

TITLE 390. COUNCIL ON LAW ENFORCEMENT EDUCATION AND TRAINING

CHAPTER 2. ADMINISTRATIVE PROCEDURES

390:2-1-2. Denials, reprimands, suspensions, revocations, disciplinary penalties, fines

(a) **Persons affected by individual actions.** Under the authority of 70 O.S., Section 3311 et seq.; 59 O.S., Section 1750.1 et seq.; 59 O.S., Sections 1451-1476; 20 O.S., Section 1313.2, 21 O.S., Section 1289.9 and 21 O.S. Section 1290.1 et seq., and 59 O.S. 1350.1 et seq., CLEET may take Administrative Actions against the following parties for violations of said statutes and the Rules and Regulations of CLEET:

- (1) Certified peace officers and applicants;
- (2) Basic Peace Officer Academy students and applicants;
- (3) Private security training schools and applicants;
- (4) Armed and unarmed security guards, private investigators, security agencies, investigative agencies and applicants;
- (5) Certified drug detector dogs, handlers and applicants;
- (6) CLEET certified instructors for Law Enforcement;
- (7) Counties, cities and towns involved in the penalty assessment program;
- (8) Private security training instructors and applicants;
- (9) Approved SDA Firearms Instructors;
- (10) Retired municipal, county, state and federal peace officers;
- (11) Certified Reserve Peace Officers and applicants;
- (12) Bail Enforcement training schools and applicants;
- (13) Bail Enforcement training instructors and applicants;
- (14) Bail Enforcement persons and applicants; and
- (15) Any other parties for which CLEET has statutory authority.

(b) **Type of sanctions.** CLEET may take the following actions against the parties mentioned in (a) of this section:

- (1) Oral Reprimand
- (2) Written Reprimand
- (3) Denial
- (4) Suspensions
- (5) Revocation and/or
- (6) Disciplinary penalty or fine.

(c) **Disciplinary procedures.** In the event CLEET, or its designated agent, has determined that an action will be taken, the following procedures shall apply in accordance with the Administrative Procedures Act, Section 301, et. seq. Title 75 of the Oklahoma Statutes.

(1) The issuance or denial of a new or renewal license or new certification is not an individual proceeding, and is not subject to review by the administrative hearing process set forth below.

(2) CLEET or its designated agent shall serve by certified mail, return receipt requested, or by personal delivery by an individual authorized by CLEET, a "Notice of Council Action" containing information required by 75 O.S. Section 309 et. seq., to the party at his last known residential address as reflected by the records of CLEET or current employing department or agency address if the personal address is unknown. If said letter is returned and notation of U.S. Postal Service indicates "unclaimed," "moved," "refused" or any non-

delivery markings and the Council's records indicate no change of address as required by rule 390:35-5-13, and 70 O.S., §3311 (Q) the notice and any subsequent order shall be deemed served. Any order issued shall be deemed valid as if said individual or agency had been served.

(3) The notice shall provide that CLEET action shall commence and become effective fifteen (15) days after receipt of said notice by the party, unless the party timely files a written request for a hearing with CLEET except as follows:

(A) When CLEET determines that an allegation warrants immediate action, the commencement and effective date of fifteen (15) days will be waived and the action will be effective upon receipt of said notice.

(B) A request for hearing will be timely filed if said request is in writing and received by CLEET, its Director, or designated agent within ten (10) days of the date the party received notice.

(C) If a timely written request for a hearing is not received by CLEET, the allegations shall be deemed confessed by the party and the action will become final.

(D) If the written request for hearings is timely received by CLEET, such hearings shall be scheduled within sixty (60) days from the date said request is received.

(4) The timely filing of a written request for a hearing will stay CLEET's action pending disposition of the hearing, unless the notice and allegations fall within (3)(A) of this subsection.

(5) The hearings will be held at a location designated by the Council.

(6) The hearing officer will be designated by CLEET or the Director thereof, and each party shall be afforded an opportunity to be heard and present evidence.

(7) The hearing will be electronically recorded and the tapes of said hearing will be preserved until all avenues of appeal have expired or been exhausted. If a party desires a court reporter, or certified stenographer, it shall be the party's burden to provide and bear the cost of said services and subsequent transcription.

(8) If a party fails to appear at the scheduled hearings without prior notification or good cause, the hearing officer shall default the party, and enter an order sustaining the allegations set forth in the notice and imposing the sanctions set forth therein; or if the State sustains its burden, the hearing examiner shall rule accordingly.

(9) If the complaining party fails to show or the state otherwise fails to prove the allegations by clear and convincing evidence, the action against the party shall be dismissed without sanctions.

(10) The designated hearing officer shall render a decision based upon the law and the evidence presented at the hearing.

(11) Each party shall be notified, in written order form, of the findings of fact and conclusions of law relating to the action.

(12) A party may appeal the hearing officer's decision as set forth in ~~75 O.S. Section 301 et. seq.~~ of the Oklahoma Administrative Procedures Act.

CHAPTER 10. PEACE OFFICER CERTIFICATION

390:10-1-4. Peace officer employment standards

- (a) A person shall comply with the requirements of 70 O.S. Section 3311(E)(F)(G) in order to be employed as a peace officer.
- (b) Nothing herein shall preclude any law enforcement agency from establishing and implementing minimum employment standards in addition to those set forth by law and the rules of this chapter.
- (c) All peace officers, reserve peace officers and tribal officers are required to maintain with the Council, the current ~~residential~~ addresses and 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.
- (d) 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.

390:10-1-7. Withdrawal, suspension and reinstatement of certification

(a) "**Withdrawal**" defined. A withdrawal of certification is the voluntary surrender of peace officer certification by an officer that has been certified pursuant to the provisions of 70 O.S. 3311 et seq.

- (1) An officer requesting a withdrawal of certification must notify CLEET of his intent in writing to voluntarily surrender peace officer certification and have his name withdrawn from the list of Oklahoma certified peace officers.
 - (2) If an officer is requesting withdrawal by voluntary surrender of peace officer certification based upon completed, pending or contemplated criminal proceedings, the officer must include in the notice to withdraw certification, a certified copy of the charges, sentencing agreement or other information to support the action. This would include any deferred sentencing agreement.
 - (3) When a request for withdrawal of certification has been received by CLEET, the supporting documents will be verified and an investigation conducted to determine the facts for the stated underlying purpose of the withdrawal of certification.
 - (4) CLEET will enter a Final Order of Withdrawal which must be signed by the officer requesting the voluntary surrender of peace officer certification and the Director. The Final Order of Withdrawal must include:
 - (A) A statement by the officer that the withdrawal and surrender of peace officer certification is voluntary; and
 - (B) Acknowledgment of the underlying facts for the withdrawal; and
 - (C) Acknowledgment that the information gathered during the investigation of the request for withdrawal may be submitted as evidence at a hearing upon the request of the officer for reinstatement of certification;
- (b) **Suspension.** The certification of a peace officer may be suspended pursuant to the provisions of 70 O.S. Section 3311 et seq.
- (1) If any action against a peace officer results in the suspension of peace officer certification, the suspended officer shall not engage in law enforcement activities of any type during the period of suspension. Any peace officer found to be engaging in law enforcement activities of any kind during the period of suspension shall be subject to

revocation of peace officer certification without prior notice but otherwise subject to administrative proceedings.

(2) When permitted by law, the officer and CLEET may enter an agreement for the suspension of peace officer certification. The Agreed Final Order of Suspension must include the length of the suspension.

(3) Administrative actions involving actions against a peace officer in which suspension of peace officer certification is provided by law, shall be conducted in accordance 70 O.S. 3311, the Administrative Procedures Act, OAC 390:2-1 et. seq. and this chapter.

(4) A suspension ordered after administrative hearing shall state the term of the suspension. Unless otherwise provided by law, the Hearing Examiner may establish a reasonable length of suspension.

(c) **Reinstatement.**

(1) After five years, an officer who has had peace officer certification suspended or who has voluntarily withdrawn his certification, may have peace officer certification reinstated through the following procedures:

(A) The officer shall file a request for reinstatement in writing, under oath.

(B) The request shall require the applicant to furnish information reasonably required to enable the Council to determine the fitness of the applicant for certification.

(2) The request for reinstatement shall be referred to the Assistant Director for processing of the request.

(3) The request will be reviewed by the Assistant Director and General Counsel to approve or deny the request. The following factors will be considered during the review:

(A) Circumstances surrounding the suspension or voluntary withdrawal of certification;

(B) Successful completion of the terms for suspension or voluntary withdrawal of certification;

(C) Any pending charges or actions in this state or any other state; and

(D) Activities of applicant during the period of suspension.

(4) If a request is denied, the Administrative Procedures found in OAC 390:2-1 et. seq. will govern the hearing.

(5) Individuals who have had their certification reinstated must meet the continuing education requirements described in 70 O.S. 3311.4.

(A) Individuals who have had their certification reinstated and who were employed/commissioned/appointed for ninety (90) days during the year his/her certification was suspended or he/her voluntarily withdrew his/her certification and who failed to meet the continuing education requirements in that year will have sixty (60) days to complete the mandatory continuing education requirements for that year effective the date of his/her employment/commission/appointment. If an individual fails to complete the mandatory continuing education requirement within the above time frame they may be disciplined pursuant to OAC 390:2.

(d) **Notification.** Upon the suspension, withdrawal or revocation of peace officer certification pursuant to 70 O.S. 3311 et seq. or these rules, CLEET shall provide written notification of such action to the head of the employing law enforcement agency and the district attorney in the jurisdiction where the officer is or was last employed, and to any other entity required by law.

CHAPTER 20. RESERVE OFFICER CERTIFICATION AND TRAINING

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 one hundred forty (140) hours per 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.

(c) The Council, or its designee, may grant an extension of the time frame specified in Section 3311 of Title 70 of the Oklahoma Statutes, upon written application by the employing agency, and when good cause is shown, as determined by the Council or its designee. Peace officers granted an extension of time to attend and complete a reserve training academy are not permitted to work in the capacity of a peace officer during the extension period.

(d) All peace officers, reserve peace officers and tribal officers are required to maintain with the Council, the current ~~residential~~ addresses and 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.

(e) 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.

(f) All reserve trainees shall be required to score a minimum of seventy percent (70%) on a reading and writing comprehension examination pursuant to 70 O.S. Section 3311.11.

CHAPTER 25. CONTINUING LAW ENFORCEMENT EDUCATION

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.

(1) All full-time, certified, active peace officers employed/commissioned/appointed for a period of ninety (90) days in a calendar year, who become inactive prior to the end of a calendar year, are responsible for meeting the mandatory continuing education requirements as set forth in 70 O.S., Section 3311.4 upon return to active peace officer status within sixty (60) days of the date of his/her employment/commission/appointment. Failure to complete the required mandatory continuing education within sixty (60) days may result in disciplinary action as set forth in OAC 390:2.

(2) Full-time certified peace officers who return to active status within the calendar year they became inactive will have the remaining portion of the calendar year to complete the annual mandatory continuing education requirements outlined in 70 O.S., Section 3311.4.

(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(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.

CHAPTER 27. POLICE OFFICER ANNUAL FIREARMS REQUALIFICATION

390:27-1-1. Purpose

(a) The purpose of this chapter is to outline annual minimum firearms requalification standards, and requirements of law enforcement agencies to report such requalification to the Council and;

(b) This chapter outlines the procedures to implement requirements necessary for active full-time and reserve peace officers to meet the annual firearms requalification mandated by 70 O.S. 3311 and report same to the Council.

(1) For purposes of this chapter, active full-time and reserve peace officers shall be defined as employed/commissioned/appointed as such for one (1) day in a calendar year.

390:27-1-4. Exemptions

(a) A certified peace officer will be exempt from firearms requalification for the remainder of the calendar year in which he or she was certified.

(b) A certified peace officer must successfully complete firearms requalification during the next calendar year after he or she receives peace officer certification.

(c) Any peace officer changing employment between law enforcement agencies shall not be exempt from annual requalification requirements and must show proof of successfully requalifying during the calendar year while employed as a peace officer.

(1) One (1) day employed/commissioned/appointed as a peace officer with a law enforcement agency during the calendar year constitutes employment as a peace officer.

CHAPTER 55. FACILITIES MANAGEMENT

390:55-1-11. Fees

(a) Events not conducted or co-sponsored by CLEET shall be subject to fees authorized by 70 O.S. 3311 according to the fee schedule below:

- (1) Lodging per bed - \$ 20.00 per night
- (2) Classrooms C111, C131, C112, C127, C124 - \$ 40.00 per day
- (3) Computer lab C107 - \$ 250.00 per day
- (4) CSI lab C115 - \$ 150.00 per day
- (5) Large classroom C128 - \$ 60.00 per day
- (6) Scenario classroom C114 - \$ 60.00 per day
- (7) Dining Room A104 - \$ 40.00 per day
- (8) Conference Room/Courtroom A107 - \$ 100.00 per day
- (9) Boardroom A214 - \$ 40.00 per day
- (10) Scenario House - \$ 75.00 per day
- (11) Multipurpose room E101 - \$ 400.00 per day
- (12) Emergency response course - \$ 350.00 per day (no vehicles provided)
- (13) Firearms Classroom F102 - \$ 40.00 per day
- (14) Baffled firing range - \$ 150.00 per day
- (15) Outdoor firing range - \$ 80.00 per day
- (16) Chair - \$ 2.00. For seating in the multipurpose room that exceeds CLEET's chair availability, sponsors shall provide their own seating.
- (17) Table - \$ 8.00
- (18) Locker room - \$ 25.00 per day (men's and women's)
- (19) Private office space - \$12.00 to \$15.00 per square foot per year, or at a rate established by Memorandum of Understanding approved by the Council.
- (20) Open office area - \$9.00 to \$10.00 per square foot per year, or at a rate established by Memorandum of Understanding approved by the Council.

(b) Fees for one-half day or less shall be one-half of the daily rate

(c) All individuals lodging at the complex shall be subject to a \$ 10.00 fee for a lost room key or magnetic access card to the room. Payment shall be made to CLEET and the fee shall be received before certifications of completion will be granted for the course or event attended.

(d) All individuals issued a magnetic access card for food services shall be subject to a \$ 2.00 fee for a lost access card. Payment for the food service card shall be made directly to the food service vendor.

(e) Failure to immediately pay any assessed fees may result in denial of future participation in CLEET activities or use of the complex.

CHAPTER 60. REGULATING BAIL ENFORCERS

390:60-7-8. Reporting the discharge of firearms

(a) The discharge or use of a firearm or a weapon or any noxious substance as defined in the Act by a Licensee shall be reported by phone immediately by the Licensee to CLEET. If the discharge of a firearm happens at times other than during normal CLEET operating hours, calls and reports shall be made the next working day to CLEET. The telephonic report shall include:

- (1) name and license number of Licensee discharging firearm;
 - (2) name and contact information of the entity who hired the licensee;
 - (3) location of incident;
 - (4) a brief narrative of what happened;
 - (5) whether death, personal injury, or property damage resulted;
 - (6) whether the incident is being or was investigated by a law enforcement Agency, and if known, the name of the investigating Agency.
- (b) CLEET, when deemed appropriate, may immediately proceed to the scene and investigate.
- (c) The involved Licensee must complete a separate written report, which includes an original signature of the licensee, known as a "Report of Firearm Discharge", to be forwarded by the Licensee to CLEET within twenty-four (24) hours after the firearms discharge incident. This is an individual obligation of the Licensee and the Licensee may not rely on any other entity to submit the required reports.