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Peace Officer Commissioning	ACA Standards: 2-CO-1C-18		
Joe M. Allbaugh, Director Oklahoma Department of Corrections		Signature on File	

## Peace Officer Commissioning

In accordance with 57 O.S. § 510 and 515, the director of the Oklahoma Department of Corrections (ODOC) will commission as peace officers, Probation and Parole Officers, District Supervisors, Assistant District Supervisors, Office of Inspector General (OIG), Inspector General, chief agents, fugitive apprehension agents and correctional officers assigned to OIG. The director may commission other staff with an active status CLEET certification as required by the agency. Employees in either an inactive CLEET status or a suspended CLEET status are not eligible for commissioning by the director in accordance with Section II. D. item 2. of [OP-100202](#) entitled “Standards for Basic Peace Officer Training, Certification and Commissioning.”

Peace officer commissioning by the director is entirely dependent upon the officer’s employment in good standing. Commissions will be withdrawn by the director or designee when the officer separates from the agency or transfers to another position not requiring certification within ODOC and may be withdrawn any time at the sole discretion of the director.

### I. Commissioning Oath

- A. Active status CLEET certified correctional officers, OIG chief agents and fugitive apprehension agents in those groups identified in Oklahoma Statute 57 O.S. § 510 will be commissioned by the director or designee of the ODOC through administration of the following oath:

**“I, (officer states name), do solemnly swear to support the**

**Constitution and the laws of the United States of America and the Constitution and the laws of the state of Oklahoma, and that I will faithfully discharge, according to the best of my abilities, the duties of my office for the Oklahoma Department of Corrections.”**

- B. Probation and parole officers identified in O.S. 57 § 510 and 515 will be commissioned by the director or designee of the ODOC through administration of the following oath:

**I, (officer says name), do solemnly swear to support the Constitution and the laws of the United States of America and the Constitution and the laws of the state of Oklahoma, and that I will faithfully discharge, according to the best of my abilities, the duties of my office as a probation and parole officer for the Oklahoma Department of Corrections.**

## II. Commission Cards

### A. Commission Cards for Probation and Parole Officers

Commission cards for probation and parole officers will be prepared by Probation and Parole Services.

1. A limited commission card may be prepared by the assigned work location for newly hired staff; this limited commission card will be surrendered to the assigned work location when the officer completes CLEET Training and is issued a commission card by Probation and Parole Services
2. The limited commission card will define a restricted scope of authority until CLEET training is completed.

### B. Commission Cards for OIG Staff

Commission cards for OIG staff will be prepared by the OIG.

## III. Scope of Employment

Peace officer commissioning by the director of the Oklahoma Department of Corrections does not authorize any actions that fall outside the scope of employment.

### A. Definition

Scope of employment is defined for the purposes of this procedure as any actions of an employee who is on duty and such activity is reasonably related to the duties assigned by ODOC.

Actions while off duty or not reasonably related to assigned duties are considered to be outside the scope of employment.

B. Penalty

Any employee who engages in any law enforcement activity that is not directly related to the employee's assigned duties, occurring while not on official duty, or which is generally outside of the scope of employment will not be considered acting under the commissioned authority of ODOC and will be subject to disciplinary action.

C. Acts Within Scope of Employment

This peace officer authority will be exercised within the scope of employment as an active status CLEET certified probation and parole officer, correctional officer, Inspector General, OIG chief agent or fugitive apprehension agent with ODOC and in accordance with this procedure.

1. Examples of Acts Considered Within Scope of Employment

Examples of acts within the scope of employment include but are not limited to those listed below, provided that such acts are affected safely and with the appropriate equipment and support:

- a. Maintaining the care, custody or community supervision of inmates/offenders;
- b. Preventing attempted escapes;
- c. Pursuing, recapturing, arresting, and incarcerating inmates/offenders, escapees or absconders;
- d. Arresting or detaining any person committing a felony within a correctional facility or any person found bringing illegal contraband into a correctional facility;
- e. Upon approval of the Inspector General/regional director and facility head, commissioned staff may assist local law enforcement authorities in accordance with ODOC policies and procedures;
- f. Upon approval of the Inspector General, OIG staff may assist probation and parole officers in accordance with ODOC policies and procedures; and/or
- g. Performing any acts specifically required and necessary to perform assigned job duties while on duty status and acting in their capacity as an employee of ODOC.

2. Additional examples of acts considered within scope of employment for probation and parole officers and OIG:
  - a. Arresting any offender who has a confirmed outstanding felony or misdemeanor warrant;
  - b. Arresting without warrant any offender committing a felony or misdemeanor in the presence of the officer/agent;
  - c. Upon witnessing the commission of a crime that is not traffic-related by a non-offender third party, an agent/probation and parole officer that is on duty and acting within the scope of employment may arrest the third party for said violation; and
  - d. Providing temporary protective custody of a minor who is present when an offender is arrested and no person is present to assume their care until proper authorities are notified and assume custody.
3. Additional examples of acts considered within the scope of employment for OIG:
  - a. Conducting assignments issued as described in the inter-agency agreement between ODOC and the United States Marshall's Service, the Federal Bureau of Investigations and/or the Oklahoma State Bureau of Investigation; and
  - b. Arresting any person, during the course of an approved OIG investigation, when probable cause was found indicating the person committed a felony.

D. Examples of Acts Considered Outside Scope of Employment

1. Examples of acts outside scope of authority of active status CLEET certified probation and parole officers, correctional officers, OIG chief agents and fugitive apprehension agents commissioned as peace officers under this procedure include, but are not limited to, those listed below:
  - a. Pursuing, arresting, or detaining any person for a violation of traffic laws;
  - b. Arresting or detaining any person for a violation of fish and game laws or municipal laws and regulations;
  - c. Pursuing, arresting, or detaining drunk drivers; and
  - d. Intervening in an investigation conducted by another law

enforcement agency, unless approval through the chain of command has been obtained and the intervention is in accordance with ODOC policies and procedures.

IV. Use of Force

All staff commissioned by the agency will make arrests in accordance with [OP-050108](#) entitled "Use of Force Standards and Reportable Incidents."

V. Secondary Employment

Commissioned staff who obtain secondary employment will follow the guidelines specified in [OP-110215](#) entitled "Rules Concerning the Individual Conduct of Employees."

VI. Dual Office Holding and Dual Commissioning

Dual office holding and dual commissioning will be in accordance with [OP-110215](#) entitled "Rules Concerning the Individual Conduct of Employees."

VII. Weapons in Employment

Active status CLEET certified correctional officers commissioned by ODOC are authorized to use agency owned firearms only.

Commissioned OIG chief agents, fugitive apprehension agents and probation and parole officers are authorized to use agency and privately owned handguns, rifles and/or shotguns in accordance with [OP-040106](#) entitled "Purchase, Use and Control of Firearms and Security Equipment."

VIII. Criminal Records Check (2-CO-1C-18)

Criminal record checks will be conducted in accordance with [OP-110210](#) entitled "Employee Background Investigations and Post Conditional Offer of Employment Testing."

IX. Decommissioning

A commissioned employee resigning from the agency, or who no longer holds a designated position in one of the correctional security officer series, probation officer series, or fugitive apprehension agent series, as stated in 57 O.S. § 510 will be notified of the removal in writing by the affected district/unit head and directed to surrender his/her ODOC commissioning card. In addition, the affected district/unit head will ensure a "[Notification of Termination](#)" is completed and forwarded to the ODOC/CLEET liaison within five working days. The liaison will immediately forward documentation to CLEET.

X. References

Policy Statement No. P-110100 entitled "Uniform Personnel Standards"

OP-040106 entitled "Purchase, Use and Control of Firearms and Security Equipment"

OP-050108 entitled "Use of Force Standards and Reportable Incidents"

OP-100202 entitled "Standards for Basic Peace Officer Training, Certification and Commissioning"

OP-110215 entitled "Rules Concerning the Individual Conduct of Employees"

OP-110210 entitled "Employee Background Investigations and Post Conditional Offer of Employment Testing"

Oklahoma Constitution, Art. II, Section 12

51 O.S. § 6

57 O.S. § 510(A)(3)

59 O.S. § 1750.5J

XI. Action

The Inspector General/regional directors/facility/district heads are responsible for compliance with this procedure.

The Inspector General is responsible for the annual review and revisions.

Any exception to this procedure will require written approval of the director.

This procedure is effective as indicated.

Replaced: Operations Memorandum No. OP-110801 entitled "Peace Officer Commissioning" dated November 30, 2015

Distribution: Policy and Operations Manual  
Agency Website