



CLEET

Council on Law Enforcement Education and Training



OSPOA ANNUAL CONFERENCE

[Employment Opportunities](#)

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The Oklahoma Sheriffs and Peace Officers Association 101st Annual Training Conference will take place on February 18 - 21, 2015 at the Sheraton Hotel, Reed Conference Center, in Midwest City, OK. In conjunction with the annual conference, the OSPOA hosts Oklahoma's largest law enforcement trade show.

CLEET has been working in conjunction with the OSPOA to schedule the courses that will be offered at this years event. Some of the courses we have scheduled are Drugs that Impair Driving, Human Trafficking, Traffic Death Investigations, Vice Investigations, Alcohol Laws & Compliance, Line Officer Response to Schools, Legal Update, Overview of Crime Scene Investigations, PTSD Stress Behind the Badge, Synthetic Marijuana and MacGyver 101.

Additional courses are pending.

You can find more information by going to the OSPOA website.

[CLICK HERE TO GO TO THE OSPOA WEBSITE.](#)



SAVE THE DATE

End of Year Training Initiative

CLEET is hosting a Training Initiative at Northeastern State University in Broken Arrow on December 1-4, 2014.

During the End of Year Training Initiative you will have the opportunity to complete all your continuing education needs, including your mental health hours. Daily attendance is not required. You can pick and choose which courses you would like to attend.

Monday

- Stress Management (MH)
- Clandestine Lab Recert (A.M)
- Vice Investigations (P.M.)

Tuesday

- Designer Drugs
- Standard Field Sobriety Testing
- Tactical Mindset & Officer Safety

Wednesday

- Line Officer Response to Schools (A.M)
- MacGyver 101 (P.M.)
- Basic Homicide Investigation
- Standard Field Sobriety Testing
- Evidence Based Domestic Violence (MH)

Thursday

- A Solution that Kills: Closer Look at Addiction (MH)
- Progressive Discipline
- Standard Field Sobriety Testing
- You & The Lab: Can't We All Just Get Along (A.M.)
- Advanced Officer Rescue/Aid for Patrol Officer (P.M.)

These courses are posted on the CLEET website. Login on the CLEET website and register now!

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 8 hours of continuing education every year that they assist for at least 8 hours in basic academy instruction.

Firearms Training – The recommended ratio of instructors to students is 1 to 5 during the daytime and 1 to 3 for night fire. We generally have 35 to 40 students on the range at any one time. CLEET employs 5 fulltime firearms instructors at the current time which, with one in the tower, allows us to train 15 people at a time (following the above ratio) safely. The remainder of the instructors is made up of adjuncts or are persons that are not instructors who watch for range safety violations. It should also be noted that we commonly split the class in half with those not on the handgun range receiving training on shotgun and handgun handling skills, etc. Although this configuration keeps students engaged it removes at least one of our full time instructors from the handgun range, further pushing our instructor to student ratio's.

The problem with our need for adjuncts on the firearms range is not a new one. We are constantly challenged with maintaining a safe ratio which recently has been increasing. We may be pressed into reconsidering the training conducted at the range and altering the curriculum to maintain a proper ratio. We have had great success at qualifying nearly 100 percent of firearms students and do not want to make adjustments to our current firearms training.

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 academy instruction, we provide 20 yours of practical exercise, hands on training, to the students. We will conduct 6 to 10 scenarios (based upon the number of personnel that we have available). Each scenario requires from 2 to 4 actors along with an officer to critique the students. That adds up to a minimum of 18 persons that are needed to assist with the training.

If an agency sends us an instructor for 30 hours of adjunct instruction CLEET will allow a 10 hour credit for meals and lodging.

Practical Dates

A 1405 - February 17-19, 2015

A 1501 - May 12-14, 2015

A 1502 - July 28 - 30, 2015

A 1503 - October 06 - 08, 2015

2015 Basic Academy Firearms Schedule

A1501: Session 1: March 18 - 27, 2015
Session 2: March 31 - April 9, 2015

Contact Info: Rick Amos - rick.amos@cleet.state.ok.us
(405) 239-5130

Greg Evans - greg.evans@cleet.state.ok.us
(405) 239-5102



2015 Basic Academy Defensive Tactics Schedule

A1501: Session 1: March 18 - 27, 2015
Session 2: March 31 - April 9, 2015

Contact Info: Jeanelle VanBuskirk
jeanelle.vanbuskirk@cleet.state.ok.us (405) 239-5125



2015 Basic Academy LEDT Schedule

A1501 Driving Session 1: February 24, 2015
Driving Session 2: March 10, 2015

Contact Info: Jeff Coble - jeff.coble@cleet.state.ok.us
(405) 239-5172

Rick Amos
(405) 239-5130
rick.amos@cleet.state.ok.us



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 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.

70 O.S. 3311 E. 1. Requires:

No person shall be eligible for employment as a peace officer or reserve peace officer until the employing law enforcement agency has conducted a background investigation of such person consisting of the following:

- a. a fingerprint search submitted to the Oklahoma State Bureau of Investigation with a return report to the submitting agency that such person has no felony record,
- b. a fingerprint search submitted to the Federal Bureau of Investigation with a return report to the submitting agency that such person has no felony record,
- c. such person has undergone psychological evaluation by a psychologist licensed by the State of Oklahoma and has been evaluated to be suitable to serve as a peace officer in the State of Oklahoma,
- d. the employing agency has verified that such person has a high school diploma or a GED equivalency certificate as recognized by state law,
- e. such person is not participating in a deferred sentence agreement for a felony, a crime involving moral turpitude, or a crime of domestic violence,
- f. such person is not currently subject to an order of the Council revoking, suspending, or accepting a voluntary surrender of peace officer certification,
- g. such person is not currently undergoing treatment for a mental illness, condition or disorder. For purposes of this subsection, "currently undergoing treatment for mental illness, condition or disorder" means the person has been diagnosed by a licensed physician or psychologist as being afflicted with a substantial disorder of thought, mood, perception, psychological orientation or memory that significantly impairs judgment, behavior, capacity to recognize reality, or ability to meet the ordinary demands of life and such condition continues to exist,
- h. such person is twenty-one (21) years of age. Provided, this requirement shall not affect those persons who are already employed as a police or peace officer prior to November 1, 1985, and
- i. such person has provided proof of United States citizenship or resident alien status, pursuant to an employment eligibility verification form from the United States Citizenship and Immigration Services.

Resulting from CLEET Council action, beginning with the first Basic Academy in 2015, agencies are required to provide personal headgear for each cadet for Defensive Tactics training. The prescribe headgear must meet or exceed the specifications of Full90 Premier FIFA Soccer Headguard, which can be found at soccer.epicsports.com/prod/73628/full90-premier-fifa-soccer-headguard.html. It does not have to be this specific brand, but it must meet the same specifications.

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.

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 Law Enforcement 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 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. 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 now have an 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. You can also contact her regarding private security applications.

BASIC ACADEMY

Schedule

A 1501 - February 04, 2015 - May 15, 2015
A 1502 - April 15, 2015 - July 31, 2015
A 1503 - June 24, 2015 - October 09, 2015
A 1504 - September 09, 2015 - January 08, 2016
A 1505 - November 18, 2015 - March 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.

30 days prior to commencement of any academy held / reserved slots will be released if unfilled.

OPEN MEETINGS

Council on Law Enforcement Education and Training Meeting

January 14, 2015 - CLEET - Courtroom A107 - 10:00 a.m.

Advisory Council Meeting

January 8, 2015 - CLEET - Courtroom A107 - 10:00 a.m.

Private Security Advisory Committee Meeting

December 11, 2014 - CLEET - Courtroom A107 - 10:00 a.m.

BOARD VACANCY

Due to a vacancy, the Council on Law Enforcement Education and Training (CLEET) is accepting applications and letters of interest from those individuals who wish to be considered as an appointee to serve on the CLEET Curriculum Review Board.

This vacancy “. . . shall represent a municipal jurisdiction with a population of fifty thousand (50,000) or more and who shall be a management-level CLEET-certified training officer, who shall serve an initial term of two (2) years.”

The responsibilities of Curriculum Review Board members are found in 70 O.S., § 3311, Paragraph B, 16. f. which states, “The Board shall review and establish curriculum for all CLEET academies and training courses pursuant to procedures established by the Council on Law Enforcement Education and Training; . . .” The Curriculum Review Board meets in Ada the second Tuesday of every other month.

If you are interested in serving on the Curriculum Review Board, please complete the application found on the CLEET website at www.cleet.state.ok.us and direct a letter of interest and the completed application, along with any other materials you desire to be reviewed, to Executive Director Steve Emmons by December 31, 2014. All letters received, along with your application and your CLEET training record, will be forwarded to the Curriculum Review Board for consideration and recommendation. The Curriculum Review Board’s recommendation(s) will be taken to the Council for final selection and appointment.

ADJUNCT RECOGNITION



Title: Major Wade Gourley

Agency: Oklahoma City Police Department

Current Assignment: Uniform Support Division

Major Wade Gourley joined the Oklahoma City Police Department on September 29, 1989 and graduated Academy Class 103 on February 12, 1990. He was originally assigned to the Central Patrol Division where he worked for 7 years.

During that time, he became a CLEET Certified Basic and Advanced Instructor, LEDT Instructor, CDT Instructor and a Field Training Officer. He was promoted to Sergeant in April of 1995 and transferred to the Training Center in January of 1997 as a Recruit Mentor for Class 112. As Class 112 completed, he was reassigned as the Recruit Training Sergeant for Class 113 and the start of Class 114.

In February of 1999, Wade was promoted to the rank of Lieutenant and assigned to the Records Unit. As a Lieutenant, he served in many capacities to include Santa Fe Division Shift Two, Crimes Against Children, Crime Scene Investigations and the Police Technology Unit. He was also a Field Training Supervisor, Investigator Training Supervisor, Emergency Response Team Supervisor and Crisis Negotiations Supervisor during his time as Lieutenant.

In June of 2010, Wade was promoted to the rank of Captain and assigned to the Will Rogers Division Shift Three. He was also assigned to the Tactical Unit as an Assistant Commander. In October of 2011, he was transferred to the Emergency Services Unit with command over the Tactical Unit, Bomb Squad, Air Support Unit and the K9 Unit.

In November of 2014, Wade was promoted to the rank of Major and assigned to the Uniform Support Division. This assignment as a Division Commander includes the Emergency Services Unit, Airport Police, Special Events, Traffic Unit, Motorcycle Unit, Bicycle Unit and the Homeless Outreach Team. Uniform Support is operated out of the Bricktown Division.

Major Gourley has received 24 Letters of appreciation from citizens, supervisors and co-workers, 3 letters of commendation, the Certificate of Achievement Award, Citizen Academy Eagle Award and the Windsor Hills Baptist Church Valorous Service Award. He was a member and former Commander of the OCPD Honor Guard during his 20 years with the Unit. He has developed several training courses to include the LEAD Program (Leadership, Ethics, Accountability Development) and Ethics in Social Networking for Law Enforcement.

Major Gourley has been married to his wife Tracy for over 22 years and they have two children. His son Brandon is currently serving in the Air Force as an Air Traffic Controller assigned to Tinker Air Force Base and his daughter Alyson is a Junior at South Moore High School. Wade is also a Deacon at Brookwood Baptist Church in South Oklahoma City.

EMPLOYEE RECOGNITION

CLEET would like to recognize the Private Security Division. Below is a biography for each of the women who make up that department.

Natalie Johnson

Natalie has been with CLEET for 4 years. Her responsibilities include licensing, cashier, answering calls, and out of state licensing. She has been married for one year and has 6 children. She is originally from Texas but moved to Oklahoma 13 years ago to be with family.

Tammy Long

Tammy is a married mom of 2 beautiful daughters and has lived in Ada for several years. She has been at CLEET for almost 3 years. She takes care of continuing education for the Private Security division as well as required training for licensure, conditional licenses, insurance / security bonds, and changes or alterations in personal files, notice of employment and terminations, MMPI's, Polygraph Board, and the new addition of Bail Enforcement.

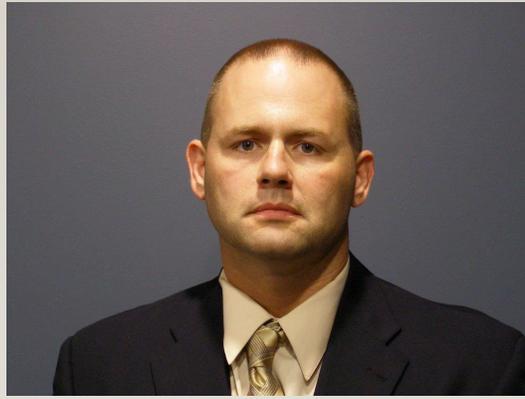
Breanna Atkeson

Breanna has been with CLEET for 3 years. Her job responsibilities include, license renewals, licensing the SDA instructors, auditing, and making licenses. She graduated from Latta High school in 2006 and East Central in 2010 with a Masters in Social Work and a Minor in Counseling. She married her husband Dakota Atkeson in 2011 together they have two dogs and 4 horses.

Nancy Carson

December marks Nancy's 7 year anniversary with CLEET. Nancy has been married to her husband Rick Carson for almost 42 years. They have two children, a son and a daughter and they are blessed with three wonderful grandchildren that they love to spoil.

EMPLOYEE RECOGNITION



Shannon Butler, Training Manager

CLEET would like to congratulate Shannon Butler on his new position as the new Training Manager at CLEET beginning on December 1, 2014. Shannon was promoted from his Basic Academy Coordinator position. His new position will allow him to manage, coordinate and direct CLEET Law Enforcement Training (Basic Academy, Reciprocity, and Reserve Academy) and Records Operations. He is responsible for establishing programs, training, policies and procedures to further CLEET's goals and objectives. Shannon will also supervise the CLEET Academy Coordinator, Law Enforcement Records, Department of Highway Safety Grant Program Coordinator, and an Administrative Assistant.

Shannon began his law enforcement career after accepting a job at the Ada Police Department in 1994. He started out as a dispatcher and a jailer for the Ada Police Department and then was given the opportunity to go to CLEET after successfully completing the hiring process for an open spot in the Patrol Division in 1996.

Upon completion of his basic academy training with class C96B-3 in Oklahoma City he began his chosen career in earnest. Along the way Shannon was given an appointment to Ada's S.W.A.T team, and just a year later, in late 1998, he became a Field Training Officer, which marked his first foray into the training world. In 2001 Shannon attempted and completed CLEET's Firearms Instructor Program and became an adjunct instructor for CLEET. In 2006 he was promoted to Sergeant.

Shannon left the Ada Police Department as a patrol sergeant in June of 2007 and started the second leg of his career as a full-time trainer as a CLEET instructor later that same month.

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 was designed by CLEET staff that are certified Law Enforcement Fitness Specialists 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 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 to:

- Help better prepare each cadet for the upcoming training in CC/DT
- Allow cadet to have a small amount of extra time in order to help increase their knowledge in officer safety techniques
- Bring cadets 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 in each cadet for their future in L.E.
- Possibly reduce cadet 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. Over 3000 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. An additional \$60,000 has been added to the Active Shooter grant. Homeland Security provided this additional funding to CLEET to accelerate the opportunities for campus officers to be trained.

[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 notice, print, scan or forward certificates received from LETN training to CLEET so we can properly credit (e-mail [preferred], fax, or mail) training records.

Medical Conditions: Recognizing, Responding, Communication - Shawnee - Gordon Cooper Technology Center - December 9

Mental Health & Emergency Detention Order Criteria - Claremore - Rogers County Courthouse - December 8

Mental Health & Emergency Detention Order Criteria - Claremore - Rogers County Courthouse - December 8

Online Internet Resources - Tecumseh - Tecumseh City Hall - December 16

Advanced Officer Rescue - Aid For Patrol - Broken Arrow - NSU Broken Arrow - December 4

Progressive Discipline - Broken Arrow - NSU Broken Arrow - December 4

A Solution That Kills / Addiction & Drugs of Choice - Broken Arrow - NSU Broken Arrow - December 4

Psychological Autopsies - Oklahoma City - Mid American Christian University / South - December 8-10

Below 100 - Claremore - Rogers County Courthouse - December 8

Stress Management (MH) - Broken Arrow - NSU Broken Arrow - December 1

Clandestine Lab Recert - Broken Arrow - NSU Broken Arrow - December 1

Tactical Mindset / Officer Safety - Broken Arrow - NSU Broken Arrow - December 2

Domestic Violence Investigation (MH) - Idabel - Kiamich Tech Center - December 4

Evidence Based Domestic Violence - Broken Arrow - NSU Broken Arrow - December 3

Using OK Jury Instructions in Criminal Investigations - Tecumseh - Tecumseh - City Hall - December 9

Evidence Based Domestic Violence - Madill - Marshall County S.O. Training Room - January 19

Vice Investigations - Broken Arrow - NSU Broken Arrow - December 1

Homicide Investigation - Broken Arrow - NSU Broken Arrow - December 3

You & The Lab - Can't We All Just Get Along - Broken Arrow - NSU Broken Arrow - December 4

Legal Update - Duncan - Red River Area Technology Center - December 15

Legal Update - McAlester - Eastern Oklahoma State College - December 2

Legal Update - Ponca City - Ponca City Police Department Training Center - December 1

Line Officer Response to Schools - Broken Arrow - NSU Broken Arrow - December 3

MacGyver 101 - Broken Arrow - NSU Broken Arrow - December 3

IMPAIRED DRIVING TRAINING

Impaired Driving Training

Do you need SFST, SFST Refresher, ARIDE or Drugs That Impair Driving Training? CLEET can help you find these training courses. Go to CLEET's home page and click on CLEET Training. If a class is available it will be listed and you may enroll for the training of your choice. If you are interested in hosting impaired driving training at your agency please email Vonnie Houser - vonnie.houser@cleet.state.ok.us

The 2015 DRE application for instructors and students can be located on our website in CLEET training. Soon you will be able to go to CLEET's website and click on DRE LOCATOR and find a DRE in your area to assist you in drug impaired drivers convictions.

Board of Tests will be scheduling classes at CLEET soon so watch for the training on our website!!!

CLEET SCHOLARSHIP

Due to the great success of the Management & Ethics conference that was held at the Hillsdale College they have decided to create a CLEET Scholarship for the Public Administration Program. The MPA is a professional degree that prepares graduates for management positions in government.

The MPA Program at Hillsdale is a 39 hour program and is totally online. All Hillsdale MPA faculty are members of the American Society for Public Administration and are professionals with federal, state and local government, or nonprofit organizations.

This \$400 scholarship is for those applying for the January 2015 Program. The scholarship can be used for tuition, books, or school supplies. The MPA Program cost is only \$325 per credit hour. Students can receive college credit for military service, life experience (CDC credit), and can transfer in up to 6 hours of college courses from other colleges. Those accepting the scholarship must contact:

Dr. Paulette Jones, pjones@hc.edu or call [405-912-9020](tel:405-912-9020).
Director of the Master of Public Administration Program

From the Peace Officer Records Division:

Please be advised that due to recent rules and legislative changes, the records division staff may be required to ask for additional information before releasing or changing officer records. Agencies doing pre-employment backgrounds requesting individual profiles must submit a written request for an individual's profile along with a signed release of information form from the individual they want to hire.

One of the most critical changes is firearms requalification rosters are now due by December 31. Please be reminded that training rosters for mandated training should be submitted as soon as training is conducted.

CLEET has developed a spreadsheet reporting platform for the new agency requirement 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.

Listed below are some of the significant rule changes which were promulgated and became effective July 13, 2013 that continue to have an impact on the peace officer records division staff.

CLEET Rule 390:1-1-6. Has been changed to require that individual records request must be received by mail or by facsimile. CLEET does not accept email requests for training records.

Agency requests for records will be accepted in on agency letterhead and received by U.S. Mail with original signature.

Records requests that are not submitted by the individual or a law enforcement agency for investigative purposes will require an Order to Compel and Protective Order for Materials Produced by CLEET. The Order must be certified by the issuing Court.

CLEET Rule 390:1-1-10. Requires an individual to submit certified documents in order to change a name in the CLEET database.

CLEET Rule 390:27-1-5. Removes the requirement for the full SSN to be submitted to CLEET on a firearms roster. Allows individual to provide last four of the SSN or their CLEET Number. This rule also includes a deadline of December 31, of each year to submit training that was conducted during that calendar year.

Listed below is a summary of significant statutory changes related to CLEET's peace officer records division.

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.

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.

MEMO

DATE: November 17, 2014
FROM: J.H.B. Wilson, General Counsel
RE: Case law on Intoxilizer Affidavit

Tucker V. State ex rel. Dept of Public Safety, 326 P. 3d 542 (OK Civ 2013). An abridged, highlighted copy of the opinion is at the end of this memo.

Tucker was arrested for DUI. He was given an intoxilizer test pursuant to the implied consent law. His driver's license was revoked for 180 days. Tucker appealed, arguing that the Officer's 'Affidavit and Notice of Revocation/Disqualification' was defective.

The affidavit is governed by Title 47 O.S. § 754(C). (You can find the complete statute at the end of this memo.) The statute required that the affidavit must be 'accompanied by a sworn report from a law enforcement officer that the officer had reasonable grounds to believe the arrested person has been operating or was in actual physical control of a motor vehicle while under the influence of alcohol as prohibited by law'.

The problem in this case is that the 'Affidavit and Notice' did NOT include a 'sworn report' that the driver 'was operating ... a motor vehicle while under the influence'. The Court of Civil Appeals noted that the affidavit DID include 'a description of the Driver's driving behavior' none of this was sworn as required by statute. The only sworn information included in the affidavit was:

- 'I administered said Breath-Alcohol Test in compliance with the applicable operating procedure of the Board of Tests'.
- 'I state under penalty of perjury under the laws of Oklahoma that the foregoing is true and correct'
- 'I personally hand-delivered a copy of the above containing the Notice of Revocation to the person named in Section 1 above'

The Court of Civil Appeals made reference to a 1990 Oklahoma Supreme Court opinion (Chase v. State ex rel Dep't of Public Safety, 795 P.2d 1048). In that case the State Supreme Court held that the statement (of reasonable grounds) is a 'statutory prerequisite for DPS revocation' of a driver's license.

The bottom line – make sure you fill out the affidavit correctly. Be sure to include a 'sworn report ... that the driver was operating ... a motor vehicle'. Failure to include that sworn statement may well result in the inability of DPS to revoke the driver's license.

TUCKER v. STATE ex rel. DEPT. OF PUBLIC SAFETY
326 P.3d 542
Decided: 10/09/2013
THE COURT OF CIVIL APPEALS OF THE STATE OF OKLAHOMA, DIVISION III

AFFIRMED

(Please note – minor editing has been done for ease of reference, and all *emphasis* is supplied.)

Bay Mitchell, Judge:

¶1 Defendant State of Oklahoma, *ex rel.* Department of Public Safety (DPS) appeals from a June 7, 2013 Journal Entry, wherein ***the trial court set aside the driver's license revocation order previously entered against Plaintiff/Appellee James Tucker (Driver)***. The basis for vacating the DPS Order was the ***trial court's determination that the arresting Officer's Affidavit upon which the order was based was facially defective due to its noncompliance with 47 O.S. 2011 §754(C)***. DPS appeals from this determination in this implied consent case.¹

¶2 The facts of the underlying stop, arrest and testing are not in dispute. ***Driver was arrested for driving under the influence of alcohol. Driver took the State's sobriety test and was subsequently served with the Officer's Affidavit and Notice of Revocation/Disqualification.*** This form Affidavit was relied upon by DPS for the initial revocation of Driver's license.

¶3 After an administrative hearing, ***DPS issued an Order revoking Driver's driving privileges for a period of 180 days.*** Driver appealed,² and the trial court ultimately vacated DPS's revocation order on the ground that the Officer's Affidavit was defective in that it did not comply with 47 O.S. §754(C).

¶4 ***The Affidavit identifies the Driver, his address, driver license number and vehicle identification.*** Additionally, the form ***includes the breath-alcohol analysis record/report as well as a log of test and maintenance record of the particular testing equipment.*** While the form contains a description of the Driver's driving behavior and/or circumstances of the arrest as well as a description of Driver's condition and actions, ***the only personal attestations of the Officer, which are reflected on the face of the form are as follows: (1) "I administered said Breath-Alcohol Test in compliance with the applicable operating procedure of the Board of Tests;" (2) "I state under penalty of perjury under the laws of Oklahoma that the foregoing is true and correct;" and (3) "I personally hand-delivered a copy of the above containing the Notice of Revocation to the person named in Section 1 above."***

¶5 ***Driver argues the implied consent Officer's Affidavit was facially defective in that it failed to contain the Officer's sworn report specifically required by 47 O.S. §754(C).***

⁶ Section 754(C) provides in pertinent part as follows:

Upon receipt of a written blood or breath test report reflecting that the arrested person . . . if the arrested person is twenty-one (21) years of age or older, [had] a blood or breath alcohol concentration of eight-hundredths (0.08) or more, **accompanied by a sworn report from a law enforcement officer that the officer had reasonable grounds to believe the arrested person had been operating or was in actual physical control of a motor vehicle while under the influence of alcohol as prohibited by law**, the Department shall revoke or deny the driving privilege of the arrested person for a period as provided by Section 6-205.1 of this title. Revocation or denial of the driving privilege of the arrested person shall become effective thirty (30) days after the arrested person is given written notice thereof by the officer as provided in this section or by the Department as provided in Section 2-116 of this title.

Id. (emphasis added).

¶7 **Driver contends the Affidavit is fatally flawed because it fails to include the Officer's statutorily required sworn statement that he had reasonable grounds to believe the arrested person had been operating a motor vehicle while under the influence of alcohol.** DPS, on the other hand, contends the Affidavit is sufficient on the basis of its inclusion of a factual description of the driving conduct and the Driver's condition, which under a totality of the circumstances analysis, "shows" probable cause to believe the arrestee had committed an alcohol-related offense.

¶8 On appeal from orders of implied consent revocations, an appellate court will not reverse the district court's findings unless they are erroneous as a matter of law or lack sufficient evidentiary foundation. (Citation omitted) Our review of this case requires the statutory construction of §754(C). The primary goal of statutory construction is to ascertain and follow the intention of the Legislature. (Citation omitted). Furthermore, the plain meaning of a statute's language is conclusive except in the rare case when literal construction would produce a result demonstrably at odds with legislative intent. (Citation omitted) The issue before us presents a question of law, which we review *de novo*. An appellate court has the plenary, independent, and nondeferential authority to reexamine a trial court's legal rulings. (Citation omitted)

¶9 Our review of **the applicable statutory language reveals a plain and unambiguous directive as to the express content of the Officer's sworn report. The statute mandates the sworn report expressly state "that the officer had reasonable grounds to believe the arrested person had been operating . . . a motor vehicle while under the influence . . ."** §754(C). Further, it is upon the Commissioner of Public Safety's receipt of this specific sworn report, which triggers the license revocation.

¶10 Construing an earlier version of §754, ***in 1990 the Oklahoma Supreme Court held the Officer's sworn report (that he had reasonable grounds to believe the arrested person had been operating or was in actual physical control of a motor vehicle while under the influence of alcohol) is a "statutory prerequisite for DPS revocation" of a driver's license.*** *Chase v. State ex rel. Dep't of Public Safety*, 1990 OK 78, ¶4, 795 P.2d 1048, 1049 (construing a virtually identical statutory sworn statement content requirement as it existed in the governing statute at that time at 47 O.S. Supp. 1986 §754(3)).³ A "patent deficiency in the statutorily required DPS material does indeed make the Department's revocation order vulnerable to invalidation, on timely appeal, for failure to meet the minimum legislatively prescribed standards for the DPS paperwork on which its administrative action must be rested." In *Chase*, the Court held "that ***when, on appeal to the district court, the trial judge finds a DPS revocation order was issued on administrative documentation that fails to meet the minimum standards mandated by the applicable statute, the order should be set aside as fatally flawed.***"

11 ***While the factual details in the Affidavit concerning the Driver's driving conduct and condition may constitute grounds giving rise to the Officer's reasonable belief that the Driver had been driving under the influence, this critical, statutorily required sworn statement regarding that belief is absent.***⁴ Because the Officer's Affidavit did not include the sworn report as required by statute as to the Officer's reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle while under the influence of alcohol, the evidence on which the administrative revocation action rested is patently deficient. ***In light of the Affidavit's fatal deficiency and failure to meet the statutory prerequisite for DPS revocation, the trial court correctly set aside the DPS revocation order.***

¶12 AFFIRMED.

HETHERINGTON, P.J., and GOREE, J., concur.

FOOTNOTES

¹ While the order on appeal includes various additional determinations on other issues, DPS only raises and briefs one issue on appeal-the sufficiency of the Officer's Affidavit.

² "A person whose driving privilege is revoked or denied or who is denied a hearing pursuant to Section 753 or 754 of this title may appeal to the district court in the county in which the arrest occurred relating to the test refusal or test result, as shown by the records of the Department." 47 O.S. 2011 §6-211(D).

³ ***Unlike the fatal defect in the affidavit at issue herein, a mere scrivener's error (such as an erroneous date on an Officer's affidavit) may be corrected by oral testimony.*** *Clawson v. State ex rel. Dep't of Public Safety*, 2007 OK CIV APP 89, 168 P.3d 258.

⁴ Although not reflected in the record, Driver's appellate brief states the affidavit form being used by Oklahoma law enforcement which does not contain the statutory language from §753 or §754(C) only became problematic when the Model 8000 Intoxilizer was approved for use in Oklahoma. Driver states there was no issue with the form of the affidavits being used prior to that time. This implies that the affidavits used previously contained the required statutory language.

Oklahoma Statutes Citationized

Title 47. Motor Vehicles

Section 754 - Surrender or Seizure of License - Receipt as Temporary License - Revocation or Denial of Driving Privilege - Hearing

- A. Any arrested person who is under twenty-one (21) years of age and has any measurable quantity of alcohol in the person's blood or breath, or any person twenty-one (21) years of age or older whose alcohol concentration is eight-hundredths (0.08) or more as shown by a breath test administered according to the provisions of this title, or any arrested person who has refused to submit to a breath or blood test, shall immediately surrender his or her driver license, permit or other evidence of driving privilege to the arresting law enforcement officer. The officer shall seize any driver license, permit, or other evidence of driving privilege surrendered by or found on the arrested person during a search.
- B. If the evidence of driving privilege surrendered to or seized by the officer has not expired and otherwise appears valid, the officer shall issue to the arrested person a dated receipt for that driver license, permit, or other evidence of driving privilege on a form prescribed by the Department of Public Safety. This receipt shall be recognized as a driver license and shall authorize the arrested person to operate a motor vehicle for a period not to exceed thirty (30) days. The receipt form shall contain and constitute a notice of revocation of driving privilege by the Department effective in thirty (30) days. The evidence of driving privilege and a copy of the receipt form issued to the arrested person shall be attached to the sworn report of the officer and shall be submitted by mail or in person to the Department within seventy-two (72) hours of the issuance of the receipt. The failure of the officer to timely file this report shall not affect the authority of the Department to revoke the driving privilege of the arrested person.
- C. Upon receipt of a written blood or breath test report reflecting that the arrested person, if under twenty-one (21) years of age, had any measurable quantity of alcohol in the person's blood or breath, or, if the arrested person is twenty-one (21) years of age or older, a blood or breath alcohol concentration of eight-hundredths (0.08) or more, ***accompanied by a sworn report from a law enforcement officer that the officer had reasonable grounds to believe the arrested person had been operating or was in actual physical control of a motor vehicle while under the influence of alcohol as prohibited by law***, the Department shall revoke or deny the driving privilege of the arrested person for a period as provided by Section 6-205.1 of this title. Revocation or denial of the driving privilege of the arrested person shall become effective thirty (30) days after the arrested person is given written notice thereof by the officer as provided in this section or by the Department as provided in Section 2-116 of this title.
- D. Upon the written request of a person whose driving privilege has been revoked or denied by notice given in accordance with this section or Section 2-116 of this title, the Department shall grant the person an opportunity to be heard if the request is received by the Department within fifteen (15) days after the notice. The sworn report of the officer, together with the results of any test or tests, shall be deemed true, absent any facial deficiency, should the requesting person fail to appear at the scheduled hearing. A timely request shall stay the order of the Department until the disposition of the hearing unless the person is under cancellation, denial, suspension or revocation for some other reason. The Department may issue a temporary driving permit pending disposition of the hearing, if the person is otherwise eligible. If the hearing request is not timely filed, the revocation or denial shall be sustained.