

NAME OF AGENCY:

Council on Law Enforcement Education and Training (CLEET)

TYPE OF DOCUMENT:

Rule Impact Statement

PROPOSED RULES:

CHAPTER 15. BASIC PEACE OFFICER CERTIFICATION TRAINING

Subchapter 1. Basic Academy Programs

390:15-1-2 [AMENDED]

390:15-1-9 [AMENDED]

390:15-1-13 [AMENDED]

Subchapter 3. Collegiate Officer Program

390:15-3-1 [AMENDED]

390:15-3-6 [AMENDED]

390:15-3-8 [AMENDED]

390:15-3-10 [AMENDED]

SUMMARY:

Amendments are non-substantial and necessary to correct and clarify current academy and collegiate officer program procedures. Amendments also state and clarify statutory certification requirements and clarify cadet attendance policies.

AUTHORITY:

Council on Law Enforcement Education and Training; 70 O.S., Section 3311 (A), 70 O.S., Section 3311(B)(2), 70 O.S., Section 3311(J) and 70 O.S., Section 3311, et seq.

CLASSES OF PERSONS AFFECTED:

Commissioned peace officers seeking certification; employing law enforcement agencies.

PERSONS WHO WILL BENEFIT:

Peace officers and employing law enforcement agencies.

PROBABLE ECONOMIC IMPACT UPON AFFECTED CLASSES OF PERSONS OR

POLITICAL SUBDIVISIONS: (Listing of fees and justification)

None. There are no fees associated with this change.

PROBABLE COSTS AND BENEFITS TO THE AGENCY OR ANY OTHER AGENCY OF THE IMPLEMENTATION AND ENFORCEMENT OF THE PROPOSED RULE; SOURCE OF REVENUE TO BE USED FOR IMPLEMENTATION AND ENFORCEMENT; AND ANTICIPATED EFFECT ON STATE REVENUES:

None. There are no costs associated with this change and no additional monies are required for implementation.

ECONOMIC IMPACT ON POLITICAL SUBDIVISIONS OR ASSISTANCE REQUIRED TO IMPLEMENT OR ENFORCE RULE:

None.

ADVERSE EFFECT ON SMALL BUSINESSES AS PROVIDED BY THE OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT:

None.

MEASURES TAKEN TO MINIMIZE COMPLIANCE COSTS; ALTERNATIVES CONSIDERED:

Not applicable.

EFFECT OF THE PROPOSED RULE ON THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT IF PROPOSED RULE IS NOT IMPLEMENTED; NATURE OF RISK TO PUBLIC HEALTH, SAFETY AND ENVIRONMENT AND EXTENT PROPOSED RULE WILL REDUCE THE RISK:

This proposed rule would not affect the public health, safety or environment.

DETRIMENTAL EFFECT OF THE PROPOSED RULE ON THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT IF PROPOSED RULE IS NOT IMPLEMENTED:

None.

DATE PREPARED:

February 2, 2011

Subchapter 1. Basic Academy Programs

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

- a) The Council shall formulate and promulgate a program of instruction for peace officer certification, comprised of fundamental law enforcement skills and knowledge, which shall be designated as the Basic Peace Officer Certification Academy, known herein as the Basic Academy.
- (b) The curriculum of the Basic Academy is established by the Curriculum Review Board. The curriculum shall include functional areas as prescribed by the Council through the Curriculum Review Board. Functional areas may include, but shall not be limited to the following:
 - (1) Orientation/Legal Matters
 - (2) First Aid
 - (3) Firearms
 - (4) Criminal Investigation
 - (5) Custody Control and Arrest Defensive Tactics
 - (6) Traffic
 - (7) Patrol
 - (8) Community Relations
 - (9) Law Enforcement Driver Training
 - (10) DWI Detection and Standardized Field Sobriety Testing (SFST)
 - (11) Radar
 - (12) Ethics
- (c) The Basic Academy shall meet the hourly requirements as provided by O.S. 70 Section 3311 et seq.
- (d) Additional hours of study and/or CLEET approved activity may be required to fulfill Basic Academy requirements.
- (e) Approved academy entities must meet instructional objectives established by CLEET but they may establish an hourly schedule that meets their needs.

390:15-1-9. Council instructors

- (a) Instructors who teach in the Basic Academy shall possess CLEET recognized instructor training, or shall possess professionally recognized training and experience in the assigned subject area.
- (b) Basic Academy instructors shall adhere to the performance objectives and lesson plans in all cases, except when changes in the law, or other circumstances dictate that more current instructional material be substituted. In such cases, proper revisions shall be made to the lesson plan in question as soon as possible. Such changes shall be forwarded to the appropriate instructors and to all Council-approved Basic Peace Officer Certification Academy coordinators in a timely manner.
- (c) CLEET shall establish written guidelines for CLEET, contract, adjunct and volunteer instructors regarding classroom demeanor and attire. All instructors who are scheduled to teach for the Council in a Basic Academy program shall be provided with and comply with the written guidelines. Rules shall include but shall not be limited to the following:
 - (1) Instructors who are lodging or visiting facilities owned, operated, or rented by CLEET may not use or bring any alcoholic beverages, intoxicants, or any controlled dangerous

substances, onto the property, grounds, or into the facilities.

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

(3) Instructors who arrive at lodging, eating, classroom, or training facilities, who appear impaired, may be subject to standard field sobriety testing, or other tests, and to disciplinary action.

390:15-1-13. Academic requirements

(a) In order to successfully complete the basic academy program, trainees must achieve a minimum passing score as designated by CLEET or a higher standard if so required by an approved academy entity. All training standards and academic requirements must be completed within the time frame specified in Section 3311 of Title 70 of the Oklahoma Statutes.

(b) Any trainee who fails a specific block examination will be permitted to retake that block examination within a time frame established by CLEET.

(c) If the trainee fails the block examination a second time, the trainee's agency head may request that the trainee repeat the block of instruction and take the examination for a third time.

(d) If a trainee fails to complete any block of instruction the trainee will not be allowed to take the certification examination.

(e) Trainees who fail the certification examination will be permitted to retake the examination within ten (10) business days. A second failure will necessitate reenrollment into a basic academy.

(f) When a trainee fails a proficiency test in the Custody Control block, or the Law Enforcement Driver Training block, the trainee will not be certified, and will be scheduled for up to two remedial training ~~courses~~ sessions at a later time. If the trainee does not successfully complete remedial training, no further testing will be allowed.

(g) If the trainee fails a proficiency test in the Firearms Block, and cannot be remediated within that academy, the trainee will not be certified, and shall be required to obtain additional firearms training through his/her employing agency; such training to be conducted by a CLEET certified firearms instructor within ninety (90) calendar days of the student's original academy completion date. Upon completion of such training, the student's employing agency administrator must, in writing, notify the Director of CLEET that the student is ready to be scheduled for firearms proficiency testing by CLEET firearms staff. Such testing shall be completed by allowing the student up to three (3) attempts to attain the CLEET required proficiency in firearms. If the trainee does not successfully complete additional training, no further testing will be allowed.

(h) Trainees are expected to attend all blocks of instruction. If a trainee misses any time during the academy, the trainee must state in writing the reasons for the absence.

(i) Absences due to unforeseen emergencies, illnesses, subpoenas, or other unusual circumstances may be approved by the Training Division Manager or Assistant Director for make-up during the current academy. Each case will be reviewed to evaluate the length of time missed; and the impact upon the instructional staff and class to remediate the trainee; ~~and options for the student to make up the missed time.~~ The trainee may be required to provide documentation for excused absences such as a copy of the subpoena, doctor's statement, etc. Absences of more than five (5) hours in any training block may require the trainee to attend the entire block in the next subsequent academy.

(j) Each applicant is required to attend all class sessions, subject to previously state exceptions.

Unexcused absences or repeated tardiness requires makeup work during a current or future academy, and may result in administrative discipline. Decisions that the Training Manager or Assistant Director make, regarding attendance and makeup requirements, may be appealed to the Director.

(k) It is mandated by the Council that all examinations, and all proficiency tests must be successfully completed to meet the requirements for peace officer certification.

(l) If a health condition or an injury exists, prohibiting a trainee from fully participating in any block of instruction, a signed release from the trainee's physician must be submitted before the trainee will be allowed to further participate in that block.

(m) If the trainee cannot be so released by a physician to fully participate in that block then participation is prohibited.

(n) Approved academy entities shall establish their own requirements for academy testing, retesting, and attendance except that no academic standards shall be less than those established by CLEET in 390:15-1-13.

Subchapter 13 Collegiate Officer Program

390:15-3-1. Purpose

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

390:15-3-6. Curriculum mandates

(a) COP courses shall include, but are not limited to, instruction in the following topical areas:

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

(b) CLEET shall make functional area instructional objectives, as well as current Basic Academy lesson plans, available to all COP institutions. COP institutions may utilize a collegiate accredited First Aid course and a collegiate accredited CPR course as a substitute for CLEET's First Aid course.

390:15-3-8. Qualification examination

(a) The CLEET qualification which is administered to COP students by an authorized CLEET representative, is a comprehensive objective examination which covers, at a minimum, those

topical areas set forth in 390:15-1-2 and 390:15-3-6. Should additional topical areas be added, the qualification examination may be expanded to cover such additions.

- (b) The qualification examination shall be administered on a quarterly basis at times and locations to be determined by CLEET.
- (c) Students may take the qualification examination prior to their twenty-first birthday but ~~certification verifications shall be withheld~~ shall not be certified until their twenty-first birthday.
- (d) Students who pass the qualification examination prior to becoming commissioned shall have two-years from the date the bachelor's degree is conferred in which to obtain their certification. Certification shall be withheld until they have been commissioned and all requirements of 70 O.S., Section 3311 have been met.
- (e) A score of 70 percent or higher shall be required to pass the qualification examination.
- (f) Students who fail their initial qualification examination may be given only two re-tests.

390:15-3-10. Student responsibilities

- (a) All students admitted to a COP must meet the admission requirements of the sponsoring college or university.
- (b) COP students, when commissioned, must meet the requirements set forth in 70 O.S., Section 3311 and the requirements set forth in 390:10-1-4.
- (c) COP student class absences shall be recorded in accordance with individual university/college policies.
- (d) COP tract students shall be accountable for 100 percent attendance in skills level courses.
- (e) Prior to enrolling in a COP Firearms Training course, students shall request a current local records check from their county of residence and the Oklahoma State Bureau of Investigation, and shall submit the returns to the COP school Director prior to the first day of firearms training.
- (f) COP students are responsible for submitting documentation to CLEET of COP course completion, and any other documents required by CLEET, prior to taking the qualification examination.
- (g) COP students must present a picture identification when taking the qualification examination.
- (h) COP students must successfully complete all COP course work and receive an associate or bachelor degree, and make a score of 70 percent or better on the qualification examination to be eligible for peace officer certification.