



# CLEET

Council on Law Enforcement Education and Training



## Upcoming Training Initiatives

[Employment Opportunities](#)

[Accreditation Information](#)

[Firearms Requalification Standards](#)

[Firearms Recertification Certificate](#)

[Password Help](#)

In 2016 Cleet will be hosting several more training initiatives than we have in previous years.

We are planning to cover more areas of the state and give you the opportunity to receive the majority of your training in one place over 3-5 days.

I will be sending out more information regarding this when we get them mapped out and dates scheduled. Please make sure that your officers are signed up to receive our newsletter so that they can be informed of initiatives in your area.

# Executive Director Report

Welcome to a new year and many new challenges. As we look forward to the upcoming year we see the challenges as new opportunities to reinvent training and provide support to over 550 law enforcement agencies in Oklahoma. It will be a necessity for our staff at CLEET to provide new methods for administering training and providing instruction. It is also of greatest importance that we form new partnerships with the many training units across the state.

Reviewing 2015, we made strides toward more distance education through the GoToTraining on-line courses, but we are a long way from reaching an optimum level of providing courses. We have the capability of providing in excess of 100 classes utilizing this format. Alongside the instructors at CLEET, this year we will consider developing adjunct instructors that would like to provide training using this format. CLEET will develop a train-the-trainer course to teach instructors how they can teach CLEET courses on-line.

Training initiatives gained steam this year and you should look forward to the addition of several more of these multiple day training programs as we are faced with travel restrictions. In only three of these initiatives conducted this year we trained over 1200 officers. Every year we have seen an increase in the number of officers obtaining their annual training through this distribution method. We will expand our range from the two locations (Oklahoma City and Broken Arrow) that hosted courses this year. We will hold at least seven of these initiatives in 2016.

In order to maintain the state requirement of having new officers in training within six months of hire, CLEET conducted two academies away from Ada last year in Nicoma Park and Muskogee. The equivalent of one full academy of 80 cadets was trained in the two 40 officer classes. In 2016, although we have not made a final determination on holding additional off-campus classes, if the need arises, we will consider the possibility of conducting others.

It was a difficult task determining how the budget shortfall would be addressed this past year. The outcome, as you are aware, was eliminating the evening meal and requiring officers to bring half of the ammunition necessary to participate in firearms instruction. As the future financial situation in Oklahoma continues to result in budget cuts to agencies, we are determined to not add additional out-of-pocket expenses to the agencies or officers. This will be challenging, but we are exploring other options. Unfortunately, those options may require reductions in services. That is why we are researching other ways of providing the services that you have become accustomed to from CLEET. We are fortunate that we have a staff that is dedicated to providing those services and are, with me, looking for alternatives. Please help us with your ideas on how to address these needs. I am confident we can adapt to these challenges.

Please be careful and keep training so that you can be the best as you protect and serve the citizens of the Great State of Oklahoma!

Happy New Year!

# ADJUNCT INSTRUCTORS

## **Appeal to All Oklahoma Law Enforcement Agencies:**

In recent months, CLEET has experienced a sharp decline in the number of adjuncts that have been able to assist with Basic Academy Training. Part of this decline is due to the severe weather crisis that we have experienced. All areas of training are experiencing these shortages; however, our skills classes in particular have been deeply affected. In addition to the needs for adjunct instructors, we need assistance in conducting practical exercises during the last week of an academy. Since these practical exercises have been added to the curriculum we have received great reviews from the students, commenting that they are able to put into practice the skills that they have learned during the 15 weeks of training.

CLEET provides housing and meals for persons assisting with training during a basic academy class. In addition, certified peace officers receive 1 hour of continuing education credit for each hour that they assist for basic academy instruction, per subject.

**Firearms Training** – The recommended ratio of instructors to students is 1 to 5 during the daytime and 1 to 3 nighttime firearms training. We generally have 35 to 45 students on the range at any one time. Currently, CLEET employs 5 full-time firearms instructors (2 are in administrative positions) which, with one in the tower, allows us to train 15 people at a time (following the above ratios) safely. The remaining instructional staff is comprised of adjuncts or line safety officers. It should also be noted that we commonly split the class in half with those not on the handgun range receiving training with the shotgun or handgun handling skills. Although this configuration keeps students engaged, it removes at least one of our full-time instructors from the handgun range, thus further pushing our instructor to student ratios.

The need for adjunct instructors on the firing range is not a new problem for CLEET. We are constantly challenged with maintaining a safe instructor to student ratio and recent class size increases have exacerbated the problem. We appreciate the commitment agencies across the state have made toward the CLEET firearms program and with your continued support our program will remain strong.

**Law Enforcement Driving Training** – We generally have between 12 and 15 vehicles operating during LEDT training. Each vehicle has one instructor and three students participating to complete the training in the required time. CLEET employs 7 full time LEDT instructors (some of which are teaching other courses at the time of LEDT due to our operating two basic academies at the same time, 12 months out of the year). Generally, we will need 8 to 12 adjuncts in every class.

**Practical Exercises** – During the final week of the Basic Academy instruction, CLEET provides 20 hours of practical exercise, hands on training, to the students. We conduct 6 to 10 scenarios (based on availability of personnel). Each scenario requires from 2 to 4 actors along with an instructor to critique the students. In order to accomplish the scenario training we require a minimum of 18 role players/instructors each day.

# BASIC ACADEMY SCHEDULE

## 2016 Basic Academy Firearms Schedule

A1601: Session 1: March 15, 16, 17, 18, 22, 23  
Session 2: February 03, 04, 05, 09, 10, 11  
A1601B: February 16, 17, 18, 19, 23, 24  
A1602: Session 1: May 17, 18, 19, 20, 24, 25  
Session 2: June 07, 08, 09, 10, 14, 15

## 2016 Basic Academy LEDT Schedule

A1601: Session 1: February 16, 17, 18, 19  
Session 2: March 01, 02, 03, 04  
A1601B March 15, 16, 17, 18  
A1602: Session 1: April 19, 20, 21, 22  
Session 2: May 03, 04, 05, 06

## 2016 Basic Academy Custody Control

A1601: Session 1: March 11, 15, 16, 17, 18, 22, 23  
Session 2: April 01, 05, 06, 07, 08, 12, 13  
A1601B: February 25, 26, March 01, 02, 03, 04, 08  
A1602: Session 1: May 13, 17, 18, 19, 20, 24, 25  
Session 2: June 03, 07, 08, 09, 10, 14, 15

### **Practical Dates**

**A 1504 - January 05 - 06, 2016**  
**A 1505 - March 15 - 16, 2016**  
**A 1601 - April 26 - 27, 2016**



Adjunct instructors may be provided one hour of continuing education credit for every one hour of instruction provided, i.e. 10 hours of CE for one 10-hour day of instruction, if they teach for the entire block of instruction including the classroom day. If the instructor is not able to attend the entire block they will be awarded 8 hours of CE credit once per year (as we have done in the past). If there are driving instructors available during those two weeks I would be extremely appreciative if they would be allowed to help. CLEET provides housing and two meals per day to adjuncts who come to Ada to assist. Training runs from 0700 – 1730 hrs each day with one night drive each week.

We want to thank the following instructors for helping with the September LEDT instructor school. Casey Gentry - Chickasaw Lighthouse, Richard Ezell - Durant P.D., Dan Stow - Oklahoma County Sheriff's Office, J.R. Kidney Tecumseh P.D., Keith Teel - Oklahoma Highway Patrol, Kevin Rhoads - Purcell EMS, Eric Reed - Citizens Pottawatomie Tribal Police.

## DID YOU KNOW?

- State law requires agencies to notify CLEET within thirty (30) days if an officer resigns while under investigation. 70 O.S. 3311 (K) (8).
- Failure to submit Notice of Employment form may disqualify an agency from participating in training programs. 3310 (I) (1).
- O.A.C.390:10-1-3 – All agencies are required to report employments and terminations within ten (10) days on the current Notice of Employment form. Cadets are now required to sign Promissory Notes when they enter the CLEET Academy. The Notification of Employment is an important document used to establish employment and days credited.
- Accreditation – Agencies that conduct in-service training are required to submit an Accreditation Form with Instructor's information to CLEET for CLEET training credit. As of January 1, 2012 Course Accreditation will be for a period of 3 years instead of 1 year. [Click here for accreditation information.](#)
- Training that does not require accreditation and is taught by someone other than CLEET, such as the Justice Department, FEMA, Federal Law Enforcement, BIA, Online and etc, requires a Report of Training Form to accompany the roster or certificate.
- The new SDA concealed carry permit curriculum is available to licensed SDA instructors. Please email [breanna.atkeson@cleet.state.ok.us](mailto:breanna.atkeson@cleet.state.ok.us) for your copy. You will need to provide your name and SDA instructor number. The staff at CLEET thanks all of the people who assisted with the revision, including, but not limited to: Thomas B.W. Nation, Miles Hall, Jack Ostendorf, Dean Vassilakos, B. Branch, and Mike Miller.
- Several universities are now giving credit or determining if they can give credit for time spent in the CLEET Basic Academy, and the Law Enforcement Terrorism Certification Program—Basic, Intermediate and Advanced Certification. If you are interested in gaining college credit for CLEET training hours, talk to your university and if they are giving this credit, you can request your training record from CLEET and submit it to your university.
- Any adjunct instructor seeking compensation, should work diligently with CLEET to get contracts turned in no less than 60 days prior to the course that they are seeking payment for.
- All emails sent and received by CLEET employees are considered property of CLEET and may be subject to disclosure to the public pursuant to the Oklahoma Public Records Act.

## CONTINUING EDUCATION INFORMATION

CLEET has continuing education classes that are limited for one reason or another. After the class has reached its maximum number we are required to close them. There are officers who do not withdraw, thus, taking a spot that another officer could have had had we known there was space. This gives a false number of officers who are enrolled to the instructors (who donate their time to teach). This also can cost the Instructors time and possibly waste of handouts. We ask you to be mindful and courteous to your fellow officers and withdraw as soon as you find out you are unable to attend. Should this continue CLEET may enact sanctions against habitual offenders.

# PEACE OFFICER RECORDS DIVISION

## From the Peace Officer Records Division CONTINUING EDUCATION

Agency administrators, training coordinators, instructors, and officers need to start reviewing their training record to make sure that all training attended has posted to his/her training record. It is vital that instructors submit their training rosters to CLEET as soon as courses are completed. Training coordinators are encouraged to watch their full-time officers training history to make sure that they are on track to completing the required mandate training hours of 25 total hours, 2 hours of which must be mental health related. All officers, full-time and reserve, must have a firearms requalification (even if they just worked one day in the calendar year).

As standard practice, CLEET accepts current year continuing education for posting with the following exceptions.

If an officer is not compliant for previous year(s) service, CLEET will accept training from prior years to post as make-up training for that particular year.

CLEET has on occasion posted prior training if an officer shows "just cause" that he/she had a specialty skill (i.e., OC Spray, taser training, skills instructor training) and needs the training posted to his/her record.

CLEET has also recently started recording certain FEMA courses that are required to apply for federal funding through grant programs.

Law enforcement related military training would have to be submitted for administrative review and approval before it can be posted to CLEET record.

Continuing education training hours accumulated over the state mandated 25 hours (two of which are mental health) are not carried over to next training year. Training hours are applied to the year in which they are taken unless officer has deficiencies in previous years of service.

If an officer attends training and they do not sign a CLEET roster (i.e., out-of-state training, online training, etc.), they will need to complete a Report of Training transmittal form for each certificate and submit the form and certificate to CLEET as soon as possible. The Report of Training form can be found at HYPERLINK "http://www.ok.gov/cleet/documents/ReportOfTraining.pdf" <http://www.ok.gov/cleet/documents/ReportOfTraining.pdf> .

## AGENCY EMPLOYEE STATUS/INFORMATION REPORT

Agency Administrators please be reminded of the following statutes:

*70 O.S., § 3311 (I) Requires that every law enforcement agency employing police or peace officers in this state **shall submit to CLEET on or before October 1** of each calendar year a complete list of **all commissioned employees** with a current mailing address and phone number for each such employee.*

CLEET will start accepting electronic submission via an Excel spreadsheet on July 1, 2015 for the report year 2015. The spreadsheet method will help law enforcement agencies report only data needed for each of your peace officers in a document that can be easily uploaded to our system. Electronic submission instructions are included on the website. Some departments should be able to extract this data from your own internal agency database and place the information into the CLEET spreadsheet.

Once CLEET has received your **Agency Employee Status/Information Report**, you will be notified by letter that we have received the report. The letter will also inform you if we find any discrepancies between the information you provided and CLEET's current records. For information and assistance with the electronic submission method of reporting, please contact Robbie Weathers at 405-239-5120 or Norma Floyd at 405-945-9153. This information should only be reported by each agency once per year before the October 1<sup>st</sup> deadline.

Every law enforcement agency should have a training coordinator identified and will need to fill out the appropriate online records agreement to submit to CLEET. If your agency does not have a training coordinator, CLEET will accept the report from the department/agency head or designee. CLEET will post an affidavit form with the instructions and spreadsheet so that administrators can advise CLEET that the individual reporting to CLEET is an authorized designee of the department. If the report comes from anyone other than the agency administrator or the training coordinator, this form will be required to make changes to your department officers' individual records. The training coordinator can be the agency administrator. For information about the online records agreement and initial set up of your agency for electronic submissions, please contact Julie Bender at 405-239-5122.

If commissioned employees notify your agency of address changes throughout the year, please make sure that they are aware that they must complete a Notice of Change of Address form and submit to CLEET per the Statute below:

*70 O.S., § 3311 (Q) Is new language that requires all peace officers, reserve peace officers and tribal peace officers to maintain with the Council current residential addresses and shall notify the Council, in writing, of any change of name. Notification of change of name shall require certified copies of any marriage license or other court document which reflects the change of name. **Notice of change of address or telephone number must be made within ten (10) days of the effective change.** Notices will not be accepted over the phone.*

The address correction form can be found at: "[http://www.ok.gov/cleet/documents/PoliceOfficerAddressChange\\_V2.pdf](http://www.ok.gov/cleet/documents/PoliceOfficerAddressChange_V2.pdf)" [http://www.ok.gov/cleet/documents/PoliceOfficerAddressChange\\_V2.pdf](http://www.ok.gov/cleet/documents/PoliceOfficerAddressChange_V2.pdf)

## **SPECIALIZED INSTRUCTOR CERTIFICATION**

Academy cities and outside law enforcement agencies will be allowed to sponsor the firearms, LEDT, and defensive tactics skills instructor courses. They first need to contact Shannon Butler to be approved to sponsor the course. They then will need to apply for an accreditation number(s) for their school.

They will be assigned individual accreditation numbers for their school by applying for accreditation with Tami Burnett. Tami can also assign instructor apprenticeship accreditation numbers to only Academy Cities.

Academy cities are: Broken Arrow PD, Edmond PD, Norman PD, Oklahoma Highway Patrol, Tulsa PD, Oklahoma City PD, and Lawton PD.

Academy cities can do the apprenticeship portion of the instructor training with their employees only. If they open their instructor school up to other agencies, the other agency individuals will have to come to CLEET to complete their apprenticeship training.

Each individual is responsible for notifying CLEET that they are ready to do their apprenticeship and must complete the apprenticeship within one year or less from the final day of completion of the skills training. **Hours will be granted for instructor schools as they finish phases and apprenticeships.**

The officer is not considered a CLEET certified instructor until they have completed all instructor skills training and an apprenticeship as noted above. If the officer is required to finish the apprenticeship at CLEET, they will need to contact one of the individuals listed below to schedule for a Basic Academy.  
**Cleet Contact Info:**

SKILL	CONTACT NAME	CONTACT PHONE
F/A Instructor Apprenticeship	Rick Amos Jeff Coble	405-239-5130 or 405-546-0160 405-239-5172
LEDT Instructor Apprenticeship	Rick Amos Jeff Coble	405-239-5130 or 405-546-0160 405-239-5172
Defensive Tactics Instructor Apprenticeship	Rick Amos Jeanelle VanBuskirk	405-239-5130 or 405-546-0160 405-239-5125

Outside cities will work with CLEET Administrative staff to verify that all individuals attending their schools meet the minimum requirements for the courses.

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

To qualify for specialized instructor certification, applicants must meet the following qualifications: Meet the qualifications for basic instructor certification as described in OAC 390:25-1-10; and Successfully complete a CLEET recognized or approved instructor development school in the specialized field for which application is made.

The director or director’s designee may, in the exercise of discretion, award special instructor certification to applicants who have completed comparable training, education or experience that equals or exceeds the qualifications for specialized instructor certification. Applicants awarded special instructor certification will be required to complete the apprenticeship phase of CLEET training for the specialized instructor certification sought to demonstrate proficiency in the requisite skills.

**RESERVE OFFICER POSSE TEST REQUIREMENT**

Below is the language from SB 135 which is effective November 1, 2015.

**70 O.S. Section 3311.11.A.**

Any person or peace officer who desires to attend a basic law enforcement academy conducted by the Council on Law Enforcement Education and Training (CLEET) shall within ninety (90) days of hire and prior to CLEET admission, be required to score a minimum of seventy percent (70%) on a reading and writing comprehension examination approved and administered by CLEET to assure the applicant can read and write on a level necessary to perform the requirements of the CLEET academy. **Any person or any peace officer who desires to attend a CLEET-approved reserve basic law enforcement academy shall, within ninety (90) days of hire and prior to reserve basic law enforcement academy admission, be required to score a minimum of seventy percent (70%) on a reading and writing comprehension examination approved by CLEET to assure the applicant can read and write at a level necessary to perform the requirements of the reserve academy.**

Summary – Starting November 1, 2015, to attend a Reserve Academy, reserve cadets must pass a reading and writing comprehension examination (known as the P.O.S.S.E. test) prior to being admitted in the academy. It must be taken and passed within ninety (90) days of hire and prior to attending a reserve academy. It is the responsibility of the reserve cadet or their department to pay the twenty-five (\$25.00) fee for the examination. CLEET does not pay the fee for reserve officers. The POSSE test is given by the Oklahoma Technology Centers. Proof of passing the examination will be necessary for the reserve officer application effective November 1, 2015.

# BASIC ACADEMY SCHEDULE

**A-1601 - January 20, 2016 - April 29, 2016**  
**A-1601B - January 20, 2016 - March 25, 2016**  
**A-1602 - March 23, 2016 - July 01, 2016**  
**A-1603 - June 01, 2016 - September 16, 2016**  
**A-1603B - June 01, 2016 - August 12, 2016**  
**A-1604 - August 17, 2016 - December 02, 2016**

No one will be scheduled or confirmed for an academy until all paperwork is completed and received by CLEET. The reading, writing and comprehension test is a prerequisite for admission into the CLEET Basic Academy. For testing information [click here](#). New hire full time non-certified officers must take this test within 90 days of hire.

## OPEN MEETINGS

### **Council on Law Enforcement Education and Training Meeting**

January 20, 2016 - Ada - CLEET - 10:00 a.m.

### **Advisory Council Meeting**

January 06, 2016 - Ada - CLEET - 10:00 a.m.

### **Curriculum Review Board**

January 12, 2016 - Ada - CLEET - 10:00 a.m.

### **Private Security Advisory Committee Meeting**

March 09, 2016 - Ada - CLEET - 10:00 a.m.

### **Drug Dog Advisory Council**

January 14, 2016 - Ada - CLEET - 10:00 a.m.

### **Bomb Dog Advisory Council**

January 14, 2016 - Ada - CLEET - 1:00 p.m.

### **Polygraph Board**

January 22, 2016 - Ada - CLEET - 10:00 a.m.

# Collegiate Officer Program

Law enforcement agencies have an option when it comes to hiring peace officers. Normally a non-certified person is hired then sent to the sixteen (16) week Basic Police Academy. The Collegiate Officer Program (COP) is an alternative that incorporates CLEET's basic law enforcement curriculum and skills within a Criminal Justice/Police Science Degree.

When the COP track student has completed all requirements, including skills, and has been issued an Associate or Bachelor's degree, a Qualification Exam is scheduled. After they pass this exam, they are mailed a Verification Form that states they are ready for certification upon full-time employment. They are also listed on an eligibility list that is available to all law enforcement agencies upon request by email to [kelly.james@cleet.state.ok.us](mailto:kelly.james@cleet.state.ok.us).

When CLEET receives a Notice of Employment from an employing agency or department with the "Requesting Collegiate Officer Program Certification" box checked, a "Collegiate Officer Certification Application" is mailed to the department. When the completed application is returned to CLEET a certification is issued.

## SATELLITE OFFICE - CLAREMORE AND OKC

CLEET has a satellite office in Claremore at the Rogers State University 1701 W Will Rogers, Prep Hall – Room106. Tami Burnett offices there and it's open to LE Officers, Security Personnel and the general public. If you would like to schedule an appointment with Tami, you can email her at [tami.burnett@cleet.state.ok.us](mailto:tami.burnett@cleet.state.ok.us) or reach her by calling 405-546-0159.

Accreditations: To ensure a response within 24 hours, please email all accreditation request forms/documents to [tami.burnett@cleet.state.ok.us](mailto:tami.burnett@cleet.state.ok.us). Please note: Tami Burnett works out of NE Oklahoma so if you send your accreditation request forms/documents via mail or fax to the main office in Ada, it could take up to two weeks before your request is processed.

We also have a satellite office in Oklahoma City at OSU/OKC. Norma Floyd is at this location on Tuesdays and Thursdays from 9:00 - 4:00. The office is located in room 143 of the Human Services Education Center. Norma's phone number is 405-945-9154 and her email address is [norma.floyd@cleet.state.ok.us](mailto:norma.floyd@cleet.state.ok.us). You can also contact her regarding private security applications.

# CLEET Council

Sheriff John Whetsel,  
Oklahoma County Sheriff's Office – Chair

Chief Michael Robinson,  
Oklahoma State University DPS – Vice Chair

Dr. James Burke,  
East Central University

Sheriff John Christian,  
Pontotoc County Sheriff's Office

Chief Bill City,  
Oklahoma City Police Department

Director Stan Florence,  
Oklahoma State Bureau of Investigation

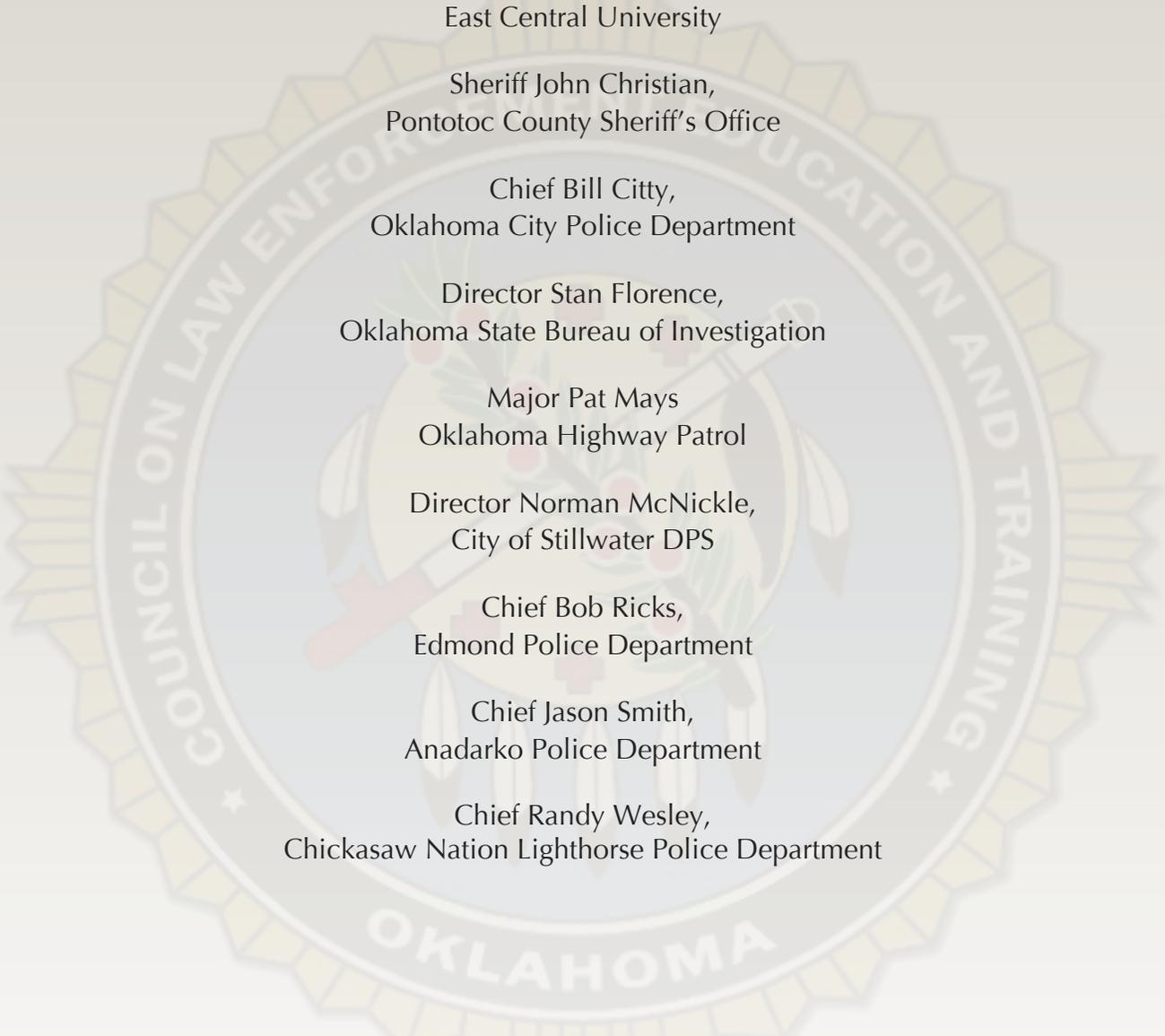
Major Pat Mays  
Oklahoma Highway Patrol

Director Norman McNickle,  
City of Stillwater DPS

Chief Bob Ricks,  
Edmond Police Department

Chief Jason Smith,  
Anadarko Police Department

Chief Randy Wesley,  
Chickasaw Nation Lighthouse Police Department



# DAILY PHYSICAL TRAINING

Officers, deputies, and agents attending a CLEET Basic Academy will now be required to spend the last 30 minutes of each training day participating in various forms of light exercise and stretching. Physical Training during the Academy has been designed by CLEET staff that are certified Law Enforcement Fitness Specialists and Master Fitness Instructors by the Cooper Institute.

Physical fitness exercises that students will be participating in are:

- Power walking/Light Jog (Equivalent to a 20 minute mile)
- Basic Jumping Jack, Body weight squats (Slow count of 3 seconds down / 3 seconds up)

Walking lunges

- Bear crawls
- Planks and/or crunches
- Pushup

Other exercises that will be done may include various portions for the actual CC/DT block such as patterns of movement, step and drag drills, officer survival drills and much more.

The goal is to take this 30 minutes each day and:

- Help better prepare each cadet for the upcoming training in CC/DT.
- Allow them to have a small amount of extra time in order to help increase their knowledge in officer safety techniques.
- Bring those who are lacking in physical conditioning to a higher level of self awareness and prepare them for the academy.
- Possibly instill better eating and physical fitness awareness for their future in L.E.
- Possibly reduce injuries here at the academy as well as on the job related injuries and illness.

## ALERRT Program

The Homeland Security grant directing CLEET to provide active shooter training is progressing better than we had expected. There are classes being held across the state and the officers that have attended are expressing their support for the program. We have classes scheduled four months in advance and they are available for registration on the CLEET website. 3590 officers have been trained in the ALERRT End User courses and we have trained over 90 ALERRT instructors. The classes are two day sessions with 16 hours of CLEET continuing education credit.

[Click here to login and enroll in an ALERRT course near you.](#)

# TRAINING OPPORTUNITIES

Online training for CLEET credit can now be obtained through the Federal Law Enforcement Training Center (FLETC) website. Please click on the following web <http://www.acadis.net/fletc/>. Once at the site, those who maintain a CLEET certification and are active law enforcement officers can register for an account to access 200 courses funded by FLETC (free to the departments). After completing the short registration form, LETN will follow-up with an e-mail/phone call to the agency head or supervisor to confirm the provided information. Access to the training should be granted within a few days. Until further notices, print, scan or forward certificates received from LETN training to CLEET so we can properly credit (e-mail [\[preferred\]](#), fax, or mail) training records.

-----

## ALERT

1-17-2016 / 1-18-2016 - Coalgate High school  
1-30-2016 / 1-31-2016 - Pauls Valley High School

## Criminal Investigation Academy

4-11-2016 - Ada - CLEET  
8-15-2016 - Ada - CLEET

## Defensive Tactics Instructor Phase 1- 4

1-12-2016 - 4-22-2016 - Ada - CLEET

## Domestic Violence Investigation (MH)

3-24-2016 - Arkoma - Arkoma Police Department  
5-26-2016 - Arkoma - Arkoma Police Department  
8-15-2016 - Arkoma - Arkoma Police Department

## Legal Update

1-22-2016 - Langley - GRDA Center

## Transportation of Prisoners

7-16-2016 - Lawton - Location TBA

## Reserve Academy Coordinator

2-23-2016 - Gans - Gans Town Hall

**There are also other continuing education courses that agencies other than CLEET are hosting. You can find these on our website under the CLEET Training tab and then click on continuing education classroom training. [You can also click here and it will take you to the page.](#)**



# CLEET STATUTE & RULE CHANGES FOR 2015

## CLEET statute changes for 2015

**SB 64 (effective November 1, 2015) amends Title 70 O.S. Section 3311** to clarify the process to be followed when a peace officer is involuntarily committed (to match the provisions of the Mental Health Act). Also allows CLEET to subpoena records to assure compliance with the statutes. Use of these records is limited and there is a very specific confidentiality requirement.

**SB 135 (effective November 1, 2015) amends Title 70 O.S. Section 3311** for several purposes:

- Clarifies CLEET's authority under the Bail Enforcement Act
- requires and authorizes CLEET to address any requirements imposed by LEOSA (HR 218)
- Allows CLEET to use a certified copy of a criminal indictment or information as 'clear and convincing evidence' of the charge, for purposes of suspension pending disposition in appropriate cases.
- requires the Agency to certify that a newly hired peace officer hire does not have any criminal charges pending at the time of employment.
- Clarifies that an 'Alford' plea (in which the defendant accepts the consequences of a guilty plea without ever admitting guilt), or 'any plea other than not guilty' is a sufficient basis for disciplinary action against the officer. Also requires the District Attorney to report any such plea to CLEET and extends that reporting requirement to Reserve Officers.
- Allows CLEET to deny certification to a person who has had a certification revoked in another state and was not re-instated by that state.
- prohibits CLEET employees from training or testing bomb detecting and drug detecting canine teams.
- Clarifies the provisions for release of CLEET records.
- Extends the requirement to pass the comprehensive reading and writing examination to Reserve Officers.

## CLEET Rule changes for 2015 – Peace Officers

**Rule 390:10-1-3** requires that mandated law enforcement agency address information must be submitted in a format acceptable to CLEET

**Rule 390:10-1-5** – each person attending refresher training must fully participate and follow all CLEET rules and policies

**Rule 390:15-3-10** – COP's program students who do not complete the curriculum and re-enter the COP's program must re-take and complete any course work that is more than five (5) years old.

**Rule 390:15-5-2** clarifies that a Reserve Officer wishing to attend the 'bridge academy' must have completed the 240 hour reserve academy.

**Rule 390:20-1-6** changes the dates for submission of Reserve Academy information to CLEET – the schedule, and the list of instructors and their qualifications, is due 90 days prior to the start of the reserve academy

**Rule 390:27-1-2** specifically includes CLEET 'certified line safety officers' as having authority to do annual firearms re-qualification for Officers.

**Rule 390:27-1-5** requires specific information in the Firearms Qualification Report, and requires Agency heads to validate the credentials of the Agency-approved firearms instructor, when not using a CLEET certified firearms instructor or CLEET certified line safety officer.

**Rules 390:30-1-5 and 390:31-1-6** restrict CLEET employees from participating in the training or testing of any canine team.

## **Private Security and Private Investigators**

**Rule 390:35-1-3** changes the definition of ‘conviction’ to include an ‘Alford’ plea – clarifies that ‘conviction’ does not include certain expunged cases, when specific requirements are met, and clarifies the meaning of ‘expungement’.

**Rule 390:35-5-1** requires that renewal of an agency license that has been expired for more than three (3) years (instead of 5 years) requires a ‘start over’ and completion of the entire application process.

**Rule 390:35-5-2** prohibits issuance of a license while the applicant has pending criminal charges, or is serving a deferred sentence.

**Rule 390:35-7-3** clarifies that incomplete applications will not be processed. CLEET staff will not request nor gather documents for the applicant, and will not give advice or advisory opinions as to whether a license will be granted or denied until a complete application is received.

**Rule 390:35-7-4** requires applicants to supply all names used, and provide information related to previous licenses issued in any state.

**Rule 390:35-9-4** requires that a verbal report of criminal and civil proceedings against the licensee must be followed up by a written report within ten (10) days.

**Rule 390:35-15-2** clarifies that instructors whose ‘training, education, teaching, or work experience’ allows them to teach private security classes must have been active in that capacity within the last five years.

## **Bail Enforcers**

**Rule 390:60-1-3** clarifies that the prohibition on ‘red and blue lens’ on bail enforcer vehicles includes any device that emits red or blue light when activated.

**Rule 390:60-5-6** requires applicants to provide:

- all names used by the applicant, and the date of any name change
- information on previous licensing in any State, and any revocations or suspensions of such licenses.

**Rule 390:60-13-2** requires that instructors in use of force be ‘certified as a defensive tactics

# DUAL COMMISSIONS

**October 9, 2015**

**Dual Commissions**

**J.H.B. Wilson, General Counsel**

We get a lot of questions about dual commissions. The reason you have trouble finding the law is that the phrase 'dual commissions' does not appear in the statute. Instead, it is called 'Officers and Deputies Not to Hold Other Offices' and is found at Title 51 O.S. § 6. (A copy of the statute can be found at the end of this memo.)

The 'dual offices' statute begins with the general rule: "Except as may be otherwise provided, no person holding an office under the laws of the state and no deputy of any officer so holding any office shall, during the person's term of office, hold any other office or be the deputy of any office holding any office, under the laws of the state..."

The statute then sets out 32 (no kidding – 32!) exceptions. The most commonly used exception will be discussed below.

The threshold question is whether a peace officer holds an 'office under the laws of the state'. Several Opinions of the Oklahoma Attorney General have addressed this, and they consistently hold that a peace officer is, in fact, an officer of the state.

I should note that there is a 10<sup>th</sup> Circuit opinion (*United States v. Ware*, 897 F. 2d 1538, 1990) which appears to say that a municipal police officer does not hold an 'office' for these purposes. The Oklahoma Attorney General (Opinion 00-58) notes that "while *Ware* is persuasive, it does not overturn the longstanding conclusions ... articulated by the Oklahoma Supreme Court (that a police officer does hold an 'office')". The Attorney General's official Opinion is that "a municipal police officer holds an 'office' because the position is created by statute,

there are definite duties imposed by statute, and the duties entail the exercise of sovereign power.” (This is based on *Oklahoma City v. Century Indemnity Company*, 62 P.2d 94, 1936.) Oklahoma Attorney General Opinions are considered binding until and unless overruled by the Attorney General or by a Court.

Having established that an Oklahoma Peace Officer does hold an ‘office’ and is subject to the statute, the next step is to determine if you are in compliance.

Remember that the general statute says that you may NOT hold two offices. You have to see if one of the exceptions applies to you.

The most commonly used exception is number 4: ” ***Municipal and county law enforcement officers serving in positions as law enforcement officers of both such governmental entities upon such terms and conditions as are mutually approved by resolutions adopted by the board of county commissioners and governing body of the municipality*** employing such officers;” (***emphasis*** supplied)

Note that this requires the approval of the County Commissioners and the governing body of the municipality. A phone call from the County Commissioner to the Sheriff is not sufficient. This statute requires a ‘resolution’ which generally means a public hearing and a public vote (check with your City Attorney on the exact rules for your municipality). I have seen some such resolutions which apply to all members of the department, and some which are specific to one person – nothing in the statute addresses this.

To summarize exception 4. If you have ‘formal’ approval of the arrangement by the City and the County, you may work for a County Sheriff and a municipal police department at the same time. Without this approval you would be in violation of this

statute.

I am not going to try to address all 32 exceptions. The statute is attached. Take it to your attorney (D.A. or City Attorney) to see if one of the exceptions applies to your specific fact situation.

There are two other statutes to bring to your attention (copies of both can be found at the end of this memo).

Title 11 O.S. § 34-103 allows one municipality to 'loan' a police officer to another municipality 'upon request of the mayor or a designee, of any other municipality'. The catch is that 'salaries, insurance and other benefits shall be provided in their regular manner by the municipality in which the police officers are regularly employed'.

This means what you think. If you 'loan' an officer to another municipality, your city has to pay the salary and other benefits for that officer. Perhaps even more important, it is your city's insurance policy on the line if something happens when you 'loan' the officer to the other city. This is something you will want to discuss with the governing body of your municipality and your insurer before 'loaning' an officer.

Finally, Title 19 O.S. § 547 allows a Sheriff to 'deputize municipal police officers subject to an interlocal governmental agreement'. Again, 'liability for the conduct' of any police officers deputized under this agreement 'shall remain the responsibility of their municipal employer'.

Of course, a Sheriff may request assistance from anyone 'in cases of emergency'.

## **Oklahoma Statutes Citationized**

### **📁 Title 51. Officers**

#### **📁 Chapter 1 - General Provisions**

##### **📄 Section 6 - Officers and Deputies Not to Hold Other Offices**

A. Except as may be otherwise provided, no person holding an office under the laws of the state and no deputy of any officer so holding any office shall, during the person's term of office, hold any other office or be the deputy of any officer holding any office, under the laws of the state. The provisions of this section shall not apply to:

1. Notaries public;
2. Members of the State Textbook Committee;
3. County free fair board members;
4. Municipal and county law enforcement officers serving in positions as law enforcement officers of both such governmental entities upon such terms and conditions as are mutually approved by resolutions adopted by the board of county commissioners and governing body of the municipality employing such officers;
5. Any person holding a county or municipal office or position, or membership on any public trust authority, who is a member of a board or commission that relates to federal, state, county or municipal government and is created by the United States Government, the State of Oklahoma or a political subdivision of the state, except where the duties of the offices or positions conflict;
6. Any elected municipal officers and school board members who are appointed to a state board, commission, or similar entity if

there is no compensation for such services other than reimbursement for necessary travel expenses pursuant to the provisions of the State Travel Reimbursement Act;

7. Any trustee of a public trust, who is appointed as a trustee of a different public trust or any trustee of the Tulsa County Public Facilities Authority who may also be employed by the Department of Transportation;

8. Law enforcement officers employed by municipal or county law enforcement departments or agencies, other than those law enforcement officers elected or appointed as sheriff, chief of police or some similar position in which they are the head of a county or municipal law enforcement agency, who are elected to local boards of education; provided, the provisions of this paragraph shall not prohibit any law enforcement officer employed by a municipality having a population of ten thousand (10,000) or fewer people from serving as a member of a local board of education;

9. Any member of the Oklahoma Highway Patrol Division of the Department of Public Safety who is elected to a local board of education;

10. Any District Supervisor, Assistant District Supervisor, Team Supervisor, Parole Officer 1 or Parole Officer 2 of the Department of Corrections who is elected or appointed to a city council;

11. Any trustee or director of a rural electric cooperative, or port authority who is appointed or elected to a state, county or municipal board, commission or similar entity;

12. County employees who are elected as members of town or city councils;

13. Municipal, county, state or tribal law enforcement or peace officers operating under cross-deputization agreements with an Indian tribe or branch of the federal government;

14. Municipal or county law enforcement or peace officers serving in positions as campus police officers or campus public safety officers pursuant to the provisions of the Oklahoma Campus Security Act, upon such terms and conditions as are mutually approved by resolution adopted by the governing body of the municipality or county and the governing board of the institution of higher education;

15. State law enforcement or peace officers serving in positions as campus police officers or campus public safety officers pursuant to the provisions of the Oklahoma Campus Security Act, upon such terms and conditions as are mutually approved by written agreement between the Commissioner of Public Safety and the governing board of the institution of higher education;

16. Municipal and county law enforcement officers serving in positions as part-time rangers under the Oklahoma Tourism and Recreation Department or the Oklahoma Scenic Rivers Commission;

17. The Administrator of a Scenic Rivers Commission serving in the position of a park ranger under the Oklahoma Tourism and Recreation Department;

18. Members of the University Hospitals Authority;

19. Any person holding a state office or position who is a reserve force deputy sheriff, or a reserve special agent with the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control or a reserve municipal police officer;

20. Any person holding a state office or position who serves as a special assistant district attorney without compensation;
21. Any elected or appointed member of a local school board who is a member of a municipal planning commission;
22. Any elected or appointed member of a local school board who is a member or an officer of a volunteer fire department;
23. Directors or officers of a rural water district and chiefs of municipal fire departments or rural fire districts who are appointed or elected to an unsalaried office in a state, county, municipal, school, or technology center school board, commission, or similar entity, except where the duties of the office would create a conflict of interest;
24. Any person who is a dispatcher or confinement officer at a municipal or county jail who is a noncompensated reserve municipal police officer or a reserve deputy sheriff;
25. Any person who is an assistant district attorney serving as a municipal judge or prosecutor;
26. Any park ranger under the Oklahoma Tourism and Recreation Department or any game warden or reserve game warden employed by the Department of Wildlife Conservation who is elected or appointed to a local board of education or to a municipal governing body, board, commission or similar entity;
27. Members of the Oklahoma State University Medical Center Authority or , the Oklahoma State University Medical Trust or the State Board of Osteopathic Examiners;
28. Any member of the state Legislature or any state officer who serves on the board of trustees of the Oklahoma School for the Visual and Performing Arts; and

## 29. Members of the Council on Judicial Complaints.

The provisions of this section shall not prohibit any person holding an office under the laws of the state or any deputy of any officer so holding any office from serving upon the board of Oklahoma Futures or upon the board of directors of the Oklahoma Center for the Advancement of Science and Technology. The provisions of this section shall not prohibit a member of the board of directors of the Oklahoma Center for the Advancement of Science and Technology from serving upon the board of Oklahoma Futures.

B. Any salaries, emoluments or benefits that would otherwise be paid by the agency or political subdivision to a loaned employee or officer shall instead be paid to the regular employer of such employee. The loaned employee shall in turn be paid regular salary and benefits the same as if continuing regular employment with the permanent employer.

## **Title 11. Cities and Towns**

### **Chapter 1 - Oklahoma Municipal Code**

#### **Article Article XXXIV - Police Departments**

#### **Section 34-103 - Performance of Police Functions in Other Municipalities Under Emergency Situations.**

A. Commissioned police officers of the regular police department of any municipality, upon request of the mayor or a designee, or chief of police or a designee, of any other municipality, may serve as police officers in the municipality requesting their assistance upon approval of the governing body of the municipality where such officers are regularly employed. While so serving in another municipality, such police officers shall have the same powers and duties as though employed by the municipality where such duties are performed; except that salaries, insurance and other benefits shall be provided in their regular manner by the municipality in which the police officers are regularly employed.

B. Commissioned police officers of the regular police department of any municipality, upon request of a county sheriff or a designee, or upon request by a commissioned law enforcement officer of the Oklahoma Highway Patrol, may serve as law enforcement officers for the sheriff's office or the Oklahoma Highway Patrol, respectively, if such service has been authorized by prior resolution by the governing body of the municipality where such officers are regularly employed. While so serving, such police officers shall have the same powers and duties as though employed by the requesting law enforcement agency and when so acting they shall be deemed to be acting within the scope of employment of the requesting law enforcement agency; except that salaries, insurance and other benefits shall be provided in their regular manner by the municipality in which the police officers are regularly employed.

C. Commissioned police officers of the regular police department of any municipality may be deputized by the county sheriff or a designee subject to an interlocal governmental agreement to combine city and county law enforcement efforts and to encourage cooperation between city and county law enforcement officials. Liability for the conduct of any municipal police officers deputized under the terms and conditions of an interlocal governmental agreement shall remain the responsibility of their municipal employer.

D. The governing body of a municipality may, by resolution, authorize the chief executive officer of the municipality to respond to any request from any other jurisdiction within the state for law enforcement assistance in cases of emergency. The police officers of the municipality serving in response to the emergency request shall have the same powers and duties as though employed by the requesting law enforcement agency and when so acting they shall be deemed to be acting within the scope of employment of the requesting law enforcement agency; provided,

however, that salaries, insurance and other benefits shall be provided in the regular manner by the municipality in which the police officers are regularly employed.

As used in this section, "emergency" means a sudden and unforeseeable occurrence or condition either as to its onset or its extent of such severity or magnitude that immediate response or action is necessary to assist law enforcement agencies having jurisdiction at the scene of the emergency to carry out their functions.

## **Oklahoma Statutes Citationized**

### **Title 19. Counties and County Officers**

#### **Chapter 12 - Sheriffs**

#### **Section 547 - Sheriffs - Responsibility for Acts of Undersheriffs and Deputies - Deputing Certain Persons - Appointing Reserve Force**

A. The sheriff shall be responsible for the official acts of the undersheriff and deputy sheriffs, and may revoke such appointments at the pleasure of the sheriff; provided, however, for counties with a population of five hundred thousand (500,000) or more persons, according to the latest Federal Decennial Census, with the exception of chief deputies and undersheriffs, all deputy sheriffs and detention officers shall serve a five-year probationary period during which the deputy sheriff or detention officer shall be considered an at-will employee. After the five-year probationary period, such deputy sheriff or detention officer shall not be discharged except for just cause. The sheriff or the undersheriff may in writing depute certain persons to do particular acts.

B. Each sheriff may appoint as many reserve force deputy sheriffs as are necessary to preserve the peace and dignity of the county. A current list of each person holding such appointment shall be maintained by the county sheriff and shall be available to the

public. Reserve force deputy sheriffs may perform duties which encompass a particular act or a series of acts. The sheriff or a CLEET-certified deputy sheriff shall accompany a reserve force deputy sheriff in the performance of all duties assigned to such reserve force deputy sheriff unless such reserve deputy has completed the required one-hundred-sixty-hour basic police course. Reserve force deputies may receive compensation for their services. The sheriff may pay reserve force deputies for travel expenses pursuant to the State Travel Reimbursement Act. Such reserve deputy sheriffs shall complete a one-hundred-sixty-hour basic police course within twelve (12) months after they have been commissioned to be paid by the county as an individual reserve deputy. The sheriff may pay for additional training courses attended by reserve force deputies.

C. Reserve force deputy sheriffs with at least one hundred sixty (160) hours of training pursuant to Section 3311 of Title 70 of the Oklahoma Statutes shall not serve more than one hundred forty (140) hours per calendar month.

D. The sheriff or a designee may deputize municipal police officers subject to an interlocal governmental agreement to combine city and county law enforcement efforts and to encourage cooperation between city and county law enforcement officials. Liability for the conduct of any municipal police officers deputized under the terms and conditions of an interlocal governmental agreement shall remain the responsibility of their municipal employer.

E. The sheriff may enter into mutual aid agreements pursuant to the Interlocal Cooperation Act, Section 1002 et seq. of Title 74 of the Oklahoma Statutes, to assist or provide law enforcement services to any town, city, and county within this state and the sheriff and deputies shall have law enforcement authority within the jurisdiction making the request. The employing governmental

unit shall remain responsible for their officers or deputies pursuant to any mutual aid agreement.

F. A sheriff of the county may respond to any request from any other jurisdiction within the state for law enforcement assistance in cases of emergency. The sheriff, deputy sheriffs and reserve deputy sheriffs serving in response to the emergency request shall have the same powers and duties as though employed by the requesting law enforcement agency, and when so acting they shall be deemed to be acting within the scope of employment of the requesting law enforcement agency. Salaries, insurance and other benefits shall be provided in the regular manner by the county in which the sheriff, deputy sheriffs and reserve deputy sheriffs are regularly employed. As used in this subsection, "emergency" means a sudden and unforeseeable occurrence or condition, either as to its onset or its extent, of such severity or magnitude that immediate response or action is necessary to assist law enforcement agencies having jurisdiction at the scene of the emergency to carry out their functions.

G. A reserve force deputy sheriff shall be authorized to serve civil process pursuant to Section 2004 of Title 12 of the Oklahoma Statutes.

MEMO

DATE: July 17, 2015

FROM: J.H.B. Wilson, General Counsel

RE: must a driver understand the 'implied consent Advisory'?

Lemus v. State (DPS) 2015 OK CIV APP 54

A very interesting case.

First, the facts as set out by the appellate court: Mr. Lemus was stopped for DUI by Del City Officer Rogers. Because Rogers was having difficulty communicating with Mr. Lemus Officer Whittington, who had 'limited Spanish speaking ability' tried to help. Whittington could not make Lemus understand. They tried unsuccessfully to contact an Officer who spoke fluent Spanish. Whittington then read the implied consent advisory to Lemus in English.

Lemus later conceded that (1) he understood the officers asked him to take a test (2) he agreed to take the test, and (3) he was supposed to 'blow into the machine'.

Mr. Lemus was not able to properly give a breath sample. The only measurable sample was 0.10. DPS revoked his driver's license for 180 days. Lemus appealed to District Court

The District Court, Judge Walke in Oklahoma County, overturned the revocation of the driver's license, concluding that 'equal protection jurisprudence' meant that Lemus had to 'be given the implied consent advisory in his native Spanish'. DPS appealed.

The Court of Appeals (Presiding Judge Bell writing for the court) reversed the District Court and upheld the revocation.

Now, to the Court's discussion of the law: They begin with Oklahoma's Constitution, Article XXX, § 1, which mandates 'all official actions of the state shall be conducted in the English language, except as required by federal law'. The appellate court held that no federal law requires that the implied consent advisory be given in 'any language other than English'.

The appellate Court then discussed the implied consent law. '(W)hen a driver turns his vehicle onto a public road, the driver has automatically consented to being tested for intoxicants by blood or breath'. While the law 'requires law enforcement to recite the advisement, ... the suspect need not comprehend'.

The Oklahoma Court quoted from the Oregon Supreme Court in a similar case:

'While the statute recognizes that a person may refuse to submit to the test, the legislature could hardly have contemplated that it was necessary that there be a completely knowing and understanding submission. If this were the case, the only people who could be tested would be those who were not sufficiently intoxicated to interfere with their mental processes'. (emphasis supplied)

The reason is that, under implied consent, a driver 'already has consented to the test'. The driver cannot legally refuse. The purpose of the Advisory 'is not to reinstate a driver's right to choice'. The purpose is to 'non-forcibly enforce the driver's previous consent'. When asked to take a breath test, the only decision for the driver is 'whether to physically refuse' (with the consequence of license revocation for the refusal). Because the driver has only the ability to 'physical ability', but not the 'legal right' to refuse, the question of whether the decision to physically refuse is 'fully informed or voluntary' does not matter.

'Thus, whether a driver makes a knowing and voluntary choice to refuse is of little or no consequence'.

The Appellate Court concluded: 'Lemus consented, as a matter of law, to intoxicant testing when he chose to drive on Oklahoma's highways'. '(W)e hold DUI arrestees have no legally enforceable right to comprehend the Implied Consent Advisory'.

A final note from the Court:

'The operation of a motor vehicle on a public highway is not a natural, absolute right, but a conditional privilege which may be granted, suspended, or revoked under the police power of the state. A driver's license is not a contract or a property right in the constitutional sense, ... The privilege is granted to those who are qualified, who comply with reasonable police power requirement in the interest of public safety and welfare, and is withheld from those who do not.'