

LAW ENFORCEMENT ACADEMY[501]

Notice of Intended Action

**Proposing rule making related to officer training
and providing an opportunity for public comment**

The Law Enforcement Academy hereby proposes to amend Chapter 1, “Organization and Administration,” Chapter 2, “Minimum Standards for Iowa Law Enforcement Officers,” Chapter 3, “Certification of Law Enforcement Officers,” Chapter 6, “Decertification,” Chapter 8, “Mandatory In-Service Training Requirements,” and Chapter 10, “Reserve Peace Officers,” and adopt a new Chapter 14, “Iowa Law Enforcement Emergency Care Provider,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 80B.11 and 80D.3.

State or Federal Law Implemented

This rule making implements, in whole or in part, 2020 Iowa Acts, House File 2647.

Purpose and Summary

The Iowa Law Enforcement Academy has completed a review of 2020 Iowa Acts, House File 2647. The proposed changes, recommended by the legislation, include adherence to the new law and changes, corrections and additions which reflect the current state of the Academy’s practice and represents a more accurate reflection of its current curriculum. Proposed Chapter 14 contains language substantially similar to the language that was previously adopted by the Public Health Department in 641—Chapter 139.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Iowa Law Enforcement Academy Council for a waiver of the discretionary provisions, if any, pursuant to 501—Chapter 16.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Academy no later than 4:30 p.m. on February 16, 2021. Comments should be directed to:

Russell Rigdon
Iowa Law Enforcement Academy
Building 4640
P.O. Box 130
Johnston, Iowa 50131
Email: russell.rigdon@iowa.gov

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making 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).

The following rule-making actions are proposed:

ITEM 1. Adopt the following **new** definitions of “Change in status,” “Continuing education,” “Iowa law enforcement training program,” “Reserve peace officer,” “Respondent,” “Serious misconduct” and “Student” in rule **501—1.1(80B)**:

“*Change in status*” means leaving an agency for any reason, including termination, voluntary resignation, demotion, promotion, suspension, or any other change in position or title.

“*Continuing education*” means training approved by the Iowa law enforcement academy which is obtained by a certified Iowa law enforcement emergency care provider to maintain, improve, or expand relevant skills and knowledge and to satisfy renewal of certification requirements.

“*Iowa law enforcement training program*” means the law enforcement academy or a law enforcement training program approved by the council to conduct ILEECP emergency medical care training.

“*Reserve peace officer*” means a volunteer, nonregular, sworn member of a law enforcement agency who serves with or without compensation, has regular police powers while functioning as a law enforcement agency’s representative, and participates on a regular basis in the law enforcement agency’s activities including crime prevention and control, preservation of the peace, and enforcement of law.

“*Respondent*” means any individual who is charged in a complaint with violating the criteria of professional practices or the criteria of competent performance.

“*Serious misconduct*” means improper or illegal actions taken by a law enforcement officer in connection with the officer’s official duties including but not limited to a conviction for a felony, fabrication of evidence, repeated use of excessive force, acceptance of a bribe, or the commission of fraud.

“*Student*” means any individual enrolled in a training program and participating in the didactic or psychomotor portions.

ITEM 2. Adopt the following **new** subrule 2.1(12):

2.1(12) Has not been previously decertified in another jurisdiction.

ITEM 3. Adopt the following **new** subrule 2.1(13):

2.1(13) Has not committed any act that could result in decertification under 501—Chapter 6.

ITEM 4. Amend rule 501—3.2(80B) as follows:

501—3.2(80B) Law enforcement status forms furnished to academy. Within ten days of any of the following occurrences, the academy will be so advised by use of prescribed forms:

1. Any hiring ~~or termination~~ of personnel.

2. to 4. No change.

5. Any termination of employment of a law enforcement officer or appointment as a reserve peace officer. The notification must state whether the law enforcement officer or reserve peace officer was discharged or removed for serious misconduct or whether the officer left, voluntarily quit, or was laid

off when disciplinary investigation or action was imminent or pending which could have resulted in the officer being discharged or removed for serious misconduct. Upon request by the council, the employing agency shall provide any additional information or documentation about the officer including confidential records or information under Iowa Code section 22.7 or other applicable law to the council.

ITEM 5. Adopt the following new paragraph **3.8(4)“d”**:

d. Submission of a preliminary application for certification through examination to the council. A preliminary application for certification shall adhere to the requirements set out in Iowa Code section 80B.11F, as well as any additional requirements set out by the Iowa law enforcement academy.

ITEM 6. Amend subrule 6.2(1) as follows:

6.2(1) Mandatory revocation. The council shall revoke a law enforcement officer’s certification or a reserve peace officer’s certification ~~if~~ upon a finding that the law enforcement officer or reserve peace officer has done any of the following:

a. The law enforcement officer or reserve peace officer ~~pleads~~ pled guilty to or is was convicted of a felony;

b. The law enforcement officer or reserve peace officer ~~manufactures, sells, or conspires manufactured, sold, or conspired~~ to manufacture or sell an illegal drug other than an authorized act in connection with official duties;

c. The law enforcement officer or reserve peace officer ~~pleads~~ pled guilty to or is was convicted of a crime constituting a misdemeanor crime of domestic violence or other domestic abuse including other offenses or lesser included offenses stemming from domestic abuse;

d. The law enforcement officer or reserve peace officer ~~pleads~~ pled guilty to or is was convicted of any offense classified as a tier I, tier II, or tier III sex offense in Iowa Code chapter 692A;

e. The law enforcement officer or reserve peace officer was discharged for serious misconduct, as defined by Iowa Code section 80B.13A(1) “b,” from employment as a law enforcement officer;

f. The law enforcement officer or reserve peace officer left, voluntarily quit, or was laid off when disciplinary investigation or action was imminent or pending which could have resulted in the law enforcement officer being discharged or the reserve officer being removed for serious misconduct, if the council determined that the officer engaged in serious misconduct;

g. The law enforcement officer or reserve peace officer was convicted or pled guilty to any offense under prior laws of this state or another jurisdiction, or any offense under prior law that was prosecuted in a federal, military, or foreign court, that is comparable to an offense listed in paragraphs 6.2(1) “a” to “d.”

ITEM 7. Amend subrule 6.2(2) as follows:

6.2(2) Discretionary revocation. The director or the director’s designee shall have the authority to conduct a preliminary inquiry and shall have the authority to determine which matters shall be referred to the council for consideration. The council, at its discretion, may revoke or suspend a law enforcement officer’s or a reserve peace officer’s certification under any of the following circumstances:

a. The law enforcement officer or reserve peace officer has been discharged for “good cause” from employment as a law enforcement officer or from appointment as a reserve peace officer.

b. The law enforcement officer or reserve peace officer leaves, voluntarily quits, or the officer’s position is eliminated when disciplinary action was imminent or pending which could have resulted in the law enforcement officer being discharged or the reserve peace officer being removed for “good cause.”

c. The law enforcement officer’s or reserve peace officer’s current or former employing agency recommends to the council that revocation or suspension would be appropriate with regard to a current or former employee. A recommendation by the law enforcement officer’s or reserve peace officer’s current or former employing agency must be in writing and 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. Upon such a recommendation, the law enforcement officer’s or reserve peace officer’s current or former employing agency shall provide the Iowa law enforcement academy the following materials within ten days of the recommendation:

(1) The law enforcement officer’s or reserve peace officer’s personnel file;

- (2) The employing agency's internal investigative file;
- (3) Any other materials the employing agency used in the determination to make its recommendation.

d. The law enforcement officer or reserve peace officer is recommended for revocation or suspension by the attorney general to the council pursuant to Iowa Code section 13.12.

e. e. The law enforcement officer or reserve peace officer:

(1) Makes, tenders, or certifies to a material false statement in a document prescribed by the academy or otherwise provided for or authorized by these rules, or in any other document intended to induce the academy or the council to take or withhold action.

(2) Falsifies or makes misrepresentations on an employment application submitted to any Iowa law enforcement agency or any other public document required to be completed by the officer.

(3) Testifies falsely in any court of law or administrative hearing about a material issue with the intent to deceive.

(4) Commits any act of moral turpitude as defined in 501—subrule 2.1(5). A copy of the record of conviction of or plea of guilty to a crime of moral turpitude shall be conclusive evidence; however, a conviction or plea of guilty is not required.

(5) Uses or possesses an illegal substance other than in connection with official duties.

(6) Fails to comply with the requirements of 501—Chapters 8 and 10 relative to in-service training.

(7) Is decertified in any other state where the law enforcement officer or reserve peace officer may be certified.

d. f. The law enforcement officer has failed to reimburse the employing agency for costs incurred by that agency, including fees paid to the academy, clothing vendor costs, meal costs, uniform/equipment costs, and the officer's salary paid during the academy if the officer leaves that agency and is employed by another law enforcement agency within a period of four years following completion of the certification training, under the following conditions:

(1) No change.

(2) A recommendation for decertification must be verified under oath by the administrator of the employing agency with which the officer contracted under this rule. The recommendation for decertification must contain the following information:

1. Have attached a copy of the agreement referred to in subparagraph ~~6.2(2) "d"(1)~~ 6.2(2) "f"(1) above;

2. to 7. No change.

(3) No change.

ITEM 8. Adopt the following **new** subrule 8.1(6):

8.1(6) De-escalation training. In addition to the requirements of subrules 8.1(1) to 8.1(5), a regular law enforcement officer must receive a minimum of 4 hours per year of training that includes all of the following topics:

a. An emphasis on law enforcement officer understanding and respect for diverse communities and the importance of effective, noncombative methods of carrying out law enforcement activities in a diverse community.

b. Instruction on diverse communities in order to foster mutual respect and cooperation between law enforcement and members of all diverse communities.

c. An examination of the patterns, practices, and protocols that cause biased law enforcement actions, and the tools to prevent such actions.

d. An examination and identification of key indices and perspectives that make up differences among residents in a local community.

e. Instruction on implicit bias and consideration of the negative impact of bias, whether intentional or implicit, on effective law enforcement, including examination of how historical perceptions of profiling have harmed community relations.

f. Instruction on the perspectives of diverse local constituency groups from experts on particular cultural and law enforcement-community relations issues in a local area.

g. A presentation of the history and the role of the civil rights movement and the impact on law enforcement.

h. Instruction on de-escalation techniques, including verbal and physical tactics to minimize the need for the use of force and nonlethal methods of applying force.

ITEM 9. Adopt the following **new** subrule 10.206(5):

10.206(5) De-escalation training. In addition to the requirements of subrules 10.206(1), 10.206(2) and 10.206(4), a certified reserve peace officer must receive a minimum of 4 hours per year of training that includes all of the following topics:

a. An emphasis on law enforcement officer understanding and respect for diverse communities and the importance of effective, noncombative methods of carrying out law enforcement activities in a diverse community.

b. Instruction on diverse communities in order to foster mutual respect and cooperation between law enforcement and members of all diverse communities.

c. An examination of the patterns, practices, and protocols that cause biased law enforcement actions, and the tools to prevent such actions.

d. An examination and identification of key indices and perspectives that make up differences among residents in a local community.

e. Instruction on implicit bias and consideration of the negative impact of bias, whether intentional or implicit, on effective law enforcement, including examination of how historical perceptions of profiling have harmed community relations.

f. Instruction on the perspectives of diverse local constituency groups from experts on particular cultural and law enforcement-community relations issues in a local area.

g. A presentation of the history and the role of the civil rights movement and the impact on law enforcement.

h. Instruction on de-escalation techniques, including verbal and physical tactics to minimize the need for the use of force and nonlethal methods of applying force.

ITEM 10. Adopt the following **new** 501—Chapter 14:

CHAPTER 14

IOWA LAW ENFORCEMENT EMERGENCY CARE PROVIDER

501—14.1(80B) Authority of Iowa law enforcement emergency care provider. An Iowa law enforcement emergency care provider may perform skills identified in the Iowa law enforcement emergency care provider curriculum approved by the council.

501—14.2(80B) Iowa law enforcement emergency care providers—certification, renewal standards and procedures, and fees.

14.2(1) Application and examination.

a. Applicants shall complete an ILEECF student registration form at the beginning of the course. ILEECF student registration forms are provided by the academy.

b. Upon satisfactory completion of the course and all training program requirements, including successful completion of the state certifying practical examination, the student shall be recommended by the training program to take the state certification written examinations. State certification must be obtained to perform appropriate skills.

c. The practical examination shall be administered by the training program using the standards and forms provided by the academy.

d. To be eligible to take the practical examination, the student shall first pass the written examination.

e. When a student's ILEECF registration is referred to the academy for investigation, the student shall not be certified until approved by the council.

f. The certifying written examinations shall be administered at times and places determined by the academy.

g. No oral certification examinations shall be permitted; however, candidates may be eligible for appropriate accommodations.

h. Practical examination fees shall be determined by the training program.

i. A student who fails the practical certification examination shall have two additional opportunities to attain a passing score. The student may repeat the failed examination on the same day as determined by the training program. A student who fails a practical station for the third time shall be required to repeat the entire course in order to be eligible for certification.

j. A student who fails to attain the appropriate overall score on the written certification examination shall have two additional opportunities to complete the entire examination and attain a passing score. Required overall passing score is 70 percent.

k. All examination attempts shall be completed within one year of the initial course completion date. If a student is unable to complete the testing within one year due to medical reasons, an extension may be granted upon submission of a signed statement from a physician and approval by the council.

l. Examination scores shall be confidential except that they may be released to the training program that provided the training or released in a manner that does not permit the identification of a student.

14.2(2) *Renewal of certification.*

a. A certificate shall be valid for two years from issuance unless specified otherwise on the certificate or unless sooner suspended or revoked.

b. All continuing education requirements shall be completed during the certification period prior to the certificate's expiration date. Failure to complete the continuing education requirements prior to the expiration date shall result in an expired certification.

c. The application for renewal of certification shall be submitted to the academy within the 90 days prior to the expiration date. Failure to submit a renewal application to the academy within the 90 days prior to the expiration date (based upon the postmark date) shall cause the current certification to expire. Iowa law enforcement emergency care providers shall not function on an expired certification.

An individual who completes the required continuing education during the certification period, but fails to submit the application for renewal of certification within 90 days prior to the expiration date, shall be required to submit a late fee to obtain renewal of certification.

d. An individual who has not completed the required continuing education during the certification period and is seeking to reinstate an expired certificate shall complete a refresher course approved by the academy and pass the practical and written certification examinations.

e. If an individual is unable to complete the required continuing education during the certification period due to an illness or injury, an extension of certification may be issued upon submission of a signed statement from a physician and approval by the council.

14.2(3) *Renewal standards.* To be eligible for renewal, the certificate holder shall:

a. Have signed and submitted an application for renewal of certification, provided by the academy, within the 90 days prior to the certificate's expiration date.

b. Have a current CPR course completion card or a signed and dated statement from a recognized CPR instructor that documents current course completion in CPR and AED.

c. Have completed four continuing education hours during the certification period including a minimum of one hour in each of the following topics:

- (1) Infectious diseases;
- (2) Trauma emergencies;
- (3) Medical emergencies.

d. Maintain a file containing documentation of continuing education hours accrued during each certification period and retain this file for four years from the end of each certification period.

501—14.3(80B) Iowa law enforcement training programs.

14.3(1) The training program shall use the course curricula approved by the council for an Iowa law enforcement emergency care provider and shall include, as a minimum, the following course components:

- a.* Twenty-four hours of classroom instruction;
- b.* Practical and written examinations.

14.3(2) An individual currently certified by the department of public health or the national registry as a first responder, emergency medical care provider, emergency medical responder, emergency medical technician, emergency medical technician-basic, emergency medical technician-intermediate, emergency medical technician-paramedic, critical care paramedic, or other similar credential may request Iowa law enforcement emergency care provider certification. Such a request must be made in writing to the academy with documentation of credentials as an Iowa peace officer.

These rules are intended to implement Iowa Code chapter 80B.