ARC 0732D

LAW ENFORCEMENT ACADEMY[501]

Adopted and Filed

Rulemaking related to code of professional conduct

The Iowa Law Enforcement Academy Council hereby rescinds Chapter 6, "Decertification," and adopts a new Chapter 6, "Code of Professional Conduct," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapters 17A, 80B and 80D.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 80B and 80D.

Purpose and Summary

Chapter 6 describes the process for licensing investigations, the ethical standards for licensed law enforcement and reserve officers, and possible licensing sanctions for violations of those standards. As part of the Red Tape Review required by Executive Order 10, this chapter was reviewed and revised.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on September 2, 2026, as **ARC 0537D**. Public hearings were held on the following date:

- September 30, 2026

No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Council on October 7, 2026.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Council for a waiver of the discretionary provisions, if any, pursuant to 7—Chapter 2504.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rulemaking will become effective on January 1, 2027.

The following rulemaking action is adopted:

ITEM 1. Rescind 501—Chapter 6 and adopt the following **new** chapter in lieu thereof:

CHAPTER 6
CODE OF PROFESSIONAL CONDUCT

501—6.1(80B,80D) Authority. The council has the authority to impose discipline for any violations of Iowa Code chapter 80B or the rules promulgated thereunder.

This rule is intended to implement Iowa Code sections 80B.11(1)*"h,"* 80B.13, 80B.13A, and 80D.4A.

501—6.2(80B,80D) Complaints. The council may, upon receipt of a notice of separation, upon receipt of a written or verbal complaint, or upon its own action, review and investigate alleged acts or omissions that may violate the council's rules or that are related to the professional conduct of a certified law enforcement or reserve officer. In instances where it is unclear if there is a potential violation, the director has the authority to conduct a preliminary inquiry to determine the existence or nonexistence of potential violations.

This rule is intended to implement Iowa Code sections 80B.11(1)*"h,"* 80B.13, 80B.13A, and 80D.4A.

501—6.3(80B,80D) Officer reports to council. A law enforcement or reserve officer will report any of the following to the council within 30 days of the occurrence:

6.3(1) A change in personal contact information where the law enforcement or reserve officer can be contacted by the council;

6.3(2) Any disciplinary action taken by a certifying authority in another state or jurisdiction;

6.3(3) Any criminal conviction for a serious misdemeanor or above; or

6.3(4) Any finding that the law enforcement or reserve officer is not suitable for law enforcement service.

This rule is intended to implement Iowa Code sections 80B.11(1)*"h,"* 80B.13, 80B.13A, and 80D.4A.

501—6.4(80B,80D) Agency administrator reports to council. An agency administrator report to the council will include the name and contact information of the involved law enforcement or reserve officer and the date, time, and place of the incident. An agency administrator who has knowledge of the following will make a report to the council within ten days of the occurrence:

6.4(1) A rule violation subject to a mandatory revocation under subrule 6.7(1);

6.4(2) A finding that a law enforcement or reserve officer is not fit for law enforcement service under paragraph 6.7(2)*"h"*; or

6.4(3) A determination that a law enforcement or reserve officer is unable to practice with reasonable skill and safety by reason of mental or physical impairment under paragraph 6.7(2)*"h."*

This rule is intended to implement Iowa Code sections 80B.11(1)*"h,"* 80B.13, 80B.13A, and 80D.4A.

501—6.5(80B,80D) Investigation of complaints or reports. The council's investigatory staff may request additional information, solicit a response from the law enforcement or reserve officer, subpoena records, conduct interviews, gather evidence, and perform other investigatory duties to sufficiently conduct a licensing investigation.

6.5(1) *Confidentiality of investigative files.* Complaint, report, and investigative files in the possession of the council or its agents that relate to law enforcement or reserve officer discipline are confidential under Iowa Code section 80B.13A(5).

6.5(2) *Council consideration.* The council will consider all investigations and may take any of the following actions.

a. Administrative closure. If a determination is made that the case is without merit, the council may close the case without further investigation.

b. Further inquiry. If a determination is made to order further inquiry, the council will return the investigation to the investigator with a statement specifying the information requested.

c. Finding of no probable cause. If a determination is made that the evidence does not substantiate a violation of the code of professional conduct, the council may find it does not have probable cause to proceed and close the case.

d. Accepting the case. If a determination is made that probable cause exists to conclude the code of professional conduct has been violated, the council may direct the academy's counsel to negotiate a combined statement of charges and settlement agreement or to file a statement of charges on behalf of the council. In determining whether to pursue formal discipline, the council may consider:

(1) Whether the alleged violation was an isolated incident;

(2) Whether the alleged violation was serious enough to warrant a hearing by the council;

(3) Whether there is sufficient evidence to support the complaint; or

(4) Whether adequate steps have been taken to remedy the violation and to ensure that incidents of a similar nature do not occur in the future.

This rule is intended to implement Iowa Code sections 80B.11(1)*"h,"* 80B.13, 80B.13A, and 80D.4A.

501—6.6(17A,80B,80D) Issuance of investigatory subpoenas.

6.6(1) *Issuance.* The director may issue investigatory subpoenas on behalf of the council, in accordance with the provisions of Iowa Code section 17A.13, for evidence that is necessary for the council to decide whether to initiate a contested case proceeding.

6.6(2) *Contents of subpoena.* Each subpoena will contain:

a. The name and address of the person to whom the subpoena is directed;

b. A description of the books, papers, records, or other real evidence requested;

c. The date, time, and location for production or inspection and copying;

d. The deadline for a motion to quash or modify the subpoena to be filed;

e. The signature, address, and telephone number of the director;

f. The date of issuance;

g. A return of service.

6.6(3) *Motion to quash or modify.* A person can challenge the subpoena by filing a motion to quash that describes the legal justification for the motion and includes a legal brief or factual affidavits within 14 days after service of the subpoena.

6.6(4) *Timely filing of motion.* Upon receipt of a timely filed motion to quash or modify a subpoena, the council will issue a decision. The council may quash or modify the subpoena, deny the motion, or issue an appropriate protective order.

6.6(5) *Judicial review.* If the person contesting the subpoena is not the person under investigation, the council's decision is final for purposes of judicial review. If the person contesting the subpoena is the person under investigation, the council's decision is not final for purposes of judicial review until either:

a. The person is notified that the investigation has been concluded with no formal action, or

b. There is a final decision in the contested case.

This rule is intended to implement Iowa Code sections 17A.13, 80B.11(1)*"h,"* 80B.13(9), 80B.13A, and 80D.4A.

501—6.7(80B,80D) Code of professional conduct.

6.7(1) *Mandatory revocation.* The council must revoke a law enforcement officer or reserve officer's certification for:

a. A conviction for a felony or an offense that would be a felony if committed in Iowa;

b. Manufacturing, selling, or conspiring to manufacture or sell an illegal drug other than as an authorized act in connection with official duties;

c. A conviction for a misdemeanor crime of domestic violence or other domestic abuse including other offenses or lesser included offenses stemming from domestic abuse;

d. A conviction for any offense classified as a tier I, tier II, or tier III sex offense in Iowa Code chapter 692A or an offense that would be classified as a sex offense subject to registry placement if committed in Iowa;

e. Being discharged for serious misconduct, as defined by Iowa Code section 80B.13A(1)*"b,"* from employment as a law enforcement officer or from appointment as a reserve officer;

f. Leaving, voluntarily quitting, or being laid off when a disciplinary investigation or action was imminent or pending that could have resulted in the law enforcement officer being discharged or the reserve officer being removed for serious misconduct;

g. A conviction for any offense under prior laws of this state or another jurisdiction that is comparable to an offense listed in paragraphs 6.7(1)*"a"* through *"d."*

6.7(2) *Discretionary revocation.* The council, at its discretion, may revoke or suspend a law enforcement officer or a reserve officer's certification for the following.

a. Fraud in procuring a certification. Fraud in procuring a certification is falsifying or omitting any material information to obtain certification.

b. Dishonorable conduct. Dishonorable conduct is conduct that lacks integrity, betrays public trust, and brings discredit to the profession whether committed on duty or off, in this state or elsewhere. Dishonorable conduct includes but is not limited to:

(1) Criminal conduct whether charged or not. A conviction for a crime is conclusive evidence of dishonorable conduct but is not required.

(2) Sexual misconduct while on duty.

(3) An inappropriate relationship, sexual or otherwise, with a person who the law enforcement or reserve officer knows or should have known is a victim, defendant, or informant in an ongoing investigation or case.

(4) Unauthorized use or unlawful conversion of the employing agency's property, equipment, or funds.

(5) Intentional and unauthorized disclosure of confidential information or information that may compromise an official investigation.

(6) Harassment or intimidation.

(7) Civil rights violations or abuse of law enforcement powers.

c. Dishonesty. Dishonesty includes making an untrue, misleading, deceptive, or fraudulent verbal or written communication, whether in connection with official duties or not. Proof of actual injury does not need to be shown.

d. Under the influence on duty. Presenting for duty or being on duty while under the influence of, possessing, using, or consuming alcohol, illegal or unauthorized drugs, or abusing legal drugs other than in connection with official duties.

e. Employing agency recommendation. Receiving a recommendation that revocation or suspension of the law enforcement officer or reserve officer's certification would be appropriate from the law enforcement or reserve officer's current or former employing agency. The recommendation will be in writing and will set forth the reasons why the action is being recommended, the findings of the employing agency concerning the matter, the action taken by the employing agency, and that the action by the agency is final.

f. Attorney general recommendation. Receiving a recommendation that revocation or suspension of the law enforcement officer or reserve officer's certification would be appropriate from the attorney general pursuant to Iowa Code section 13.12.

g. Discipline. Failing to notify the council within 30 days after a criminal conviction of a serious misdemeanor or above or a final decision entered by the licensing authority of another state, territory, or country which decision resulted in a certification revocation, suspension, or other disciplinary sanction even if such action was taken voluntarily.

h. Not suitable or fit for law enforcement. Being found not suitable or fit for law enforcement service on a psychological evaluation or the inability of a law enforcement or reserve officer to practice with reasonable skill and safety by reason of mental or physical impairment.

i. Professional development compliance. Failing to comply with the requirements of 501—Chapter 4 relative to professional development.

j. Mandatory report. Failing to file a report with the council concerning the acts or omissions committed by another law enforcement or reserve officer in violation of rule 501—6.4(80B,80D).

k. Council order. Failing to comply with a council order.

l. Child support obligations. Failing to comply with 501—Chapter 7 concerning child support obligations.

m. State or local debt. Failing to comply with 501—Chapter 7 concerning payment of debt to state or local governments.

This rule is intended to implement Iowa Code sections 80B.11(1)*"h,"* 80B.13, 80B.13A, 80D.4A, 252J.8, 252J.9, 272D.8, and 252D.9.

501—6.8(80B,80D) Nondisciplinary relinquishment of certification. A certified law enforcement officer or reserve officer may voluntarily relinquish their certification when a complaint is not pending or likely to be forthcoming. In relinquishing a certification, the law enforcement or reserve officer must waive the right to a hearing before the council and notify the council of the intent to relinquish the certification. The council may issue an order accepting the nondisciplinary relinquishment. A nondisciplinary relinquishment is a permanent relinquishment of a certification.

This rule is intended to implement Iowa Code sections 80B.13 and 80D.4A.

501—6.9(17A,80B,80D) Settlement agreements.

6.9(1) *Combination agreements.* Upon a finding that probable cause exists to take public disciplinary action, the council and the law enforcement or reserve officer may enter into a combined statement of charges and settlement agreement. Combination agreements are voluntary, and a law enforcement or reserve officer is not entitled to be offered a combination agreement. A combination agreement will include a brief statement of the charges, the circumstances that led to the charges, and the terms of settlement. By electing to sign a combined agreement, the law enforcement or reserve officer waives the right to a contested case hearing. A combined agreement is a public record under Iowa Code chapter 22.

6.9(2) *Contested case settlement.* Any contested case may be resolved by a settlement agreement prior to hearing.

6.9(3) *Settlement approval.* All settlements will be submitted to the council for approval. By signing the combination or settlement agreement, the law enforcement or reserve officer authorizes the council's representative or the prosecuting attorney to have ex parte communications with the council related to the agreement.

6.9(4) *Disapproval of settlement.* If the council fails to approve a settlement, it will be of no force or effect to either party and will not be admissible at hearing. Upon rejecting a proposed agreement, the council may suggest alternative terms that the law enforcement or reserve officer is free to accept or reject.

This rule is intended to implement Iowa Code sections 17A.10, 17A.17, 80B.11(1)*"h,"* 80B.13, 80B.13A, and 80D.4A.

501—6.10(80B,80D) Reinstatement. A law enforcement officer or reserve officer whose certification has been suspended and wants to be reinstated must apply to the council for reinstatement once the terms and conditions of the order of suspension have been met. A law enforcement or reserve officer whose certification has been revoked is not eligible for reinstatement.

6.10(1) All proceedings for reinstatement will be initiated by the law enforcement officer or reserve officer by filing an application for reinstatement with the council.

6.10(2) An application for reinstatement must allege facts that, if established, will be sufficient to enable the council to determine that the basis for the suspension of the law enforcement or reserve officer's certification no longer exists and that it is in the public interest for the certification to be reinstated. The burden of proof to establish such facts will be on the law enforcement or reserve officer.

6.10(3) An order denying or granting reinstatement that incorporates findings of fact and conclusions of law will be issued by the council. The council may grant reinstatement with or without conditions.

This rule is intended to implement Iowa Code sections 80B.11(1)*"h,"* 80B.13, 80B.13A, and 80D.4A.

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