

NAME OF AGENCY:

Council on Law Enforcement Education and Training (CLEET)

TYPE OF DOCUMENT:

Rule Impact Statement

PROPOSED RULES:

CHAPTER 20. RESERVE PEACE OFFICER CERTIFICATION AND TRAINING

390:20-1-2 [AMENDED]

390:20-1-3 [AMENDED]

390:20-1-3.1 [AMENDED]

SUMMARY:

Amendments are necessary to address recent statutory changes and state current CLEET procedure and policy relating to academic performance and academy procedures. Amendments provide CLEET more flexibility in appointing academy coordinators.

AUTHORITY:

Council on Law Enforcement Education and Training; 11 O.S. , Section 34-101, 70 O. S., Section 3311 (A), 70 O.S., Section (E)(2)(6), and 70 O.S., Section 3311, et seq.

CLASSES OF PERSONS AFFECTED:

Reserve officers.

PERSONS WHO WILL BENEFIT:

Reserve officers.

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:

No change.

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

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

DATE PREPARED:

February 2, 2011.

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

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

(1) May be appointed by a municipality [11 O.S. 34-101], a duly elected sheriff [19 O.S. 547], or any other agency authorized by statute to appoint such reserve peace officers.

(2) May not work as a reserve peace officer more than ~~twenty-five (25) hours~~ one hundred forty (140) hours per week month unless authorized by 11 O.S. 34-101 or 19 O.S. 547.

(3) May be paid a wage or salary, or may serve as a volunteer for the appointing agency.

(4) May be appointed by any political subdivision of this state to serve as an auxiliary police or peace officer pursuant to the Oklahoma Civil Defense Act [63 O.S. 683.1 et. seq].

(5) May have the same powers, duties, and functions as regular full-time peace officers, or as prescribed by state laws, or the ordinances of the appointing municipality.

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

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

(a) The Council shall formulate a program of instruction for reserve peace officer certification, which shall be based on the Basic Peace Officer Academy, and which shall be known herein as the Reserve Academy.

(b) The lesson plans of each Reserve Academy shall be based upon the functional areas of the CLEET Reserve Academy curriculum. The total number of hours for all functional areas combined shall meet or exceed the number of hours required by 70 O.S., Section 3311 (E)(2) for Reserve certification.

(c) Trainee attendance is critical. One-hundred percent (100%) attendance is required in all blocks of instruction.

(d) Remedial training may be accomplished under the following conditions:

~~(1) The trainee attends remedial training taught by the same instructor who taught the original academy class.~~

~~(2)~~ (1) The training is conducted in an academy setting and monitored by the academy coordinator as approved by CLEET.

~~(3)~~ (2) Trainees failing to successfully complete remedial training in the original academy shall be required to successfully complete remedial training within one (1) year from the date of hire. in another academy in a time frame established by CLEET.

(e) Trainees must successfully complete required classroom and/or skills proficiency testing prior to being administered the required progress or certification examinations.

(f) Trainees who fail to successfully complete any skills proficiency portion(s) of the academy ~~may be administered progress and certification examinations, however, will not be allowed to take the certification exam.~~ Certification certification will be withheld until all requirements have been fulfilled.

(g) Any officer seeking Oklahoma Reserve Peace Officer Certification, who has been certified by a state peace officer standards and training agency as a **full-time** peace officer in another state, or any officer who has been certified as a federal peace officer by a Council recognized federal law

enforcement agency, may obtain reserve certification by reciprocity, under the following conditions:

- (1) The officer must meet the minimum peace officer employment standards set forth by law.
- (2) The officer must have been employed as a full time peace officer for at least three (3) months within the two (2) year period immediately preceding the request for Oklahoma Reserve Peace Officer Certification.
- (3) The officer must attend the ~~Legal Matters~~ First Progress block of instruction and successfully pass all Progress and Certification examinations at a standard prescribed by the Council. Skills training functional areas shall not be tested. Officers may have one retest for each functional examination which they fail.
- (4) If an officer fails both a test and a retest for any given functional area, then that officer must successfully complete the corresponding functional area in a CLEET Basic Reserve Academy, to include successfully passing the functional area examination(s).

390:20-1-3.1. Reserve Coordinator Qualifications

(a) All reserve academy coordinators must:

- ~~(1) be~~ Be a certified full-time, salaried peace officer as set forth in 70 O. S. 3311.
 - ~~(b) All reserve academy coordinators must have~~ (2) Have a minimum of two years of law enforcement experience after certification as a peace officer.
 - ~~(c) All reserve academy coordinators must be~~ (3) Be employed by a municipal, county, state or tribal law enforcement agency.
 - ~~(d) All reserve academy coordinators must be~~ (4) Be CLEET certified basic instructors.
 - ~~(e) All reserve academy coordinators must successfully~~ (5) Successfully complete a CLEET Reserve Academy Coordinators' school prior to being given approval to conduct a reserve academy.
- (b) The director may grant reserve academy coordinator status to an individual who has completed comparable training, education or experience that equal or exceed the qualifications for reserve academy coordinator.