

**COUNCIL ON LAW ENFORCEMENT EDUCATION AND TRAINING
SPECIAL MEETING**

**Oklahoma Bureau of Narcotics
419 NE 38th Terrace Oklahoma City, Oklahoma 73105**

March 21, 2018

10:00 a.m.

Minutes

MEMBERS PRESENT:

Chief Michael Robinson, O.S.U. DPS
Major Pat Mays, OK Highway Patrol
Sheriff John Christian, Pontotoc County SO
Chief Bill Citty, Oklahoma City Police Dept.
Director John Scully, O.B.N.D.D.
Chief Jason Smith, Jenks Public Schools Police Dept.
Sheriff Chris West, Canadian County SO
10:14 a.m. - Director Bob Ricks, OSBI

STAFF PRESENT:

Steve Emmons, Executive Director
Charles Gerhart, Assistant Director
Gerald Konkler, General Counsel
Shannon Butler, Operations Manager
Shelly Lowrance, Recording Secretary

MEMBERS ABSENT:

Dr. James Burke, East Central University
Chief Ike Shirley, Bixby Police Dept.
Sheriff Bobby Whittington, Tillman County SO
Chief Randy Wesley, Chickasaw Nation PD

GUESTS:

Kevin D. McCullough, OMAG
Bob Cook, OBN

1. Call Meeting to Order

Vice-Chairman Michael Robinson called the meeting to order at 10:00 a.m.

2. Open Meeting Act Compliance

Chairman Robinson verified that the meeting was being held in compliance with the Oklahoma Open Meeting Act.

3. Roll Call

Roll was taken; seven members were present representing a quorum.

4. Adoption of Permanent Rules for the following Chapters of OAC 390. Council on Law Enforcement Education and Training:

Chapter 1. Agency Authority and Objectives
Chapter 2. Administrative Procedures
Chapter 10. Peace Officer Certification
Chapter 20. Reserve Peace Officer Certification and Training
Chapter 25. Continuing Law Enforcement Education
Chapter 30. CDS Detector Dog Certification

- Chapter 35. Regulation of Private Security Industry
- Chapter 40. Oklahoma Self-Defense Act
- Chapter 45. Retired Peace Officer Firearms Permit

Chapter 1

Director Emmons gave a summary of the changes in Chapter 1. There was no discussion.

Amendments to 390:1-1-6 all residential addresses will be redacted from any document supplied by CLEET.

Amendments to 390:1-1-13 language change to the forms of payment received by CLEET.

Action Taken: Sheriff West made a motion to adopt the proposed rule changes to Chapter 1. The motion was seconded by Sheriff Christian. Chief Robinson voted yes. Chief Smith voted yes. Sheriff Christian voted yes. Chief Citty voted yes. Major Mays voted yes. Director Scully voted yes. Sheriff West voted yes. Motion carried 7-0.

Chapter 2

Director Emmons and Mr. Konkler gave a summary of the changes in Chapter 2. There was no discussion.

Amendments to 390:2-1-2 added language that clarifies that when a timely request for a hearing is received, CLEET will, within 60 days of receipt, advise the party of the date on which the hearing will be held.

Action Taken: Director Scully made a motion to adopt the proposed rule changes to Chapter 2. The motion was seconded by Major Mays. Chief Robinson voted yes. Chief Smith voted yes. Sheriff Christian voted yes. Chief Citty voted yes. Major Mays voted yes. Director Scully voted yes. Sheriff West voted yes. Motion carried 7-0.

Chapter 10

Director Emmons and Mr. Konkler gave a summary of the changes in Chapter 10. Annually we have statutory changes that need to reflect in CLEET Rules. There was no discussion.

Amendments to 390:10-1-2 minimum certification and Employment standards, language correction in (d) and (e) to O.S. to reflect that the relevant statute is 70 O.S. 3311 (e) (4).

Amendments to 390:10-1-7 Final Order of Withdrawal or Surrender : deleted language requiring a signature of the officer requesting withdrawal or surrender; adds language that the final order include: the officer's request to voluntary surrender and include the Director's signature; that it include a statement of the underlying facts of the withdrawal or surrender; adds language to address if the surrender or withdrawal is ordered by a court; adds language stating an officer cannot file a request for reinstatement for minimum of five (5) years from the date of the entry.

Action Taken: Major Mays made a motion to adopt the proposed rule changes to Chapter 10. The motion was seconded by Director Scully. Chief Robinson voted yes. Chief Smith voted yes. Sheriff Christian voted yes. Chief City voted yes. Major Mays voted yes. Director Scully voted yes. Sheriff West voted yes. Motion carried 7-0.

Chapter 20

Director Emmons gave a summary of the changes in Chapter 20. This is for reserve officer certification, training and instructors. This language matches what we have in place for the COPS program.

New rule 390:1-16 requires that skills areas instructors and lead instructors for reserve academy classes meet requirements in Chapter 25 regarding Law Enforcement Instructor Certification Program; requires reserve skills instructors of record to participate in a CLEET Basic or Approved Academy at least once in the year preceding participation in a reserve academy; requires lead reserve academy skills instructors to instruct annually in an approved academy; requires skill instructors who are not lead instructors or instructors of record meet the Law Enforcement Instructor Certification Program requirements in Chapter 25 and instruct in an approved basic academy every three (3) years; requires instructors other than skills instructors to meet the Law Enforcement Instructor Certification Program requirements in Chapter 2; and requires that instructors who teach reserve the legal block to be a Oklahoma licensed attorney.

Action Taken: Director Scully made a motion to adopt the proposed rule changes to Chapter 20. The motion was seconded by Sheriff Christian. Chief Robinson voted yes. Chief Smith voted yes. Sheriff Christian voted yes. Chief City voted yes. Major Mays voted yes. Director Scully voted yes. Sheriff West voted yes. Motion carried 7-0.

10:14 a.m.-Director Bob Ricks

Chapter 25

Director Emmons gave a summary of the changes in Chapter 25. Chief Robinson inquired what is required to get Continuing Education credit for a course. Director Emmons stated that a form is on our website to complete and includes an overview of the material. We receive 2000-4000 of these a year. CLEET does not have the manpower to vet outside vendors from other states. This is the reason IADLEST has been brought up at past meetings.

The out of state instructor will be required to do a two hour online waiver transition course.

Amendments to 390:25-1-8 language (a) (4) (b) to change “accreditation number” to “catalogue number.”
Amendments to 390:25-1-12 added language (3) to require that those who received Basic Instructor Development Waiver attend a waiver transition course as prescribed by CLEET.
Amendments to 390:25-1-19 grounds for revocation, remove Section K (to correct outdated statutory reference).

Action Taken: Sheriff Christian made a motion to adopt the proposed rule changes to Chapter 25. The motion was seconded by Director Scully. Chief Robinson voted yes. Chief Smith voted yes. Sheriff Christian voted yes. Chief City voted yes. Major Mays voted yes. Director Scully voted yes. Director Ricks voted yes. Sheriff West voted yes. Motion carried 8-0.

Chapter 30

Director Emmons gave a summary of the changes in Chapter 30. There is no discussion.

Amendments to 390:30-1-6 to add new language (k) to reflect changes that the certification month and date would remain the same and only the year would change.

Action Taken: Director Scully made a motion to adopt the proposed rule changes to Chapter 30. The motion was seconded by Sheriff Christian. Chief Robinson voted yes. Chief Smith voted yes. Sheriff Christian voted yes. Chief City voted yes. Major Mays voted yes. Director Scully voted yes. Director Ricks voted yes. Sheriff West voted yes. Motion carried 8-0.

Chapter 35

Mr. Konkler gave a summary of the changes in Chapter 35. There is no discussion.

Amendments to 390:35-1-3 new language to the definition of conviction excluding deferred sentences from the definition.

Revoked 390:35-5-2 will be deleted and a new rule will encompass renewals and continuing education for private security.

New Rule 390:35-5-2.1 New heading regarding renewals and continuing education. States that renewal applications will be accepted up to 30 days after the date of expiration of the license. If renewal application is received more than 30 days after expiration date, a letter will be sent to applicant with instructions to complete a regular application. Continuing education will still be required with new application. Language is changed to permit penalty citation for failure to obtain required training. New language is added clarifying that no license will be issued if the applicant is a defendant in a pending charge that would be a disqualifier upon conviction and that if an applicant is the subject of a deferred imposition of judgment and sentence or deferred prosecution for a disqualifying offense no license will be issued for five (5) years after final determination of the matter.

Amendments to 390:35-5-3 to add new language (d) stating that a conditional license will have thirty (30) days to respond to a request for additional information that has been requested.

Amendments to 390:35-7-3 to add new language to paragraph (c), stating that an applicant has only thirty (30) days to make necessary corrections to an application and/or provide requested documents. After that time, the application will be returned to the applicant.

Amendments to 390:35-7-4 to add a new paragraph (g) stating that if CLEET is advised that an applicant has been involuntarily committed, CLEET will notify the applicant and the employer and require that the applicant provide written notification of a psychological evaluation conducted by a licensed physician or psychologist.

Action Taken: Major Mays made a motion to adopt the proposed rule changes to Chapter 35. The motion was seconded by Director Scully. Chief Robinson voted yes. Chief Smith voted yes. Sheriff Christian voted yes. Chief City voted yes. Major Mays voted yes. Director Scully voted yes. Director Ricks voted yes. Sheriff West voted yes. Motion carried 8-0.

Chapter 40

Director Emmons and Mr. Konkler gave a summary of the changes in Chapter 40. To reflect statutory changes made last year.

Amendments to 390:40-1-3 changes made to definitions of concealed handgun, pistol and unconcealed handgun.

Amendments to 390:40-9-2 new language added to (e) to require SDA instructors provide notification not less than seventy-two (72) hour in advance of each eight hour training course conducted.

Amendments to 390:40-9-4 deleted requirement that an applicant for an SDA license provide proof of training to obtain an exemption; added language recognizing NRA instructor training as sufficient to qualify for an exemption; deleted requirement that the instructor issue a certificate of training exemption to each applicant whose proof of exemption of training is within the guidelines and that the instructor may charge a fee for the exemption certificate in accordance with Section 1290.15 of Title 21 of the Oklahoma Statutes; added language requiring an instructor maintain a copy of the documents presented as proof of training with a copy of the certificate of training exemption for inspection by CLEET personnel.

Amendments to 390:40-9-5 attendance and administrative requirements, remove requirement that individuals who are exempt from the firing range segment of training are required to attend the classroom portion which contain the legal, home safety and storage segments.

Amendments to 390:40-9-6 certificates, remove (c) which required that the SDA Firearm Instructor issue a certificate of exemption on the CLEET form for all or part of the training requirements immediately upon accepting the documents.

Action Taken: Sheriff Christian made a motion to adopt the proposed rule changes to Chapter 40. The motion was seconded by Director Scully. Chief Robinson voted yes. Chief Smith voted yes. Sheriff Christian voted yes. Chief Citty voted yes. Major Mays voted yes. Director Scully voted yes. Director Ricks voted yes. Sheriff West voted yes. Motion carried 8-0.

Chapter 45

Director Emmons gave a summary of the changes in Chapter 45. There was no discussion.

Amendments to 390:45-1-3 amends language to conform to statutory changes including adding handgun to the definition of pistol; defining pistol or handgun as having a barrel or barrels length of less than sixteen (16) inches, is capable of firing a single or multiple projectiles from a single round of ammunition, can be held and fired by the use of one or both hands, and uses a combustible propellant charge to propel the projectile or projectiles.

Action Taken: Sheriff Christian made a motion to adopt the proposed rule changes to Chapter 45. The motion was seconded by Major Mays. Chief Robinson voted yes. Chief Smith voted yes. Sheriff Christian voted yes. Chief Citty voted yes. Major Mays voted yes. Director Scully voted yes. Director Ricks voted yes. Sheriff West voted yes. Motion carried 8-0.

5. Drug Dog Advisory Council Committee Composition

There was no discussion.

Action Taken: Director Scully made a motion to reappoint Sgt. Jeff Barlow, Claremore PD, to the DDAC. The Motion was seconded by Director Ricks. Chief Robinson voted yes. Chief Smith voted yes. Sheriff Christian voted yes. Chief Citty voted yes. Major Mays voted yes. Director Scully voted yes. Director Ricks voted yes. Sheriff West voted yes. Motion carried 8-0.

6. Advisory Council Committee Composition

There was no discussion.

- 1) **Action Taken:** Director Scully made a motion to reappoint Sheriff Reuben Parker, Jr., Beaver County Sheriff's Office, to the Advisory Council. The motion was seconded by Sheriff West. Chief Robinson voted yes. Chief Smith voted yes. Sheriff Christian voted yes. Chief Citty voted yes. Major Mays voted yes. Director Scully voted yes. Director Ricks voted yes. Sheriff West voted yes. Motion carried 8-0.
- 2) **Action Taken:** Director Scully made a motion to reappoint Special Agent Kurt Stoner, FBI, to the Advisory Council. The motion was seconded Director Ricks. Chief Robinson voted yes. Chief Smith voted yes. Sheriff Christian voted yes. Chief Citty voted yes. Major Mays voted yes. Director Scully voted yes. Director Ricks voted yes. Sheriff West voted yes. Motion carried 8-0.

7. Private Security Advisory Committee Composition

There was no discussion.

Action Taken: Sheriff Christian made a motion to appoint Neetin Sen, Owl Nite Security, to fill the ASIS vacancy on the PSAC. The motion was seconded by Director Scully. Chief Robinson voted yes. Chief Smith voted yes. Sheriff Christian voted yes. Chief Citty voted yes. Major Mays voted yes. Director Scully voted yes. Director Ricks voted yes. Sheriff West voted yes. Motion carried 8-0.

8. Board Comments

Discussion: Chief Smith stated that in the last Council Meeting we talked about legislation and Career Techs. Do we have an update on this? Director Emmons reported the bill has passed out of the House and is now with the Senate. Our bill was merged with Representative Josh West bill. The bill states that with CLEET Council permission, Higher Ed or Career Techs could conduct peace officer training including basic peace officer academy. This bill also included the language that would allow us to charge someone that is not hired by a law enforcement agency. Director Emmons stated that we have had meetings with two Career Techs and they are looking to create regional training centers.

9. Public Comments

There was no discussion.

10. Adjournment

Action Taken: Sheriff Christian made a motion to adjourn. The motion was seconded by Director Scully. Chief Robinson voted yes. Chief Smith voted yes. Sheriff Christian voted yes. Chief City voted yes. Major Mays voted yes. Director Scully voted yes. Director Ricks voted yes. Sheriff West voted yes. Motion carried 8-0.

Chairman Robinson adjourned the meeting at 10:45 a.m.