
LEGAL UPDATE

Legal Services Division



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IOWA LAW ENFORCEMENT ACADEMY INTERIM STUDY COMMITTEE — NOVEMBER 8, 2023, AND NOVEMBER 30, 2023

Purpose. *Legal updates are prepared by the nonpartisan Legal Services Division of the Legislative Services Agency. A legal update is intended to provide legislators, legislative staff, and other persons interested in legislative matters with summaries of recent meetings, court decisions, Attorney General Opinions, regulatory actions, federal actions, and other occurrences of a legal nature that may be pertinent to the General Assembly's consideration of a topic. Although an update may identify issues for consideration by the General Assembly, it should not be interpreted as advocating any particular course of action.*

Overview. The Legislative Council approved a legislative request to establish an Iowa Law Enforcement Academy (ILEA) Interim Study Committee during the 2023 Legislative Interim. The committee was charged, in accordance with Senate File 562 (2023 Iowa Acts, chapter 113, section 29), to do all of the following: review and evaluate minimum entrance requirements, the course of study, attendance requirements, and the sufficiency of current equipment and facilities; review and evaluate minimum basic training requirements; review and evaluate minimum standards of physical, mental, educational, and moral fitness; and consider additional locations for law enforcement training schools and current and future facility needs. The committee is required to issue a report, including findings and recommendations, to the Governor and the General Assembly no later than December 15, 2023.

NOVEMBER 8, 2023, MEETING

Procedural Business. The meeting of the ILEA Interim Study Committee was called to order by temporary Co-chairperson Holt at 10:00 a.m., November 8, 2023, in Room 103 of the State Capitol, Des Moines. The meeting was adjourned at 12:20 p.m. Members of the committee unanimously elected temporary Co-chairpersons Zaun and Holt as permanent Co-chairpersons. Members of the committee adopted procedural rules that are available on the committee's website.

Committee Discussion. Co-chairperson Holt opened the general discussion by reviewing concerns addressed in the ILEA Supplemental Information document shared with members prior to the meeting. In addition to challenges caused by insufficient funding, Mr. Brady Carney, Director, ILEA, noted that training requirements leave little room for flexibility of training schedules, especially because schedules are often created six months to a year in advance due to renting off-site facilities and securing guest instructors. Director Carney also expressed the desire for more centralization and oversight over the regional training academies and law enforcement agencies to ensure training meets the ILEA's standards and that peace officers are qualified. Director Carney noted the immediate challenges of scheduling, updating the curriculum, and keeping staff properly trained are already being addressed. As for long-term goals, Director Carney stated that additional funding is needed to maintain the training facility and update it. The ILEA has not increased tuition but it has increased fees, though at an amount that covers less than what is needed for maintenance. Additional funding could allow the ILEA to reduce the tuition burden on smaller law enforcement agencies struggling with tighter budgets and new officer retention.

Multiple committee members had questions regarding training at the regional academies located at community colleges. In response to questions about whether training was more lenient at the regional academies, Director Carney stated that the ILEA does not have full-time representatives at the regional academies to oversee operations but reiterated the desire to increase standardization and training for staff. Director Carney also noted insufficient training was less likely to occur at the academies operated by the Des Moines Police Department, the Department

of Public Safety, and the Cedar Rapids Police Department because each of those agencies predominantly train their own officers.

When asked about the ILEA's role for professional development and maintenance of certification for officers, Director Carney stated the ILEA is not always aware of certification issues because most certification oversight is the responsibility of individual law enforcement agencies. Director Carney wants to centralize certification information so the ILEA could scrutinize documents submitted by law enforcement agencies. Centralization of information would also allow the ILEA to identify law enforcement agencies in need of assistance in terms of paying tuition for new officers.

In response to questions regarding the similarity of experiences at each regional academy, Director Carney stated that standardization is important because an officer who becomes certified is eligible to be a peace officer anywhere in the state. It was noted that standards will be updated every year by November 1, and that regular training will be provided to instructional staff, which will allow the instructional staff to communicate the importance of specific training modules with new hires.

When asked why the ILEA should have more oversight over partner law enforcement agencies, but not an auditing role, Director Carney said that he wants the ILEA to partner with law enforcement agencies rather than be viewed as a problem-seeking entity meant to hand out punishments. Mr. Dennis McDaniel, Chief of Police, Johnston Police Department, stated that the law enforcement community wants the best training for its officers to ensure strong community support. Chief McDaniel supports funding for additional ILEA staff and raising minimum standards and expectations.

When asked about ensuring that officers who have been decertified are not rehired by law enforcement agencies, Director Carney stated that the ILEA's staff works on investigations in a timely manner, but those investigations used to take up to 10 years. Director Carney was not sure how many decertified officers attempted to be rehired, but noted that the ILEA conducted about 100 investigations in 2023. In response to a question about whether law enforcement agencies in small communities overlook issues due to cost restraints, Director Carney confirmed that does happen, particularly when a law enforcement agency has to wait months to send a new officer to the ILEA. Law enforcement agencies in small communities are also more likely to take on the risk of hiring an officer who has left another agency for disciplinary reasons, even if the discipline did not lead to decertification. Mr. Ricardo Martinez, Chief of Police, Nevada Police Department, discussed the ILEA Council's hearing process and steps taken when decertification is recommended. Chief Martinez stated that discipline is a necessary part of the police community because compromising with bad behavior puts citizens at risk.

In response to questions about adhering to legislation and administrative rules, Director Carney stated that the Iowa Code is not restrictive or robust, but there are some issues with terminology that could be addressed. Adding more direction to the Code could take away the ILEA's flexibility and be subject to political whims. Director Carney mentioned that the bigger issue is updating the ILEA's administrative rules, which include conflicting information. In regard to pending legislation or court rulings, the ILEA needs to quickly ensure adherence to the law. Ms. Meggan Guns, Assistant County Attorney, Polk County Attorney's Office, mentioned that county attorney offices play a role in notifying law enforcement agencies about recent court decisions and other changes to the law, but smaller county attorney offices might struggle to make sure that the law enforcement agencies in their respective jurisdictions are updated. Director Carney mentioned that the ILEA works with the Iowa County Attorneys Association to determine the parameters of dishonest conduct.

In response to a question about the citizenship requirement to become a peace officer, Director Carney said that any changes to the requirement would have to come from a level higher than the ILEA. Chief Martinez recalled only ever working with two potential new officer hires to seek a waiver of the requirement.

Co-chairperson Holt solicited potential recommendations to be included in the committee's final report. Co-chairperson Holt mentioned evaluating centralization and support for the ILEA to train officers on changes in the law, including from court rulings, and evaluating funding necessary to address shortfalls identified in the ILEA Supplemental Information document. Senator Boulton suggested including the role of county attorneys in presenting information to local law enforcement agencies. Lieutenant Matt Struecker, Department of Public Safety, suggested including the ability of the ILEA and regional academies to control their own facilities as a recommendation for the final report.

NOVEMBER 30, 2023, MEETING

Procedural Business. The second meeting of the ILEA Interim Study Committee was called to order by Co-chairperson Holt at 10:05 a.m., November 30, 2023, in Room 103 of the State Capitol, Des Moines. The meeting was adjourned at 10:19 a.m. Representative Meggers moved to approve the committee's minutes from the November 8, 2023, meeting. The committee voted to approve the minutes.

Committee Discussion. Co-chairperson Holt discussed the proposed committee recommendations based on the committee's findings from the November 8, 2023, meeting. The committee voted to approve the following findings and recommendations:

Findings. The committee finds that the current physical fitness requirements, academic requirements for graduation, standards for firearm certification, vehicle operations training, standards of conduct and discipline, and background checks implemented by the ILEA meet the expectations of the committee.

Recommendations:

1. The Judiciary Committees of the House and Senate, the county attorneys and the ILEA work together to determine the most effective system for disseminating and educating law enforcement officers in Iowa on new laws and court rulings pertinent to the performance of their duties. If necessary, codify this procedure in law and provide funding.
2. The Legislature provides the funding necessary to address the shortfalls identified by ILEA Director Brady Carney in his written responses to the committee, including the following:
 - a. Each academy cycle is split into two classes because the ILEA does not have a classroom facility large enough to train all recruits at the same time. The current facilities do not allow for joint lectures or training without reserving an auditorium or lecture hall somewhere else at Camp Dodge or at an off-base venue which wastes recruit and instructional faculty time traveling to off-site locations, as well as using scarce training funds for the rental of off-site locations.
 - b. The ILEA gymnasium has space for a maximum of twenty people at a time which does not allow for sufficient training or performance. Instructional staff uses makeshift training equipment in open-air spaces around Camp Dodge when the weather is sufficient. During extreme weather conditions, the ILEA attempts to use National Guard facilities when they are available. Again, scarce training funds are used to rent physical fitness space from the National Guard on Camp Dodge. Similar logistical challenges and wasted training time applies to having the ILEA recruits traverse Camp Dodge to different training locations during what is a tight daily schedule.
 - c. The ILEA recruits spend a lot of time learning and perfecting defensive tactics. To ensure safety, this takes space and soft landings. There is not an inside space of sufficient size inside the ILEA building to do this. Again, open-air space around Camp Dodge is used when the weather cooperates, but recruits must move and carry mats to different training locations on a daily basis. Some indoor facilities around Camp Dodge can be used when they are available, but safety mats must be moved to those locations as well.
 - d. Firearms range space is rented from the National Guard when it is available. Currently, there is a large, year-long construction project taking place at Camp Dodge, so the vast majority of firearms training is taking place on a makeshift range near the far north end of Camp Dodge.
 - e. There is no space to conduct active shooter training, building searches, or a variety of tactical training, so the ILEA has developed relationships and partnerships with outside business and vendors to use.
 - f. Driving training takes a lot of space and infrastructure. The Iowa Speedway in Newton has been a gracious partner to the ILEA for many years, but it is a business as well. The Iowa Speedway affords training time and space whenever possible, but it has many large-scale events that take weeks and months to prepare for. Often, optimal training times during a 16-week training cycle do not align with speedway availability.
 - g. Funding is another shortfall for the ILEA. For many years, the ILEA has followed the fee-based structure outlined in Iowa Code section 80B.11B, which requires that one-third of the Basic Academy's tuition cost be paid by the individual candidate, one-third of the cost be paid by the hiring agency, and the remainder be paid by the state. However, current appropriations do not cover one-third of Basic Academy costs. For FY 2025, current appropriations will only cover 28.6 percent of projected Basic Academy costs. The

current tuition cost to attend the 16-week, 636-hour Basic Academy at the ILEA is \$9,975, which results in a \$6,650 per-candidate-cost to local and county law enforcement agencies. In an effort to mitigate this financial burden, the ILEA has not raised tuition fees for the Basic Academy in over five years. In addition to the tuition cost, the candidate or the hiring agency must pay fees for Academy uniforms (\$230) from Iowa Prison Industries and for a meal plan (\$2,330) from Hy-Vee. These costs are outside the control of the ILEA and have steadily risen over the years. All told, the agency/candidate's cost to attend the Basic Academy is \$9,210. The current fee-based structure is not sustainable for the vast majority of law enforcement agencies across Iowa and ultimately results in diminished law enforcement services to the citizens of Iowa.

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