	$ 500	$1,500	$2,000
License Fee. Late filing fee for renewal of agency license	$ 100	$ 100	$ 100
License Fee. Late filing fee for renewal of individual license	$ 25	$ 25	$ 25
License Fee. Reinstatement fee of suspended agency license	$ 100	$ 100	$ 100
License Fee. Reinstatement fee of suspended armed individual license	$ 50	$ 50	$ 50
License Fee. Reinstatement fee of suspended unarmed individual license	$ 25	$ 25	$ 25
Out-of-state practitioners. Failure to obtain temporary license	Warning	$ 500	$1,000
Performing service as a guard or investigator without a valid license	$ 100	Criminal	Charges

Private Investigator. Divulging information gained in employment except to employer or required by law	$ 500	$1,000	$1,500
Private Investigator. Prohibited from willfully making false report to employer or client	$ 500	$1,000	$1,500
Providing false or misleading information to a client or the council	$ 500	$1,000	Revoke
Schools. Failure to adhere to established standards	$ 500	$1,000	Revoke
Schools. Failure to cooperate in efforts to ensure compliance	$ 500	$1,000	Revoke
Schools. Failure to maintain records required for 5 years	$ 100	$ 250	$ 500
Schools. Failure to obtain approved school status	$ 500	$1,000	Revoke
Schools. Failure to provide course completion notice within 7 days	$ 50	$ 75	$ 100
Schools. Falsification of documents submitted to CLEET	$1,000	Revoke	
Schools. Use of non-approved curricula or other instructional materials	$ 500	$1,000	Revoke
Schools. Use of non-approved instructors	$ 500	$1,000	$1,500
State Seal. Improper use on badge, patch, letterhead or any display	$ 250	$ 500	Revoke
Uniform. Allowing security guards to work without proper identifying markings	$ 50	$ 75	$ 100
Unlicensed supervisor or guards and/or investigators	$ 500	$1,000	Revoke
Vehicle. Operating a vehicle with red or blue lens covers	$ 150	$ 300	$ 500
Vehicle. Violation of security vehicle markings	$ 150	$ 300	$ 500

TITLE 390. COUNCIL ON LAW ENFORCEMENT EDUCATION AND TRAINING

CHAPTER 40. OKLAHOMA SELF-DEFENSE ACT

Subchapter . . . . . Section

1. General Provisions. 390:40-1-1
3. [Reserved]
5. Instructor Approval 390:40-5-1
7. Instructor Application Procedure. 390:40-7-1
9. Training Standards and Requirements. 390:40-9-1
11. Violations and Investigations. 390:40-11-1

[**Authority:** 21 O.S., Sections 1289.8 and 1290.1 et seq.; 70 O.S. Section 3311]
[**Source:** Codified 07-25-96]

SUBCHAPTER 1. GENERAL PROVISIONS

Section
390:40-1-1. Purpose
390:40-1-2. Statutory authority
390:40-1-3. Definitions
390:40-1-4. Compliance with laws and rules

390:40-1-1. Purpose

The purpose of the rules of this Chapter is to set forth the requirements and guidelines needed to efficiently and effectively implement and enforce the provisions of the Oklahoma Self-Defense Act. This chapter outlines the standards for instructor qualifications, the procedure to obtain instructor status, and establishes the firearms safety and training course required for individuals seeking a concealed handgun license.

390:40-1-2. Statutory authority

Pursuant to the authority vested in the Council on Law Enforcement Education and Training by the Oklahoma Self-Defense Act Title 21 O.S., Section 1290.1 et seq., the rules of this Chapter have been promulgated. These rules and regulations supplement existing state and federal laws, and being properly promulgated, the rules and regulations contained in this Chapter shall have the force and effect of law.

390:40-1-3. Definitions

The following words or terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Act" means the Oklahoma Self-Defense Act, Title 21, O.S., Section 1290.1, et seq.

"Applicant" means a person applying for a license or instructor certificate under the provisions of the Act.

"Armed security guard" means an individual who has successfully completed firearms training required to receive a license as an armed security guard.

"CLEET" means the Council on Law Enforcement Education and Training, and its administrative officers and personnel.

"Concealed handgun" means a loaded or unloaded pistol carried hidden from the detection and view of another person either upon or about the person, in a purse or other container belonging to the person, or in a vehicle which is operated by the person or in which the person is riding as a passenger.

"**Council**" means the appointed members of the Council on Law Enforcement Education and Training, as defined in Title 70 O.S., Section 3311.

"Curriculum" means the collective, written documentation of the material content of a training course, or any particular phase of training prescribed by the Act, minimally consisting of course objectives, student objectives, lesson plans, training aids, and examinations.

"Director" means the Director of the Council on Law Enforcement Education and Training, or his designated agent.

"Exemption certificate" means a document issued by a registered and approved SDA Firearms Instructor indicating the instructor has accepted documentation from an applicant of previous firearms training for all or part of the training requirements necessary for licensing pursuant to the Act.

"Instructor assistant" means a person who assists with training under the supervision of an SDA Approved Firearms Instructor, but is limited in areas of instruction or participation.

"OSBI" means the Oklahoma State Bureau of Investigation.

"Person" means any corporation, company, association, operation, firm, partnership, institution, trust, or other form of business association, as well as a natural person.

"Pistol" means any derringer, revolver, or semi-automatic firearm which:

(A) has an overall length of less than sixteen (16) inches and is able to be fully concealed from detection and view,

(B) is capable of discharging a projectile composed of any material which may reasonably be expected to be able to cause lethal injury,

(C) is designed to be held and fired by the use of a single hand, and

(D) uses either gunpowder, gas or any means of rocket propulsion to discharge the projectile.

"Registration Certificate" means the instructor registration certificate issued by the OSBI.

"Registered Instructor" means a person who has been approved by CLEET and registered with the OSBI to conduct SDA firearms training.

"Qualification" means familiarization with safety rules, loading and unloading a firearm, as it relates to firearms training for individuals to carry a concealed weapon.

"SDA" means the Oklahoma Self-Defense Act.

"SDA firearm instructor" means a person who directly facilitates learning through means of lecture, group participation, practical exercise, or other means, where there is a direct student-teacher relationship and who has been approved by CLEET and registered by the OSBI.

"SDA firearm instructor approval certificate" means a document issued by CLEET under the provisions of the Act, permitting the holder to conduct a firearms safety and training course approved by CLEET.

"SDA firearms training" means the training course established and approved by CLEET for approved and registered instructors to train individuals to qualify for a concealed handgun license.

"**Training course"** means a complete course of instruction required to qualify for a license or certificate under the provisions of the Act.

390:40-1-4. Compliance with laws and rules

(a) All SDA Firearm Instructors shall be knowledgeable of and conduct operations in accordance with all federal, state, and local laws; and rules and regulations of CLEET.

(b) Any statute of the United States or of the State of Oklahoma now existent, or duly enacted in the future, shall supersede any conflicting provision of this Chapter to the extent of such conflict, but shall not affect the remaining provisions herein.

(c) Any violation of this Chapter and applicable Laws of the State of Oklahoma may result in denial, suspension, or revocation of instructor certification.

(d) Interested parties may obtain information or submit comments related to this Chapter by writing to CLEET, 2401 Egypt Road, Ada, Oklahoma 74820-0669.

SUBCHAPTER 3. [RESERVED]

SUBCHAPTER 5. INSTRUCTOR APPROVAL

Section
390:40-5-1. Instructor approval and registration required
390:40-5-2. Instructor training requirements
390:40-5-3. Instructor approval requirements
390:40-5-4. Instructor approval certificates
390:40-5-5. Notification of change of address or telephone number

390:40-5-1. Instructor approval and registration required

No person may conduct a firearms safety and training course for the purposes of licensing under this Act until a SDA Firearm Instructor Approval Certificate has been issued by CLEET and a registration certificate has been issued by the OSBI.

390:40-5-2. Instructor training requirements

Prior to making application with CLEET as an approved instructor, applicants will be required to attend a firearms instructor school meeting the following minimum requirements:

(1) Firearms instructor training conducted by one of the following:
  (A) CLEET;
  (B) National Rifle Association;
  (C) federal law enforcement agencies; or
  (D) other professionally recognized organizations.
(2) course shall be at least sixteen (16) hours in length;
(3) upon completion of course, be qualified to instruct in revolver, semi-automatic pistol, or both; and
(4) receive a course completion certificate.

390:40-5-3. Instructor approval requirements

(a) Applicants shall submit documentation of their firearms instructor training to CLEET.
  (1) Documentation should include a copy of one of the following:
    (A) training certificate;
    (B) a certified copy of a training record; or
    (C) a letter of completion from the course sponsor.
  (2) CLEET may require additional information as to the number of training hours, date, location, sponsor, etc., necessary to evaluate the training.
  (3) Training documentation should reflect the type of weapon, revolver or semi-automatic pistol, on which the instructor is qualified to instruct.
(b) Applicants must complete an application form.
(c) Applicants must pay an annual fee.

390:40-5-4. Instructor approval certificates

(a) Upon acceptance of the firearm instructor's credentials, and completion of all CLEET requirements, applicants will be issued an SDA Firearm Instructor Approval Certificate for:
  (1) Revolver Firearms Instructor;
  (2) Semi-Auto Pistol Firearms Instructor; or
  (3) Revolver and Semi-Auto Pistol Firearms Instructor.

(b) Applicants must submit a copy of this certificate with their application and fee for instructor registration to the OSBI within thirty (30) days after receiving CLEET's approval.
(c) Upon final clearance by the OSBI, a registration certificate will be issued to the applicant by the OSBI.
(d) Unless the approval or registration has been revoked or suspended, a firearms instructor's CLEET approval shall be for a term established in 21 O.S. Section 1290.14.
(e) Instructors must possess the SDA Firearm Instructor Approval Certificate and OSBI Registration Certificate before teaching courses.
(f) Instructors must display their Registration Certificate during each training and qualification course~~s~~.

390:40-5-5. Notification of change of address or telephone number
(a) All active, SDA Firearm Instructors shall maintain an operative telephone. The phone number shall be on file with CLEET.
(b) Changes must be reported within 10 days of the effective date of the change.

SUBCHAPTER 7. INSTRUCTOR APPLICATION PROCEDURE

Section
390:40-7-1. Requests for applications
390:40-7-2. Application process; sworn affidavit; penalty
390:40-7-3. Accuracy and completeness of application
390:40-7-4. Instructor fee schedule

390:40-7-1. Requests for applications
(a) Any person who wishes to apply for a SDA Firearm Instructor Approval Certification under the Act, may do so in writing to CLEET, 2401 Egypt Road, Ada, Oklahoma 74820-0669.
(b) When such request is received, requests will be handled in the most expeditious and cost effective manner.

390:40-7-2. Application process; sworn affidavit; penalty
The completed application form, pursuant to the Act, shall constitute a sworn affidavit. Applications may be denied, suspended or revoked for providing false or misleading information to the Council, or submitting falsified documents for consideration for exemptions.

390:40-7-3. Accuracy and completeness of application
(a) All information on the application or any related document must be accurate to the best of the applicant's knowledge.
(b) All sections of the application must be completed and all applicable spaces must be filled in with the appropriate information.
(c) Failure to provide the information necessary to complete the application shall preclude any further processing and shall result in denial of said application.

390:40-7-4. Instructor fee schedule
(a) Applications for an SDA Firearm Instructor Approval Certificate shall be submitted with the fee established in O.S. 21, Section 1290.14(B).
(b) The following types of payment will be accepted:
(1) Money order;
(2) Cashier's check; or
(3) Cash.

SUBCHAPTER 9. TRAINING STANDARDS AND REQUIREMENTS

Section

390:40-9-1. SDA approved training
390:40-9-2. Firearms training, instructors, instructor assistants
390:40-9-3. Range training
390:40-9-4. Training exemptions
390:40-9-5. Attendance and administrative requirements
390:40-9-6. Certificates

390:40-9-1. SDA approved training

Only the SDA firearms training conducted by approved and registered SDA Firearm Instructors after September 1, 1995, will be recognized as sufficient training to meet the requirements outlined in 21 O.S. 1290.1 et seq.

390:40-9-2. Firearms training, instructors, instructor assistants

(a) Instructors approved by CLEET to conduct training related to the concealed weapon permit shall do so in accordance with the Act and all applicable rules set forth in this subchapter.

(b) CLEET shall establish the course content, curriculum, and provide a copy of the curriculum to all approved firearms instructors.

(1) The curriculum for the firearms safety and training course shall include instruction on the following:
- (A) Pistol handling, safety and storage
- (B) Dynamics of ammunition and firing
- (C) Methods or positions for firing a pistol
- (D) Information about the criminal provisions of the Oklahoma law relating to firearms
- (E) Requirements of the Oklahoma Self-Defense Act as it relates to the applicant
- (F) Self-defense and the use of appropriate force

(2) The course content shall include the following:
- (A) A safety inspection of the firearm to be used by the applicant in the training course
- (B) A practice shooting session
- (C) A familiarization course

(c) Instructors shall adhere to the curriculum as published or revised by CLEET.

(d) The number of hours of training and fees shall be determined as set forth in 21 O.S. 1290.1 et seq.

(e) Prior to conducting SDA firearms training, SDA instructors shall submit a completed Intent to Conduct Training Notification Form to CLEET.

(f) Training conducted by any instructor without the prior notice to CLEET may be considered null and void, and not in compliance with the provisions of this Act, or these rules and regulations.

(g) Instructors must possess a current SDA Firearm Instructor Approval Certificate and be registered by the OSBI.

(h) Instructor Assistants may be utilized under the direction and responsibility of the SDA Firearm Instructor.

(1) The SDA Firearm Instructor will be responsible for the actions of the instructor assistant.

(2) An approved SDA Firearm Instructor must be present during all phases of training.

(3) Instructor Assistants may be used only in the following areas:
- (A) line safety on the range, but not firearms instruction;
- (B) logistical support, moving targets, distributing ammunition, administering first-aid, etc.
- (C) inspection of firearms if the individual has completed an armorer's course;
- (D) legal portion of training if the individual is a licensed attorney by the Supreme Court of Oklahoma.

390:40-9-3. Range training

(a) The approved SDA Firearm Instructor may refuse to train or qualify a person when he has determined the weapon to be used by the student to be unsafe or not to meet the caliber requirement of the Oklahoma Self Defense Act.
(b) The ratio of SDA Firearm Instructors-to-students on the firing line shall be determined as set forth in O.S. 21 Section 1290.14(E) of the Oklahoma Self-Defense Act.
(c) Instructor assistants shall not be included in this ratio.
(d) Students who make less than seventy percent (70%) on the written range safety test will not be permitted on the range.
(e) SDA Firearm Instructors may expel students from the range and deny training for safety violations.

390:40-9-4. Training exemptions
(a) The applicant shall present proof of training to be considered for exemption for all or part of the training requirements to an approved SDA Firearms Instructor.
(b) Proof of training must be within the guidelines established in Section 1290.15 of Title 21 of the Oklahoma Statutes. NRA Pistol Instructor training is recognized by CLEET to qualify for an exemption.
(c) The instructor shall issue a certificate of training exemption to each applicant whose proof of exemption of training is within these guidelines.
(d) The instructor shall maintain on file, a copy of the documents presented as proof of training with a copy of the certificate of training exemption for inspection by CLEET personnel.

390:40-9-5. Attendance and administrative requirements
(a) Approved SDA Firearm Instructors shall submit an Intent to Conduct Training Notification form to CLEET not less than seventy-two (72) hours in advance of each eight hour training course conducted
(b) Changes in dates or locations must be reported to CLEET prior to conducting training.
(c) In accordance with 21 O.S. 1290.1 et seq, students are required to complete the required firearms safety and training course within an eight-hour period. Students must attend the entire course. Tardiness and absenteeism will not be permitted.
(d) The student shall make a score or 70% or above on the written firearms safety test. Those individuals who make below the minimum score will not attend the range activities of the training and will be considered to have failed the course.
(e) The approved SDA Firearm Instructor shall keep on file for an indefinite period of time, a roster of each training class, the safety test score of each individual, the caliber, and type of each individual's weapon and whether or not each individual successfully completed the training course.
(f) Individuals who are exempt from the firing range segment of training will be required to attend the classroom portion which contain the legal, home safety and storage segments.
(g) The instructor's class records will be subject to inspection by CLEET personnel.

390:40-9-6. Certificates
(a) Immediately upon successful completion of training, the SDA Firearm Instructor shall issue certificates of completion to each student.
(b) The certificate of completion shall indicate the portion of training completed.
(c) The SDA Firearm Instructor shall issue a certificate of exemption on the prescribed CLEET form for all or part of the training requirements immediately upon acceptance of the documents.

SUBCHAPTER 11. VIOLATIONS AND INVESTIGATIONS

Section
390:40-11-1. Classifications of actions against licensees
390:40-11-2. Complaint procedure
390:40-11-3. Grounds for actions against licenses

390:40-11-4. Appeals of suspension or revocation of approved instructor status

390:40-11-1. Classifications of actions against licensees

Pursuant to the Act, CLEET shall have the responsibility and authority to investigate alleged violations of the Act and of the rules of this Chapter. These investigations may result in one or more of the following classifications of actions to be taken against a licensee:

(1) Denial;
(2) Suspension; or
(3) Revocation.

390:40-11-2. Complaint procedure

Complaints of violations subject to investigation may be made in person, by telephone, or in writing to CLEET.

390:40-11-3. Grounds for actions against licenses

Violations of the following in addition to all other laws, rules and regulations, shall subject the violator to administrative actions:

(1) Use of non-approved curricula or other instructional materials;
(2) Use of false or misleading information in any application or other document submitted to CLEET;
(3) Failure to maintain records as required by CLEET;
(4) Failure to cooperate fully with CLEET;
(5) Falsification of student information;
(6) Failure to adhere to SDA instructor-to-student ratio;
(7) Misuse of instructor assistants; or
(8) Failure to advise CLEET of training course prior to presentation.

390:40-11-4. Appeals of suspension or revocation of approved instructor status

Appeals of actions may be made by petitioning the Director for a hearing which shall be coordinated in accordance with the Oklahoma Administrative Procedures Act.

TITLE 390. COUNCIL ON LAW ENFORCEMENT EDUCATION AND TRAINING
CHAPTER 45. RETIRED PEACE OFFICER FIREARMS PERMIT

Section
390:45-1-1. Purpose
390:45-1-2. Statutory Authority
390:45-1-3. Definitions
390:45-1-4. Compliance with Laws and Rules
390:45-1-5. Eligibility Requirements
390:45-1-6. Application Procedure
390:45-1-7. Permits
390:45-1-8. Violations and Investigations
390:45-1-9. Denial, Suspension and Revocation
390:45-1-10. Administrative Hearings for Violations
390:45-1-11. Preclusions
Appendix A. Preclusions [SUPERSEDED by 390:45-1-11]

390:45-1-1. Purpose

The purpose of the rules of this Chapter is to set forth the requirements and guidelines needed to efficiently and effectively implement and enforce the statutory provisions regarding the issuance of permits for retired federal, state, county or municipal peace officers to carry concealed firearms.

390:45-1-2. Statutory authority

Pursuant to the authority vested in the Council on Law Enforcement Education and Training by the Oklahoma Firearms Act Title 21 O.S., Section 1289.8 and the Oklahoma Self-Defense Act Title 21 O.S., Sections 1290.1 et seq., the rules of this Chapter have been promulgated. These rules and regulations supplement existing state and federal laws, and being properly promulgated, the rules and regulations contained in this Chapter shall have the force and effect of law.

390:45-1-3. Definitions

The following words or terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Act" means the Oklahoma Firearms Act Title 21 O.S., Section 1289.8. and applicable sections of the Oklahoma Self-Defense Act Title 21 O.S., Sections 1290.1 et seq.

"Applicant" means a person applying for a retired peace officer's firearms permit under the provisions of the Act.

"CLEET" means the Council on Law Enforcement Education and Training, and its administrative officers and personnel.

"Concealed handgun" means a loaded or unloaded pistol carried hidden from the detection and view of another person either upon or about the person, in a purse or other container belonging to the person, or in a vehicle which is operated by the person or in which the person is riding as a passenger.

"Council" means the appointed members of the Council on Law Enforcement Education and Training, as defined in Title 70 O.S., Section 3311.

"Director" means the Director of the Council on Law Enforcement Education and Training, or his designated agent.

"Peace Officer" means any peace officer as defined in 21 O.S. Section 99, and who is authorized to carry a firearm in the performance of official duties. The term does not include auxiliary, private security, private investigators or military police.

"Pistol" means any derringer, revolver, or semi-automatic firearm which:

(A) has an overall length of less than sixteen (16) inches and is able to be fully concealed from detection and view,

(B) is capable of discharging a projectile composed of any material which may reasonably be expected to be able to cause lethal injury,

(C) is designed to be held and fired by the use of a single hand, and

(D) uses either gunpowder, gas or any means of rocket propulsion to discharge the projectile.

"Retired" means any fire marshal inspector, state, county, or municipal peace officer of this state or any federal law enforcement officer who meets the criteria and definition in 21 O.S. Section 1289.8.

"SDA" means the Oklahoma Self-Defense Act.

"State" means the State of Oklahoma.

390:45-1-4. Compliance with laws and rules

(a) All permit holders shall be knowledgeable of and conduct operations in accordance with all federal, state, and local laws; and rules and regulations of CLEET.

(b) Any statute of the United States or of the State of Oklahoma now existent, or duly enacted in the future, shall supersede any conflicting provision of this Chapter to the extent of such conflict, but shall not affect the remaining provisions herein.

(c) Any violation of this Chapter and applicable Laws of the State of Oklahoma may result in denial, suspension, cancellation or revocation of the permit.

(d) Interested parties may obtain information or submit comments related to this Chapter by writing to CLEET, 2401 Egypt Road, Ada, Oklahoma 74820-0669.

390:45-1-5. Eligibility requirements

(a) Each retiree shall meet the following criteria to obtain and retain a firearms permit:

(1) State, county, or municipal peace officer of this state or any federal law enforcement officer.

(2) Have obtained retired peace officer status:

(A) From an appropriate retirement system; or

(B) If the applicant did not participate in a retirement system, the officer must have worked for the minimum number of years required to vest in the retirement system appropriate for the type of law enforcement agency from which the officer retired or served.

(3) Possess no physical or mental impairment which would preclude proper and safe handling of a sidearm.

(4) Not have a conviction or currently be subject to any pending criminal prosecution for any felony offense, drug related offense, aggravated assault and battery or any offense involvement involving impairment by drugs or alcohol.

(5) Have no preclusions listed in 21 O.S. Section 1290.10 or 1290.11.

(b) A state and national criminal history search will be conducted by the OSBI every four (4) years to verify the applicant still meets the requirements for the permit.

390:45-1-6. Application procedure

(a) Any person who wishes to apply for a permit under the Act, may do so in writing to CLEET, 2401 Egypt Road, Ada, Oklahoma 74820-0669.

(b) The completed application form shall constitute a sworn affidavit signed by the applicant attesting to eligibility requirements and notarized.

(c) All applicants must submit a statement from the appropriate retirement system verifying the status of the person as a retired peace officer of the jurisdiction and effective date of retirement or if the retired officer does not participate in a retirement system, a statement from the appropriate law enforcement agency verifying the

status of the person as a retired peace officer of that jurisdiction and the reason why the retired officer does not participate in a retirement system.
(d) For officers not participating in a retirement system, years of service will be cumulative and determined by CLEET records. Any claimed service not reflected in CLEET records must be supported by a written statement verified by the appropriate agency administrator.
(e) Retired reserve officers must meet the eligibility requirements provided in 390:45-1-5.
(f) All information on the application or any related document must be complete and accurate to the best of the applicant's knowledge.

390:45-1-7. Permits
(a) A firearm permit shall be issued to all eligible applicants. This card shall clearly indicate that the licensee is authorized by the State of Oklahoma to carry a concealed firearm under the provisions of this Act.
(b) The permit to carry a concealed weapon is not valid unless the permit card is in the person's possession.
(c) The licensee shall present his firearm permit upon demand, for inspection by a law enforcement officer.
(d) All permit cards or other written authorization shall remain the property of CLEET, and the licensee shall surrender his card to the Director or his designated representative upon written notice setting forth the reasons for such surrender.
(e) All permit holders must maintain a current address or telephone number with CLEET and report changes within a 30 day period of the change.
(f) Failure to provide the information necessary to complete the application shall preclude any further processing and shall result in denial of said application.
(g) Permits shall not expire, but eligibility to retain the permit will be reviewed every four (4) years through a state and national criminal record check by the OSBI.

390:45-1-8. Violations and investigations
Pursuant to the Act, CLEET shall have the responsibility and authority to investigate alleged violations of the Act and of the rules of this Chapter.

390:45-1-9. Denial, suspension and revocation
Violations of this act, and the rules of this Chapter shall subject the violator to administrative action including denial, suspension or revocation of the firearms permit.

390:45-1-10. Administrative hearings for violations
Appeals of actions may be made by petitioning the Director for a hearing which shall be conducted in accordance with the Oklahoma Administrative Procedures Act.

390:45-1-11. Preclusions

In addition to the disqualifying events specified in 21 O.S. Section 1289.9 which are listed on the application statement, permits may be denied or revoked for preclusions listed in 21 O.S. Section 1290.10 and 1290.11.

APPENDIX A. PRECLUSIONS [SUPERSEDED BY 390:45-1-11]

TITLE 390. COUNCIL ON LAW ENFORCEMENT EDUCATION AND TRAINING
CHAPTER 50. PENALTY ASSESSMENT FEES

Section
390:50-1-1. Purpose
390:50-1-2. Statutory authority
390:50-1-3. Definitions
390:50-1-4. Reporting requirements
390:50-1-5. Adjustments
390:50-1-6. Late fees
390:50-1-7. Non-compliance
390:30-1-8. Administrative procedures

390:50-1-1. Purpose

The purpose of the rules of this Chapter is to set forth the requirements and guidelines needed to efficiently and effectively implement and enforce the statutory provisions regarding the collection of the Penalty Assessment Fee.

390:50-1-2. Statutory authority

Pursuant to the authority vested in the Council on Law Enforcement Education and Training by 20 O. S., §1313.2, 70 O. S., §3311; 11 O. S., §14-111.1; 19 O. S., §220, the rules of this Chapter have been promulgated. These rules and regulations supplement existing state and federal laws, and being properly promulgated, the rules and regulations contained in this Chapter shall have the force and effect of law.

390:50-1-3. Definitions

The following words or terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Adjustment" means a credit or debit adjustment due to calculation and reporting errors.

"CLEET" means the Council on Law Enforcement Education and Training, and its administrative officers and personnel.

"Council" means the appointed members of the Council on Law Enforcement Education and Training, as defined in 70 O. S., §3311.

"Court" means any state or municipal court having jurisdiction to impose a criminal fine or penalty.

"Convicted" means any final adjudication of guilt, whether pursuant to a plea of guilty or nolo contendere or otherwise, and any deferred judgement or suspended sentence.

"Director" means the Director of the Council on Law Enforcement Education and Training, or his designated agent.

"Late Fee" means a fee imposed for failure to make timely deposits.

"Penalty Assessment Fee" means a separate fee in addition to and not in substitution for any and all fines and penalties otherwise provided for by law as defined in 20 O. S., §1313.2.

"Rounding Adjustment" means an adjustment to zero balances of $ 0.25 or less as the result of rounding errors on a report.

390:50-1-4. Reporting requirements

(a) Every court in the state shall submit a written report as set forth in 20 O. S., §1313.2.

(1) Each report shall be accompanied by the required fee established in 20 O. S., §1313.2 et seq.

(2) A report of no activity must be made if fees were not collected for the reporting period.

(b) Payments should be made to CLEET and mailed to CLEET, 2401 Egypt Road, Ada, Oklahoma 74820-0669.

(c) Cities and towns may be required periodically to verify by survey whether they have established law enforcement activity.

390:50-1-5. Adjustments

(a) Additional monies owed due to calculation errors, checks written for the wrong amount, transposed numbers, etc., will be payable by the court upon notice from CLEET of an error.

(b) Credit amounts as a result of the same type of errors outlined in (a) will be applied to the next reporting period unless a written request for a refund is requested by the court.

(c) Amounts of $ 0.25 or less will be adjusted off as rounding errors and not carried forward as a credit or debit.

390:50-1-6. Late fees

(a) Late fees will be assessed courts for failure to make timely deposits as provided in 20 O. S., §1313.2 (D).

(b) Late fees are due upon receipt of the late fee notice.

(c) Courts may request that part or all late fees be waived as follows:

(1) A request for waiver of part or all of an assessed late fee must be submitted in writing to the Director.

(2) The written request must contain an explanation of the circumstances leading to the assessment of late fees and be signed by the Judge, Mayor, City Manager or Treasurer.

(3) A court requesting waiver of late fees must diligently respond to inquiry from CLEET requesting clarification of information included in the written request or for requests of supplemental documentation.

(4) Failure to timely respond to any request from CLEET for supplemental information in processing the request for waiver of late fees may result in denial of the request for waiver.

(5) Upon receipt by CLEET of a written request for waiver of late fees, accumulation of additional late fees shall be suspended until a decision on the written request has been issued by the Director.

(d) The Director will determine whether the request for waiver of late fees will be granted or denied.

(1) The Director shall take into consideration all information provided in the written request for waiver of late fees.

(2) The Director should grant a waiver of late fees if she finds clear and convincing evidence that late fees were incurred as a result of circumstances outside the control of the court requesting the waiver or for other good cause.

(3) If the Director is not convinced by clear and convincing evidence that good cause for the late pate payment of the penalty assessment fee has been shown, the request shall be denied.

(4) Unless a written notice or request for supplemental information has been given to the requesting court, the written request will be considered complete when received.

(5) The Director shall issue a ruling on a completed request for waiver within ten (10) days.

390:50-1-7. Non-compliance

(a) Courts that fail to submit required reports will receive a written notice of non-compliance.

(b) Upon receipt of the notice that a report has not been received, courts must submit a written report or response within twenty (20) days.

(c) After thirty (30) days following the first notice of non-compliance to the court and no response has been received by CLEET, a second notice of non-compliance will be issued requesting immediate response or filing of the required report.

(1) If a county court fails to respond to a notice of non-compliance, the Administrative Office of the Courts will receive a copy of the second notice of non-compliance.

(2) If a town, city, or municipal court fails to respond to a notice of non-compliance, the Mayor, City Manager, or Treasurer's office will receive a copy of the second notice of non-compliance.

(d) Failure to respond to the second request within thirty days may result in additional attempts to force compliance including but not limited to filing a Writ of Mandamus and notification to the State Auditor's Office.

390:50-1-8. Administrative Procedures

The Council will follow the rules outlined in Chapter 2. Administrative Procedures to notify the Courts in violation of these rules.

TITLE 390. COUNCIL ON LAW ENFORCEMENT EDUCATION AND TRAINING
CHAPTER 55. FACILITIES MANAGEMENT

390:55-1-1. Purpose

This Chapter provides information and establishes procedures for the Director of Council on Law Enforcement Education and Training to administer the operations of the K. O. Rayburn Training Center.

390:55-1-2. Definitions

The following words or terms, when used in this chapter, shall have the following meaning unless the context clearly indicates otherwise:

"Baffled Range" means the partially covered firearms range.

"Building A" means the administrative offices, conference rooms, and general public area and courtroom.

"Building B" means the student housing building.

"Building C" means the main campus classroom building.

"Building D" means the dining area, kitchen, mechanical room, boiler room, chiller pad.

"Building E" is the all purpose room, exercise room, showers and adjoining offices.

"Building F" means the firearms classroom building.

"Building G" means the garage and tower buildings.

"CLEET" means the Council on Law Enforcement Education and Training.

"Complex" means the property, buildings, driving courses, firing ranges, scenario house, outside storage buildings, and skills pad belonging to the State of Oklahoma located at 2401 Egypt Road, Ada, Oklahoma.

"Commercial activity" means selling or offering merchandise, food or services for the benefit of an individual or business entity organized for profit.

"Demonstration" means a gathering of persons which may include demonstrating, picketing, speech making, marching, holding of vigils and other like forms of conduct which involve the communication or expression of views engaged in by one or more persons, the conduct of which has the effect, intent or propensity, to draw a crowd or onlookers.

"Dining area" means the primary food service area in Building D.

"Director" means the Director of the Council on Law Enforcement Education and Training

"Emergency Response Course" means the driving course

"Event" means an assembly or gathering of people for a single purpose.

"Exhibit" means a display whether free standing or affixed to structures.

"Food service" means serving of meals or catered activities.

"Governmental entity" means any local, state or federal government agency or recognized tribal governments.

"K.O. Rayburn Training Center" means the property, buildings, driving courses, firing ranges, scenario house, outside storage buildings, and skills pad belonging to the State of Oklahoma located at 2401 Egypt Road, Ada, Oklahoma.

"Multi-purpose room" means room E101 located in Building E.

"Outdoor firing range" means the outdoor firing range that has no cover.

"Private purpose" means an event or exhibit subject to special admission requirements.

"Public area" means those portions of the Complex for general visitation or use under the control of the Council on Law Enforcement Education and Training.

"Public purpose" means an event or exhibit for general visitation or use.

"Reservation" means an accommodation CLEET approves and a sponsor secures in advance for an event, demonstration, exhibit or meeting.

"Scenario house" means the modular home structure located on the campus.

"Skills pad" means the concrete pad located on the campus.

"Sponsor" means an individual that requests use of the facilities on behalf of an individual, group, tribal or governmental entity. .

"State agency" means any state board, bureau, commission, department, authority, public trust, interstate commission, the Judiciary, the Legislature, or the Office of the Governor.

390:55-1-3. Statutory citations

Statutory citations refer to the most recent codification of statutes.

390:55-1-4. Forms

Forms or instructions will be developed for use by the public to facilitate requirements of this chapter. CLEET shall provide forms upon request.

390:55-1-5. Waivers

The Director may waive any requirement of this chapter unless statutes mandate the requirement.

(1) All requests for waivers shall be in writing and must include justification for the waiver request.

(2) CLEET shall respond in writing as to the approval, conditional approval, or denial of a waiver request.

390:55-1-6. Compliance with laws and rules

Persons entering the facility shall adhere to all federal, state, and local laws and rules governing conduct and usage of state facilities.

390:55-1-7. Complex access, operational hours and access requirements

(a) General business hours are from 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding state holidays.

(b) During general business hours, the complex may be accessed by the public through the north entrance of the main campus in Building A.

(c) Upon entering the complex all persons shall check in with the Receptionist in the Administrative Offices located on the east side of the main lobby. Persons shall check out with the Receptionist upon exiting the complex.

(d) Persons entering the complex may be subject to security screening requirements.

(e) CLEET shall designate hours of access for scheduled functions upon confirmation of the function.

(f) Persons attending a scheduled function shall check in with a CLEET representative and/or a CLEET designated representative at the location of the function indicated on the confirmation.

(g) Persons in the complex shall at all times comply with the lawful direction of law enforcement and other authorized individuals.

(h) Public entrances, operating hours and access requirements for the complex are subject to change to ensure the health and safety of visitors and employees in the event of an emergency, disaster or other circumstances as determined by the Director.

390:55-1-8. General use

(a) Use shall be restricted to the conduct of state business and to other activities whose principal purpose contributes to the goals and objectives of CLEET and its constituents.

(b) CLEET may impose conditions and time limitations for activities on the complex.

390:55-1-9. General Operating Procedures

(a) CLEET will post a list of rules and requirements in a public area and disseminate information upon confirmation of activities with regards to building operation information and regulations.

(b) The following requirements shall be performed pursuant to applicable state and federal laws and regulations:

(1) Parking. General parking is allowed in paved parking areas with adherence to all applicable restrictions. CLEET will designate special areas of parking for confirmed activities.

(2) Weapons. No person entering or while on-property shall carry or possess firearms or other dangerous or deadly weapons, unless authorized to do so by state or federal laws. For training purposes, the Director may grant exceptions for law enforcement officers, military officers and other individuals involved with public safety.

(3) Intoxicating beverages, low-point beer and controlled substances. No intoxicating beverages, low-point beer, or controlled or non-prescribed substances are allowed inside the building or on property grounds.

(4) Disturbances. No conduct shall be allowed which creates a loud or unusual noise or nuisance; or which obstructs the usual use of entrances, foyers, lobbies, corridors, offices, elevators, stairways or parking lots or which otherwise impede or prohibits the official duties of building occupants or impedes the safe evacuation for building occupants or access for emergency response personnel.

(5) Posting and/or distribution of printed materials. No notices, bulletins, circulars or other type information may be placed on any common area wall or door (common area is described herein as hall, lobby, elevator, restroom, break room or conference room). This includes all adjoining doors and door frames.

(A) This paragraph does not apply to meeting agendas posted in accordance with the Oklahoma Open Meeting Act unless alternate posting methods for public viewing become available, or information posted with the approval of the Director.

390:55-1-10. Reservation requests

(a) All events of the complex, whether for a public or private purpose, require prior written approval of CLEET.

(1) A sponsor shall submit an application for a reservation on a form designated by CLEET together with a check or purchase order for any applicable fees (Reference OAC 390:55-1-11) to CLEET at least ten (10) working days but no more than six (6) months prior to the beginning date of the proposed event or exhibit. Requests for individual lodging reservations shall be made at least five (5) working days in advance on a form designated by CLEET. Individual lodging reservations for CLEET sponsored events will not require advance payment or deposit. The application must be submitted during CLEET's business hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding state holidays.

(2) The application shall include information regarding the desired date, time period, area of use, a description of the event and estimated number of participants.

(3) CLEET may restrict use of the skills training facilities for firearms, driving and defensive tactics.

(4) A member of CLEET shall be available at the complex during any event. Reservations shall be subject to the availability of CLEET staff to schedule functions after hours, on weekends or during a period that extends the staff beyond its normal capacity. Use of the skills training facilities shall require a staff member with knowledge in the area of operation to be available to ensure safety regulations are followed.

(5) If CLEET denies a request for a reservation, CLEET will notify the requesting sponsor or individual making the reservation of the reasons for denial.

(b) Prioritization of reservations. The training activities and events conducted or sponsored by CLEET shall take precedence over use of the complex by other organizations or businesses. Law enforcement activities shall receive priority over public activities when scheduling events.

(c) Cancellation of reservations. Facility reservations must be cancelled three days in advance. Lodging room reservations must be cancelled 24 hours in advance. Reservations not cancelled will be charged the full fee amount.

(d) The full fee amount for a reservation will be refunded in the event of a cancellation of a reservation by CLEET due to unforseen circumstances or at the request of the Director.

390:55-1-11. Fees

(a) Events not conducted or co-sponsored by CLEET shall be subject to fees authorized by 70 O.S. 3311 according to the fee schedule below:

(1) Lodging per bed - $ 20.00 per night
(2) Classrooms C111, C131, C112, C127, C124 - $ 40.00 per day
(3) Computer lab C107 - $ 250.00 per day
(4) CSI lab C115 - $ 150.00 per day
(5) Large classroom C128 - $ 60.00 per day
(6) Scenario classroom C114 - $ 60.00 per day
(7) Dining Room A104 - $ 40.00 per day
(8) Conference Room/Courtroom A107 - $ 100.00 per day
(9) Boardroom A214 - $ 40.00 per day
(10) Scenario House - $ 75.00 per day
(11) Multipurpose room E101 - $ 400.00 per day
(12) Emergency response course - $ 350.00 per day (no vehicles provided)
(13) Firearms Classroom F102 - $ 40.00 per day
(14) Baffled firing range - $ 150.00 per day
(15) Outdoor firing range - $ 80.00 per day
(16) Chair - $ 2.00. For seating in the multipurpose room that exceeds CLEET's chair availability, sponsors shall provide their own seating.
(17) Table - $ 8.00
(18) Locker room - $ 25.00 per day (men's and women's)

(b) Fees for one-half day or less shall be one-half of the daily rate

(c) All individuals lodging at the complex shall be subject to a $ 10.00 fee for a lost room key or magnetic access card to the room. Payment shall be made to CLEET and the fee shall be received before certifications of completion will be granted for the course or event attended.

(d) All individuals issued a magnetic access card for food services shall be subject to a $ 2.00 fee for a lost access card. Payment for the food service card shall be made directly to the food service vendor.

(e) Failure to immediately pay any assessed fees may result in denial of future participation in CLEET activities or use of the complex.

390:55-1-12. Provisions for events

The following provisions apply to all events:

(1) Sponsors shall confine events and exhibits to the areas specified in the reservation and shall not relocate to, install, or erect additional paraphernalia in other areas of the complex unless CLEET grants prior approval.
(2) No intoxicating beverage or low-point beer will be dispensed or consumed on state property.
(3) Use of cooking or heating elements of any kind is prohibited except for the contracted vendor providing cafeteria services for CLEET.
(4) Placement of materials of any kind on structures, fixtures or vehicles in a state parking lot in conjunction with an event or exhibit is prohibited unless written permission is obtained from the Director.
(5) Unless authorized in the reservation application, affixing banners, signs, or materials in any manner on or in the complex is prohibited.
(6) CLEET prohibits commercial activity, collection of fees, solicitation of money, or fund raising events which solicit or collect money on the complex. Governmental agencies and non-profit organizations that sell goods or host fund raising events to benefit or promote the function of the agency or non-profit organization may request an exemption from the Director.
(7) CLEET may order or seek to cause cessation of an event which may pose a hazard, as determined by CLEET, to an individual, group, building, contents of the building, or building fixtures and appurtenances.
(8) A sponsor shall place electrical cords and cables used for events so that the cords and cables limit potential hazard to persons in the area. Electrical cords and cables must be placed out of walkways unless secured to the floor.
(9) Open flames (including candles) used in conjunction with events are prohibited except for the contracted vendor providing cafeteria services for CLEET.
(10) No outside catered events or food service will be allowed. Arrangements must be made directly with the contracted vendor providing cafeteria services for CLEET if such food services are desired.
(11) Sponsors shall be responsible for providing expendable supplies or special equipment required for an event to include items such as ammunition, targets, hearing protection, eye protection, handcuffs and batons.
(12) CLEET reserves the right to inspect and approved any equipment and expendable supplies for the event for purposes of ensuring safety.

390:55-1-13. Requirement at the end of event
(a) Immediately following the event, the sponsor shall remove all materials used in conjunction or created by the event.
(b) The sponsor shall deposit all waste in the appropriate container and return the tables and chairs to the original configuration at the beginning of the event.
(c) Dining room activities or catered events shall be cleaned immediately by the food service provider for the event.

390:55-1-14. Damage to the buildings, grounds or equipment
(a) Sponsors of approved events shall agree to and pay for any damage to the complex buildings, grounds, or equipment caused by the negligent or malicious actions of any individuals involved in the usage.
(b) CLEET shall bill the sponsor for damages. Failure to pay for the assessed damages may result in denial of future requests and may result in action for civil recovery for damages.

390:55-1-15. Liability
Sponsors of approved events shall agree to and accept the liability for injury or death of the user's representative, CLEET staff, or any other person(s) as a result of the negligent or malicious acts of any individuals involved in the usage. Reservation agreements shall include a hold harmless and indemnification section to be signed by the event sponsor.