

**NAME OF AGENCY:**

Council on Law Enforcement Education and Training (CLEET)

**TYPE OF DOCUMENT:**

Rule Impact Statement

**PROPOSED RULES:**

**CHAPTER 25. CONTINUING LAW ENFORCEMENT EDUCATION**

390:25-1-3 [AMENDED]

390:25-1-4 [AMENDED]

390:25-1-9 [AMENDED]

390:25-1-14 [AMENDED]

390:25-1-19 [AMENDED]

**SUMMARY:**

Amendments are non-substantive and necessary to clarify enrollment procedures and correct inaccurate statutory references. Changes also relate to instructor development, and correct CLEET specialized instructor development certification subject areas. Lastly, amendments clarify grounds for disciplinary actions involving individuals with instructor certifications.

**AUTHORITY:**

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

**CLASSES OF PERSONS AFFECTED:**

Peace officers.

**PERSONS WHO WILL BENEFIT:**

Peace officers and 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:**

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.

### **390:25-1-3. Enrollment and tuition**

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

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

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

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

### **390:25-1-4. Instructor qualifications**

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

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

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

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

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

(A) research particular subject areas;

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

(C) develop instructional techniques and classroom presentation skills, for the teaching of

subjects that primarily require only cognitive knowledge.

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

- (A) Firearms Instructor
- (B) ~~Self-Defense Instructor~~ Defensive-Tactics Instructor
- (C) ~~Police Radar Instructor~~ Standardized Field Sobriety
- (D) Law Enforcement Driver Training
- (E) ~~Police Motorcycle Instructor~~ Drug Recognition
- (F) ~~CPR/First Aid Instructor~~

### **390:25-1-14. Mandatory Continuing Education**

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

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

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

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

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

### **390:25-1-19 Grounds for revocation**

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

(b) The Council may deny or revoke the basic or specialized instructor certification of an officer who obtains, or attempts to obtain, certification by supplying the Council with false, forged, altered or otherwise erroneous information, or who submits any fraudulent records to CLEET.

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