

LAW ENFORCEMENT ACADEMY[501]

Adopted and Filed

Rule making related to curriculum and attendance

The Iowa Law Enforcement Academy hereby amends Chapter 3, “Certification of Law Enforcement Officers,” and Chapter 7, “Public Records and Fair Information Practices,” rescinds Chapter 8, “Mandatory In-Service Training Requirements,” and adopts a new Chapter 8, “Mandatory In-Service and Specialty Training Requirements,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code sections 80B.11 and 80F.1.

State or Federal Law Implemented

This rule making implements, in whole or in part, 2021 Iowa Acts, Senate Files 342 and 387.

Purpose and Summary

The Academy continually reviews and updates its rules when needed. The amendments to Chapter 3 include changes required by 2021 Iowa Acts, Senate File 387, regarding an update to the Academy’s curriculum and the expansion of the attendance qualifications to attend the short course academy. The amendments to Chapter 7 reflect the Academy’s use of digital record keeping. The newly adopted Chapter 8 clarifies the requirements for mandatory in-service training for certified peace officers and includes the new training standards for internal affairs investigators as required by 2021 Iowa Acts, Senate File 342.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on January 26, 2022, as **ARC 6154C**. No public comments were received.

Changes from the Notice have been made. The Academy has revised the new training standards for internal affairs investigators to add an additional recommendation for ongoing training to rule 501—8.5(80F) and reorganized the subrules for clarity.

Adoption of Rule Making

This rule making was adopted by the Academy on March 2, 2022.

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 Academy Council for a waiver of the discretionary provisions, if any, pursuant to 501—Chapter 16.

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).

Effective Date

This rule making will become effective on April 27, 2022.

The following rule-making actions are adopted:

ITEM 1. Amend subrule 3.1(6) as follows:

3.1(6) Should a person employed as a law enforcement officer fail to achieve certification within the time period or any extensions allowed by rule 501—3.1(80B), that person shall not be eligible for employment as and shall not serve as a regular or a reserve law enforcement officer in the state of Iowa for a period of not less than ~~one year~~ 12 months from the date the time period in which to achieve certification specified in rule 501—3.1(80B) expired, or from the date that the person was last employed as a regular law enforcement officer in the state of Iowa, whichever comes first.

ITEM 2. Amend rule 501—3.2(80B) as follows:

501—3.2(80B) Law enforcement status forms furnished to academy. Within ~~ten~~ 20 days of any of the following occurrences, the academy will be so advised by use of prescribed forms:

1. Any hiring of personnel.
2. Change of status of existing personnel (e.g., promotions).
- ~~3. Satisfactory completion of all law enforcement training not sponsored by the academy.~~
- ~~4. Accrual of college credits.~~

~~5.~~ 3. 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 3. Amend rule 501—3.3(80B) as follows:

501—3.3(80B) Standard certifying courses for approved law enforcement facilities. The academy courses of study and training programs must meet the requirements of nondegree programs under the Post-9/11 Veterans Educational Assistance Act of 2008. The standard certifying courses of study at an approved law enforcement training facility are:

1. The long course, consisting of at least 620 hours to be completed within a 25-week period; and
2. The short course, consisting of at least 400 hours to be completed within a 20-week period.

ITEM 4. Amend rule 501—3.4(80B) as follows:

501—3.4(80B) Qualifications for attendance at a short course. In order to be eligible for enrollment ~~in the certification through the~~ a short course, the individual officer must possess at least one of the following qualifications:

3.4(1) No change.

3.4(2) Have satisfactorily completed law enforcement training in another state commensurate with basic training required in Iowa, and be able to provide verification of the same.

3.4(3) Have satisfactorily completed military police training and furnished documentation to the academy.

3.4(4) Have satisfactorily completed the Federal Bureau of Investigation new agent training course, or similar course of instruction, and be able to provide verification of the same.

This rule is intended to implement Iowa Code section 80B.11.

ITEM 5. Amend paragraph 3.5(3)“g” as follows:

g. Vehicle operations (including 2 hours of night vehicle operations).

ITEM 6. Amend paragraph 3.5(4)“c” as follows:

c. ~~Blue-courage~~ Officer resiliency and development.

ITEM 7. Amend paragraph 3.5(8)“h” as follows:

h. Unbiased policing (minimum of 2 hours).

ITEM 8. Amend paragraph 3.6(3)“e” as follows:

e. Vehicle operations (including 2 hours of night vehicle operations).

ITEM 9. Amend paragraph 3.6(4)“c” as follows:

c. ~~Blue-courage~~ Officer resiliency and development.

ITEM 10. Amend paragraph 3.6(8)“c” as follows:

c. Unbiased policing (minimum of 2 hours).

ITEM 11. Amend rule 501—3.8(80B) as follows:

501—3.8(80B) Certification through examination. Law enforcement officers who have been certified in another state may, upon application to the director with council approval, take a competency test or tests to gain Iowa law enforcement officer certification, adhering to all requirements set out in Iowa Code section 80B.11F, as well as any additional requirements set out by the academy. Successful completion of the required test or tests will result in certification by the council. The test or tests will be prepared and administered by the academy or its designee, and the passing score will be determined by the academy. The required test or tests will be based upon the officer’s prior law enforcement training and experience as follows:

3.8(1) *Five or more years of law enforcement experience.* Officers with more than five years of full-time law enforcement experience, to include federal law enforcement time, will be required to pass a test or tests which will primarily measure the officer’s knowledge of Iowa laws. The test or tests will include, but need not be limited to, such topics as criminal law, motor vehicle law, juvenile law, law of arrest, law of search and seizure, and law regarding the use of force.

3.8(2) and **3.8(3)** No change.

3.8(4) *Criteria to be eligible to certify through examination.* The following will be prerequisites for certification through examination:

a. Successful completion of a minimum ~~160-hour~~ 400-hour certifying basic law enforcement training school in another state, which certification has not been withdrawn or suspended by the certifying state.

b. and c. No change.

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.

3.8(5) *Application and testing periods.* Application for certification through examination shall be made within 120 days of the applicant’s hiring date, unless a determination is made by the academy council that this time period should be extended for “good cause.” Failure to make timely application for certification through examination may result in the applicant’s being required to attend ~~an~~ a certifying academy certifying school.

3.8(6) and **3.8(7)** No change.

ITEM 12. Rescind and reserve rule **501—3.9(80B)**.

ITEM 13. Amend subrule 3.12(1) as follows:

3.12(1) An individual who has not yet been hired or started employment as an Iowa sworn peace officer may apply for attendance at the Iowa law enforcement academy (ILEA) or, if qualified as provided for in subrule 3.4(1), at a short course of study at an approved law enforcement training program if such individual is sponsored by an Iowa law enforcement agency.

a. The individual must submit an application packet approved and provided by the Iowa law enforcement academy at least 30 days in advance of the course of study that the person wants to attend if the hiring standards are conducted by a sponsoring agency and at least 60 days in advance of the course of study that the person wants to attend if the hiring standards are conducted by ILEA. An administrative fee, to be established by the academy, shall accompany the application packet.

b. The sponsoring Iowa law enforcement agency must certify that the agency intends to hire the individual within the next ~~18~~ 12 months ~~or has hired the individual as a law enforcement officer.~~

c. and *d.* No change.

ITEM 14. Amend subrule 3.12(5) as follows:

3.12(5) Certification.

a. The academy will not grant certification until an individual is employed by an Iowa law enforcement agency and has met required hiring standards and successfully completed certification testing.

~~*a.* The following hiring standards must be reverified if the individual is not hired by an Iowa law enforcement agency during the first 12 months following completion of the course of study.~~

~~(1) The Iowa law enforcement academy evaluations of the Minnesota Multiphasic Personality Inventory (MMPI) may be used for only 12 months to comply with this rule. Any individual who has not been hired or placed upon a civil service certified list within the first 12 months following completion of the course of study must retake the MMPI and, before the individual is certified, the results of the MMPI must be approved by the hiring authority.~~

~~(2) Standard & Associates' National Police Officer Selection Test (POST) test scores shall be valid for a period of 12 months from the date of completion of the course of study. An individual who has not been hired or placed upon a civil service certified list within 12 months must retake and successfully pass the examination before being certified.~~

~~(3) The individual must be examined by a licensed physician or surgeon and meet the physical requirements necessary to fulfill the responsibilities of a law enforcement officer.~~

~~(4) The individual must successfully pass a physical test adopted by the Iowa law enforcement academy.~~

b. An individual may be certified in the following areas only after being employed by an Iowa law enforcement agency:

(1) Iowa Law Enforcement Emergency Care Provider.

(2) Implied consent.

(3) Standardized field sobriety testing.

(4) Firearms qualification with the hiring agency's weapon and ammunition.

Certification will be awarded in the above areas if the individual is employed by an Iowa law enforcement agency within the first 12 months following completion of the basic training course of study and when the following requirements are met. All individuals, once employed by an Iowa law enforcement agency, must undergo testing in the firearms qualifications with the hiring agency's weapon and ammunition at the direction of an instructor certified in firearms by the Iowa law enforcement academy. Documentation of this testing and scores must be submitted to the Iowa law enforcement academy. The individual will be certified upon successful completion of the firearms qualification and review of the testing results completed during training at the Iowa law enforcement academy or at a short course of study at an approved law enforcement training program.

~~If the individual is not employed within a 12-month period after completing basic training at the Iowa law enforcement academy or at a short course of study at an approved law enforcement training~~

~~program, the individual will be required to retake the required training for Iowa Law Enforcement Emergency Care Provider, implied consent, and standardized field sobriety testing. Successful completion and documentation of this training must be submitted to the Iowa law enforcement academy before certification can be granted.~~

ITEM 15. Amend subrule 3.12(6) as follows:

3.12(6) Employment within ~~18~~ 12 months. The individual must be employed by an Iowa law enforcement agency within ~~18~~ 12 months of completion of the course of study in order to receive certification. An individual shall not be certified under rule 501—3.12(80B) if the individual is not employed by an Iowa law enforcement agency within ~~18~~ 12 months of completion of the course of study.

ITEM 16. Amend subrule 7.3(7) as follows:

7.3(7) Fees.

a. No change.

b. *Copying and postage costs.* Price schedules for published materials and for photocopies of records supplied by the agency shall be prominently posted ~~in agency offices~~ on the agency's website. Copies of records may be made by or for members of the public on agency photocopy machines or from electronic storage systems at cost as determined and posted ~~in agency offices by the custodian on the agency's website~~. When the mailing of copies of records is requested, the actual costs of such mailing may also be charged to the requester.

c. No change.

d. *Advance deposits.*

(1) When the estimated total fee chargeable under this subrule exceeds ~~\$25~~ \$20, the custodian may require a requester to make an advance payment to cover all or a part of the estimated fee.

(2) No change.

ITEM 17. Amend subrule 7.13(1) as follows:

7.13(1) Law enforcement officer personal files. The Iowa law enforcement academy is charged by Iowa Code chapter 80B to establish training and hiring standards and to certify individuals as law enforcement officers in the state of Iowa. Training records, law enforcement officer status, and personal questionnaires are necessary to accomplish the mandate of Iowa Code chapter 80B.

These personal files contain information about past and present law enforcement officers in the state. These files may contain hiring and termination information, personal questionnaires and status changes (required by rule 501—3.1(80B) and rule 501—3.2(80B)), medical information showing compliance with rule 501—2.1(80B) and rule 501—2.2(80B) as authorized by Iowa Code section 80B.11, criminal history data, restoration of citizenship records, pardon records, training records, test scores, disciplinary reports and evaluation reports prepared during recruit training, decertification requests, and investigative reports. These files may also contain published articles concerning an individual officer and other data relevant to a law enforcement officer's career in law enforcement. Some of these records may be confidential under Iowa Code section 22.7 or Iowa Code chapter 692. Law enforcement officer personal records are stored in ~~both paper and~~ or computerized form.

ITEM 18. Amend subrule 7.13(2) as follows:

7.13(2) Decertification files. These files are maintained pursuant to Iowa Code section 80B.13(8). These files contain requests or inquiries made by hiring authorities concerning decertification of a person who is certified as a law enforcement officer in the state of Iowa. The Iowa law enforcement academy also has independent authority pursuant to Iowa Code section 80B.13(8) to revoke a law enforcement officer's certification for conviction of a felony or revoke or suspend a law enforcement officer's certification for a violation of rules adopted pursuant to Iowa Code section 80B.11(1) "h." These files may contain official administrative or court filings or records, investigative reports, criminal history data, and attorney-client work product concerning possible or impending litigation. Some of this information may be confidential under Iowa Code sections 17A.2 and 22.7, Iowa Code chapter 692, constitutional restraints, statute and the Code of Professional Responsibility. Except as previously noted, administrative hearing filings

or records and court records or filings are public records. This information is stored in paper ~~and~~ or computerized ~~forms~~ form.

ITEM 19. Amend subrule 7.13(3) as follows:

7.13(3) *Litigation files.* These files or records contain information regarding litigation, or anticipated litigation, which includes judicial and administrative proceedings. The records include briefs, depositions, docket sheets, documents, correspondence, attorneys' notes, memoranda, research materials, witness information, investigation materials, information compiled under the direction of the attorney, and case management records. The files contain materials which are confidential as attorney work product and attorney-client communications. Some materials are confidential under other applicable provisions of law or because of a court order. Persons wanting to obtain copies of pleadings and other documents filed in litigation should obtain these from the clerk of the appropriate court which maintains the official copy. Copies of pleadings and other documents filed in litigation with the Iowa law enforcement academy may be obtained from the Iowa law enforcement academy during normal business hours as these documents are public records. These records are maintained in paper ~~and~~ or computerized ~~forms~~ form.

ITEM 20. Amend subrule 7.13(5) as follows:

7.13(5) *Library user files.* These files contain information on individuals who have checked out books, films, tapes, etc. from the Iowa law enforcement academy library. This information is confidential pursuant to Iowa Code section 22.7(13). This information is kept in paper ~~form and may appear in~~ or computerized form.

ITEM 21. Amend subrule 7.13(6) as follows:

7.13(6) *Law enforcement class files.* These files contain information concerning individuals who have attended training classes established by the Iowa law enforcement academy. These files may contain grade information, class rosters, class schedules, class tests, photographs of class members, and disciplinary information. Some of this information may be confidential pursuant to Iowa Code section 22.7. This information is kept in computerized ~~and~~ or paper form.

ITEM 22. Amend subrule 7.13(7) as follows:

7.13(7) *Implied consent training files.* These files contain information concerning those officers who are certified to invoke implied consent pursuant to Iowa Code chapter 321J. These files are public records and are accessible during normal working hours. Some of this information may be confidential pursuant to Iowa Code section 22.7. This information is kept in computerized ~~and~~ or paper form.

ITEM 23. Amend subrule 7.13(8) as follows:

7.13(8) *Specialized instructor files.* These files contain information concerning individuals who have attended specialized training programs or through experience are qualified to instruct in specialized areas of law enforcement. These records may be retrieved by personal identifier or through class name. Some of this information may be confidential pursuant to Iowa Code section 22.7. These records are kept in ~~both~~ computerized ~~and~~ or paper form.

ITEM 24. Amend subrule 7.13(9) as follows:

7.13(9) *Psychological testing.* These files contain information concerning a law enforcement applicant's test scores regarding cognitive and psychological tests mandated by Iowa Code section 80B.11(1) "g." In these files, other psychological examinations requested by hiring agencies are also stored by a personal identifier. Some of this information may be confidential pursuant to Iowa Code section 22.7(19). Law enforcement officers interested in the results of their psychological testing should contact the hiring agency that authorized the testing. This information is maintained in ~~both~~ computerized ~~and~~ or paper form.

ITEM 25. Amend subrule 7.13(11) as follows:

7.13(11) *Salary files.* These files contain information concerning financial data regarding payments made to permanent or temporary employees of the Iowa law enforcement academy. These records are

maintained concurrently by the Iowa law enforcement academy, the Iowa department of administrative services, and the Iowa department of revenue. These records are kept in paper ~~and~~ or computerized form.

ITEM 26. Amend rule 501—7.14(17A,22), introductory paragraph, as follows:

501—7.14(17A,22) Other groups of records. This rule describes groups of records maintained by the agency other than a record system as defined in rule 501—7.1(17A,22). These records are routinely available to the public; however, the agency’s files of these records may contain confidential information as discussed in rule 501—7.12(17A,22). The records listed may contain information about individuals. All records are stored on paper ~~and~~ or in computer systems ~~unless otherwise noted~~.

ITEM 27. Amend subrule 7.14(3) as follows:

7.14(3) Publications. The office receives a number of books, periodicals, videotapes, films, newsletters, government documents, etc. ~~These records are maintained in the library established pursuant to Iowa Code section 80B.15 for use by law enforcement training centers and institutions who have a two-year program in law enforcement.~~ Some of these records may be protected by copyright law. Many of these publications of general interest are available in the state law library.

ITEM 28. Rescind 501—Chapter 8 and adopt the following **new** chapter in lieu thereof:

CHAPTER 8
MANDATORY IN-SERVICE AND SPECIALTY TRAINING REQUIREMENTS

501—8.1(80B) Mandatory in-service training requirements. All regular law enforcement officers shall meet the following in-service training requirements. The elected or appointed official designated as the head of the agency employing the regular law enforcement officer shall ensure compliance with the training requirements listed.

8.1(1) Mandatory training and certification requirements. A regular law enforcement officer must receive in-service training from a course of study approved by the Iowa law enforcement academy.

- a. Annual firearms qualification
- b. National crime information center (NCIC) certification (Federal Bureau of Investigation)
- c. Hazard communications (OSHA Standard 1910.1200(h))
- d. Hazardous materials (OSHA Standard 1910.120(q)(8)(i))
- e. Bloodborne pathogens (OSHA Standard 1910.1030(g)(2)) 1 hour per year
- f. Implicit bias/de-escalation training (Iowa Code section 80B.11G) 4 hours per year
- g. Mental health training (Iowa Code section 80B.11(1)“c”(3)) 1 hour per year
- h. Cardiopulmonary resuscitation (CPR), AED and foreign body airway obstruction for all age groups. (Standards defined by the International Liaison Committee on Resuscitation)
- i. Mandatory reporter training for child and dependent adult abuse provided by the department of human services (Iowa Code sections 232.69(1)“b”(11), 232.69(3)“b,” 235B.3(2)“b” and 235B.16(5)“b”). A child abuse or dependent adult abuse training certificate relating to the identification and reporting of child abuse or dependent adult abuse issued prior to July 1, 2019, remains effective and continues in effect as issued for the five-year period following its issuance.

8.1(2) General training. In addition to the requirements of subrule 8.1(1), a regular law enforcement officer must receive a minimum of 12 hours per year of law enforcement-related in-service training. Whether training is law enforcement-related shall be determined by the employing agency administrator.

501—8.2(80B) Instructors.

8.2(1) A peace officer instructor who instructs in a law enforcement-related training area, as determined by the law enforcement agency administrator, may receive hour-for-hour credit toward the in-service training requirement for the subject taught.

8.2(2) In-service training programs, specialized classes, or other courses of instruction that are not Iowa law enforcement academy instructor certifying schools, may be developed and instructed by any individual deemed qualified by the law enforcement agency administrator.

501—8.3(80B) In-service training requirements for former regular law enforcement officers who return to law enforcement. Any individual who leaves and then returns to an Iowa law enforcement officer position must complete all requirements outlined in subrule 8.1(1) within one year of the individual’s hiring date. Additionally, the individual must complete additional general in-service requirements of law enforcement-related training as defined in subrule 8.1(2) plus the appropriate hours listed below:

<u>Period Outside of Iowa Law Enforcement</u>	<u>In-Service Training Required</u>
More than 12 months to 24 months	24 hours
More than 24 months to 36 months	36 hours
More than 36 months	60 hours

501—8.4(80B) Time frame—tolled. The time frame requirements for completion of any mandatory training are tolled during the period a law enforcement officer is called to active military service.

501—8.5(80F) Training officers on interviewing/investigating an officer subject to a complaint.

8.5(1) An agency employing full-time or part-time officers shall provide training to any officer or supervisor who performs or supervises an investigation under Iowa Code section 80F.1 and shall maintain documentation of completed training.

8.5(2) Pursuant to Iowa Code section 80F.1(22), a peace officer or supervisor who performs or supervises an investigation of an officer who is the subject of a complaint shall receive a minimum of two hours of training on the fundamentals of interviewing. It is recommended that a peace officer who performs active investigations of officers who are the subject of complaints also receive additional training.

8.5(3) Pursuant to Iowa Code section 80F.1(22), a peace officer or supervisor who performs or supervises an investigation of an officer who is the subject of a complaint shall complete a minimum of two hours of training on the following areas:

- a. Peace officer, public safety, and emergency personnel bill of rights (Iowa Code section 80F.1).
- b. Garrity warning (*Garrity v. New Jersey*, 385 U.S. 493 (1967)).
- c. Peace officer disciplinary hearing (with applicable agency policy).

The training required under this subrule shall be conducted by a licensed attorney familiar with Iowa law. It is recommended that a peace officer who performs active investigations of officers who are the subject of complaints also receive additional training.

These rules are intended to implement Iowa Code sections 80B.11, 80B.11G and 80F.1(21).

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