

LAW ENFORCEMENT ACADEMY[501]

[Prior to 1971 IDR, see Dept. of Public Safety]
[Prior to 3/11/87, Law Enforcement Academy[550]]

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CHAPTER 1
ORGANIZATION AND ADMINISTRATION

[Appeared as rules 3.1, 4.1, 5.1 and ch 6 prior to 4/10/85]

[Prior to 3/11/87, Law Enforcement Academy[550] Ch 1]

501—1.1(80B) Definitions. In regards to the definitions as used in the rules of the law enforcement academy the following definitions apply, unless the context otherwise requires:

“*Academy*” refers to the Iowa law enforcement academy.

“*Academy council*” means the Iowa law enforcement academy council.

“*Act*” means the Iowa Administrative Procedure Act.

“*Applicant*” means all individuals seeking an entry level position as a law enforcement officer. This shall not include individuals who are being promoted within a department.

“*Certificate*” means the document issued to a law enforcement officer when documentation has established compliance with the minimum hiring standards and successful completion of the training requirements.

“*Certification*” means the issuing of a certificate to a law enforcement officer upon documentation that the officer has been employed and trained in compliance with the established minimum standards.

“*Contested case*” means a proceeding in which the legal rights of a party to continue to be certified as a law enforcement officer in the state of Iowa are determined by the council or its designee after an opportunity for an evidentiary hearing.

“*Council*” refers to the Iowa law enforcement academy council.

“*Director*” refers to the director of the Iowa law enforcement academy.

“*Employing agency*” means any state, county, or municipal government or governmental body that employs law enforcement officers.

“*Facilities approval application form*” means the form prepared by the Iowa law enforcement academy council to be utilized in an application for approval of a regional law enforcement training facility.

“*Facility*” means a jail as defined in 201—Chapter 50 or a temporary holding facility as defined in 201—Chapter 51.

“*Felony*” means a criminal offense classified as a felony in the jurisdiction in which it was committed.

“*Final selection process*” means that process by which the final applicant for a law enforcement position is selected. This process requires, minimally, that the person to be hired shall have successfully completed the mandated psychological testing.

“*General jailer instructors*” will be those instructing in subjects clearly related to the operation of a jail.

“*Good cause*” means termination of employment for any of the following reasons:

1. *Gross negligence*: Where the officer’s act or failure to act creates a danger or risk to persons, property, or to the efficient operation of the department, recognizable as a gross deviation from the standard of care that a reasonable officer would observe in a similar circumstance.

2. *Insubordination*: A refusal by an employee to comply with a rule or order where the rule or order was reasonably related to the orderly, efficient, or safe operation of the employer’s business and where the employee’s refusal to comply with the rule or order constitutes breach of duties.

3. *Incompetence or gross misconduct*: In determining what constitutes “incompetence or gross misconduct,” the council may take into account sources as practices generally followed in the profession, current teaching at law enforcement training facilities and technical reports and literature relevant to the field of law enforcement.

“*Guest lecturer*” is a person who, by reason of position or experience, can make a worthwhile contribution to a training program. The instructor will normally be experienced in a specialized area and the instruction limited to the area of the instructor’s experience. While the regional training facility may avail themselves of the instructor’s services on repeated occasions, the use will not be of such frequency as to reasonably infer the instructor is a member of the permanent regional instructional staff.

“Initial certification” means the law enforcement certification granted to a law enforcement officer by the Iowa law enforcement academy council pursuant to 501—3.1(80B), 3.8(80B), or 3.9(80B), Iowa Administrative Code.

“Jail” means any place administered by the county sheriff and designed to hold inmates for as long as lawfully required but not to exceed one year pursuant to Iowa Code chapters 356 and 356A.

“Jail administrator” means the sheriff, sheriff’s designee, or the executive head of any agency operating a jail.

“Jailer” means any person involved in the booking or supervision of inmates or detainees and meeting the requirements of rules 201—50.10(356,356A) and 50.11(356,356A) or 201—51.8(356,356A) and 51.9(356,356A).

“Jailer training program” means a jailer in-service or basic training program.

“Law enforcement experience” means experience gained by a law enforcement officer whose primary job function is the enforcement of criminal laws and the prevention and detection of crime.

“Law enforcement officer” means an officer appointed by the director of the department of natural resources; an officer appointed by the director of the Iowa law enforcement academy; a member of a police force or other agency or department of the state, county, or city regularly employed as such and who is responsible for the prevention and detection of crime and the enforcement of the criminal laws of this state; and all individuals, as determined by the council, who by the nature of their duties may be required to perform the duties of a peace officer.

“Nonstate agency” means all other agencies that are not state agencies.

“Party” means each person or agency named or admitted as a party properly seeking and entitled as of right to be admitted as a party.

“Person” means any individual, corporation or association covered by the Act other than an agency.

“Pleadings” means a protest, motion, answer, reply or other document filed in a contested case proceeding.

“Presiding officer” means the person or group presiding over a contested case.

“Professional jailer instructors” will be those instructing subjects in the area of the law, human relations, medicine, and other areas requiring specialized academic training or experience. Final decision as to whether an instructor is in the general or professional area rests with the academy.

“Recognized expert” is a person who, by reason of position or experience, can make a worthwhile contribution to a training program. Normally the recognized expert will be experienced in a specialized area and instruction will be limited to the area of experience. (See subrule 9.2(2))

“Recommendation” means a request by an employing agency asking the council to revoke the certification of a past or present law enforcement officer.

“Regional facility director” means the administrative head or responsible official of the approved regional law enforcement training facility.

“Regional training facility” means an approved regional law enforcement training facility.

“Regular law enforcement officer” means those full-time or part-time officers who are subject to the Iowa law enforcement academy hiring, training, and certification requirements.

“Revocation” means the process by which the council withdraws an individual’s certification. A person remains under revocation until the time it can be demonstrated to the council that the grounds for revocation no longer exist and the officer’s certification is reinstated.

“Salvage vehicle theft examination” means a salvage vehicle theft examination conducted by a law enforcement officer pursuant to Iowa Code section 321.52(4)“c.”

“Salvage vehicle theft examiner” means a law enforcement officer certified by the Iowa law enforcement academy to conduct vehicle theft examinations pursuant to Iowa Code section 321.52(4)“c.”

“State agency” means any department or division of state government which derives its primary funding from the state treasury.

“Temporary holding facility” means secure holding rooms or cells administered by a law enforcement agency where detainees may be held for a limited period of time, not to exceed 24 hours, and a reasonable time thereafter to arrange for transportation to an appropriate facility.

“*Training program director*” means the official responsible for a jailer training program.

“*Weapon*” shall mean any firearm, striking instrument or chemical agent authorized for use as a weapon by the hiring authority.

Unless otherwise specifically stated, the terms used in these rules promulgated by the council shall have the meaning defined by this chapter.

This rule is intended to implement Iowa Code sections 80B.3, 80B.11, 80B.13, 80D.7 and 321.52.

501—1.2(80B) Council established. The council and the academy were created by an Act of the Sixty-second General Assembly, now cited as Iowa Code chapter 80B. The general purposes for which the council and academy were established are:

1. To maximize training opportunities for law enforcement officers.
2. To coordinate training and to set standards for the law enforcement service, all of which are imperative to upgrading law enforcement to a professional status.

This rule is intended to implement Iowa Code section 80B.6.

501—1.3(80B) Administration. The administration of the Act creating the council and academy is vested in the office of the governor.

This rule is intended to implement Iowa Code section 80B.5.

501—1.4(80B) Council membership. The selection, appointment, and approval of members to the council are made as provided for in Iowa Code section 80B.6.

This rule is intended to implement Iowa Code section 80B.6.

501—1.5(80B) Council officers. The council shall select from its membership a chairperson and a vice chairperson each of whom shall serve for a term of one year and who may be reelected.

This rule is intended to implement Iowa Code section 80B.7.

501—1.6(80B) Meetings. The council shall meet as least once each quarter of each year and shall hold special meetings when called by the chairperson or, in the absence of the chairperson, by the vice chairperson, or by the chairperson upon written request of six members of the council.

1.6(1) Order of business. The meetings of the council shall be presided over by the chairperson or vice chairperson. Unless otherwise stipulated in these rules, Robert’s Rules of Order are to be followed in conducting the business of the council.

1.6(2) Open meetings. All meetings are open to the public in accordance with the open meetings law, Iowa Code chapter 21. Members of the public may be recognized at the discretion of the chairperson.

1.6(3) Notice, minutes and agenda.

a. The director shall cause advance public notice of the time and place of each meeting in accordance with Iowa Code section 21.4.

b. The director shall cause minutes of all council meetings to be kept showing the time and place, the members present, and the action taken at each meeting. The minutes will constitute the official record of all actions by the council. Minutes of each meeting will be prepared and distributed to members of the council.

c. At least one week prior to the date of a regular meeting, the director shall prepare a tentative agenda for the next meeting of the council and shall cause the distribution of the tentative agenda to the council. At least one week prior to a regular meeting, a council member may submit an item to be included on the agenda. This agenda shall also list the date, time and place of the meeting.

1.6(4) Quorum and majority vote. A quorum shall consist of two-thirds of the voting members of the council. Action of the council must be approved by a simple majority of the voting members present.

1.6(5) Information available. All records, minutes, manuals and other information pertaining to council action shall be kept at the academy. The information shall be open for inspection to the public during normal working hours.

1.6(6) Place of meetings. Meetings will normally be held at the Academy, Camp Dodge, Johnston, Iowa but may be held at a different location as determined by the council.

This rule is intended to implement Iowa Code section 80B.9.

501—1.7(80B) Address of council. All submissions to or requests of the council shall be made through the office of the Director, Iowa Law Enforcement Academy, P.O. Box 130, Camp Dodge, Johnston, Iowa 50131.

This rule is intended to implement Iowa Code section 80B.9.

501—1.8(80B) Emergency action. In the event of an emergency requiring prompt action by the council, the director may, with the approval of the chairperson, telephonically poll members of the council concerning the needed action. The vote of each member should be recorded and the agreement of a majority of voting members shall constitute official action by the council. Such action must be ratified at the next scheduled meeting of the council and the minutes reflect the nature of the emergency.

This rule is intended to implement Iowa Code section 80B.13(2).

501—1.9(80B) Authority of council—operational standards. The authority of the council shall be as set forth in Iowa Code section 80B.13. The director shall, subject to the review of the council, promulgate operational standards relative to the operation of the academy.

This rule is intended to implement Iowa Code section 80B.13.

501—1.10(80B) Budget submitted to comptroller. The director, with the approval of the council, shall submit to the state comptroller, annually and in such form as required by Iowa Code chapter 8, estimates of its expenditure requirements. Estimates shall include the costs of administration, maintenance, and operation, and the cost of any proposed capital improvements or additional programs.

This rule is intended to implement Iowa Code section 80B.14.

501—1.11(17A,80B) Petition for rule making. Any person or agency may file a petition for rule making with the Academy Council at the Iowa Law Enforcement Academy, Camp Dodge, P.O. Box 130, Johnston, Iowa 50131-0130.

1.11(1) The petition. A petition is deemed filed when it is received by the academy. The academy must provide the petitioner with a file-stamped copy of the petition if the petitioner provides the academy with an extra copy for this purpose. The petition must be typewritten, or legibly handwritten in ink, and must substantially conform to the following form:

IOWA LAW ENFORCEMENT ACADEMY COUNCIL

Petition by (Name of Petitioner) for the (adoption, amendment or repeal) of rules relating to (state subject matter).)))))	PETITION FOR RULE MAKING
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The petition must provide the following information:

1. A statement of the specific rule-making action sought by the petitioner including the text or a summary of the contents of the proposed rule or amendment to a rule and, if it is a petition to amend or repeal a rule, a citation and the relevant language to the particular portion or portions of the rule proposed to be amended or repealed.
2. A citation to any law deemed relevant to the academy council’s authority to take the action urged or to the desirability of that action.
3. A brief summary of petitioner’s arguments in support of the action urged in the petition.
4. A brief summary of any data supporting the action urged in the petition.
5. The names and addresses of other persons, or a description of any class of persons, known by petitioner to be affected by, or interested in, the proposed action which is the subject of the petition.
6. Any request by petitioner for a meeting provided for by subrule 1.11(4).

The petition must be dated and signed by the petitioner or the petitioner's representative. It must also include the name, mailing address, and telephone number of the petitioner and petitioner's representative, and a statement indicating the person to whom communications concerning the petition should be directed.

The academy council may deny a petition because it does not substantially conform to the required form.

1.11(2) Briefs. The petitioner may attach a brief to the petition in support of the action urged in the petition. The academy council or the academy staff may request a brief from the petitioner or from any other person concerning the substance of the petition.

1.11(3) Inquiries. Inquiries concerning the status of a petition for rule making may be made to the Academy Director, Iowa Law Enforcement Academy Council, Camp Dodge, P.O. Box 130, Johnston, Iowa 50131-0130.

1.11(4) Academy council consideration. Upon request by petitioner in the petition, the academy director must schedule a brief and informal meeting between the petitioner and the academy council, a member of the academy council, or a member of the staff of the academy to discuss the petition. The academy council or a member of the academy staff may request the petitioner to submit additional information or argument concerning the petition. Comments may also be solicited from any person on the substance of the petition. Also, comments on the substance of the petition may be submitted to the academy council by any person.

Within 60 days after the filing of the petition, or within any longer period agreed to by the petitioner, the academy council must, in writing, deny the petition and notify the petitioner of its action and the specific grounds for the denial, or grant the petition and notify the petitioner that it has instituted rule-making proceedings on the subject of the petition. The petitioner shall be deemed notified of the denial or grant of the petition on the date when the academy council mails or delivers the required notification to the petitioner.

Denial of a petition because it does not substantially conform to the required form does not preclude the filing of a new petition on the same subject that seeks to eliminate the grounds for the academy council's rejection of the petition.

This rule is intended to implement Iowa Code section 17A.7.

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CHAPTER 2
MINIMUM STANDARDS FOR IOWA LAW ENFORCEMENT OFFICERS

[Appeared as Ch 1 prior to 4/10/85]

[Prior to 3/11/87, Law Enforcement Academy[550] Ch 2]

501—2.1(80B) General requirements for law enforcement officers. In no case shall any person hereafter be selected or appointed as a law enforcement officer unless the person:

2.1(1) Is a citizen of the United States and a resident of Iowa or intends to become a resident upon being employed; provided that, with the approval of the Iowa law enforcement academy council, a city located on a state border that is within a standard metropolitan statistical area may allow officers to reside in an adjacent state within that statistical area upon written application by the agency administrator to the council showing substantial reason and documenting undue hardship. Railway special agents who are approved by the commissioner of public safety as special agents of the department shall be exempt from the Iowa residency requirement.

2.1(2) Is 18 years of age at the time of appointment.

2.1(3) Has a valid driver's or chauffeur's license issued by the state of Iowa. Railway special agents who are approved by the commissioner of public safety as special agents of the department and officers who are allowed to reside in an adjacent state within a standard metropolitan statistical area shall be required to possess a valid driver's or chauffeur's license.

2.1(4) Is not addicted to drugs or alcohol.

2.1(5) Is of good moral character as determined by a thorough background investigation including a fingerprint search conducted of local, state and national fingerprint files and has not been convicted of a felony or a crime involving moral turpitude. Moral turpitude is defined as an act of baseness, vileness, or depravity in the private and social duties which a person owes to another person, or to society in general, contrary to the accepted and customary rule of right and duty between person and person. It is conduct that is contrary to justice, honesty or good morals. The following nonexclusive list of acts has been held by the courts to involve moral turpitude: income tax evasion, perjury, or its subornation, theft, indecent exposure, sex crimes, conspiracy to commit a crime, defrauding the government and illegal drug sales. Various factors, however, may cause an offense which is generally not regarded as constituting moral turpitude to be regarded as such. The offenses of assault, domestic abuse, or other offenses of domestic violence, stalking, and any offense in which a weapon was used in the commission are crimes involving moral turpitude.

2.1(6) Has successfully passed a physical test adopted by the Iowa law enforcement academy.

2.1(7) Is not by reason of conscience or belief opposed to the use of force, when necessary to fulfill that person's duties.

2.1(8) Is a high school graduate with a diploma, or possesses a GED equivalency certificate.

2.1(9) Has an uncorrected vision of not less than 20/100 in both eyes, corrected to 20/20. Has color vision consistent with the occupational demands of law enforcement. Passing any of the following color vision tests indicates that the applicant has color vision abilities consistent with the occupational demands of law enforcement:

Pseudoisochromatic plates tests such as but not limited to: Tokyo Medical College, Ishihara, Standard Pseudoisochromatic Plates, Dvorine, American Optical HRR Plates, American Optical.

Panel tests such as:

Farnsworth Dichotomous D-15 Test or any other test designed and documented to identify extreme anomalous trichromatic, dichromatic or monochromatic color vision.

Individuals with extreme anomalous trichromatism or monochromasy color vision, as determined through testing, are not eligible to be hired as law enforcement officers in the state of Iowa.

2.1(10) Meets hearing standards as outlined below.

a. The person shall have normal hearing in each ear. Hearing is considered normal when, tested by an audiometer, hearing sensitivity thresholds are within 25dB measured at 500Hz, 1000Hz, 2000Hz and 3000Hz averaged together.

b. If the person does not have normal hearing as described above and any of the following (as recommended by the American Academy of Otolaryngology) conditions exist, a medical specialist's evaluation (otologic evaluation) is required in order for the candidate to be considered for hire:

- (1) Average hearing level at 500Hz, 1000Hz, 2000Hz, and 3000Hz greater than 25dB, in either ear.
- (2) Difference in average hearing level between the better and poorer ear of:
 1. More than 15dB at 500Hz, 1000Hz, and 2000Hz, or
 2. More than 30dB at 3000Hz, 4000Hz, and 6000Hz.
- (3) History of ear pain; drainage; dizziness; severe persistent tinnitus; sudden, fluctuating, or rapidly progressive hearing loss; or a feeling of fullness or discomfort in one or both ears within the preceding 12 months.
- (4) Cerumen accumulation sufficient to completely obstruct the view of the tympanic membrane or a foreign body in the ear canal.
- (5) Use of a hearing aid.

c. Functional hearing evaluation required. Issues of reversibility and prognosis should be addressed during the otologic evaluation. The evaluation should consist of directional speech comprehension in noise and speech comprehension in quiet using the High Intensity Noise Test (HINT) or other tests that meet the performance characteristics as outlined in paragraph "d." Candidates who perform more poorly than the fifth percentile of the normal hearing group under any of the three background noise conditions (noise in front, right, or left) are not eligible for hire. Candidates with quiet thresholds greater than 28dB(A) on the HINT or other tests that meet the performance characteristics as outlined in paragraph "d" are not eligible for hire.

d. Required performance testing characteristics include the following:

- (1) Testing is available in both headphone and sound field versions.
- (2) The testing has an adequate normal hearing control group.
- (3) The testing is capable of spatial separation between the speech and the noise source.
- (4) The testing uses adaptive testing techniques.
- (5) The testing uses a stationary background noise with the same average level across frequencies as the speech.

e. Use of a hearing aid. A candidate who uses a hearing aid(s) should be administered the HINT or other tests that meet the performance characteristics as outlined in paragraph "d" to assess speech comprehension ability in noise and quiet. Both tests must be administered by sound field methods rather than headphones. An aided audiogram can be reviewed to evaluate sound detection ability.

Before functional testing, the examining physician must ensure that the aid(s) has been worn regularly for at least one month, since it takes some practice before an individual obtains the maximum benefit from the hearing aid(s). Furthermore, the examining physician should obtain all records from the audiologist who dispensed the hearing aid(s). The records must include documentation of the fitting program and other hearing aid settings, which are used on a regular basis by the candidate. This information shall be reviewed by the certified audiologist performing the testing procedure to verify that the settings have not been intentionally altered.

The following protocol must be used. No modifications to the candidate's hearing aid program or settings should be made prior to or during the performance of this protocol.

(1) Evaluate whether the hearing aid(s) is working properly. The electroacoustic response characteristics of each hearing aid worn by the candidate should be measured in an appropriate acoustic coupler and test chamber according to ANSI specifications (ANSI 1992 and 1996). The response of the hearing aid(s) should be measured at the four designated input levels with a broadband test signal, as specified in the specifications. All measurements should be printed and retained in the candidate's records. If the hearing aid(s) is not in proper working condition, no further testing should be performed at that time. The candidate may elect to have the hearing aid(s) repaired or replaced and may return to repeat the protocol. In this event, the entire protocol, including measurements of the electroacoustic response characteristics of the hearing aid(s), should be repeated with the new or repaired hearing aid(s). Hearing aid sales, repairs, and replacements should be from an independent provider other than the provider of the functional assessment services.

(2) Review the candidate's regular fitting program and settings. The fitting program and settings should be equivalent to those measured according to subparagraph (1). If they are not equivalent, no further testing should be performed at that time.

(3) Determine whether the functional gain is both physiologic and appropriate for the candidate's hearing loss. Unaided and aided binaural sound field thresholds should be measured at 250Hz, 500Hz, 1000Hz, 2000Hz, 3000Hz, 4000Hz, and 6000Hz, using warble tone stimuli presented from a loudspeaker positioned 1 meter in front of the candidate at 0 degrees azimuth. If the functional gain is not physiologic and appropriate, then no further testing should be performed at that time.

(4) Perform aided sound field HINT or other approved testing in noise and quiet. Compare the results to the site-specific normal values for sound field noise front, noise right, and noise left conditions. If the measured thresholds are better than the fifth percentile under all three conditions, then the noise testing shall be repeated with the background noise fixed at 80dB(A). The same normative values used with the standard background noise levels may be used to assign percentile scores to these results.

The examining physician may use the evaluation algorithm described in Hearing Guidelines—Abnormal Audiogram, with one exception. Many present-day hearing aids employ methods of sound processing that vary as a function of the background noise level, and it is necessary to measure aided sound field HINT thresholds through a range of background noise levels. Therefore, candidates who use hearing aid(s) should be functionally normal both under standard HINT background noise levels (i.e., 65dB) and at levels that are commonly encountered in the field (80dB).

The candidate has met the required hiring standards if the candidate has demonstrated acceptable functional ability when wearing a hearing aid(s) and wears a hearing aid(s) when assigned to field duty.

2.1(11) Is examined by a licensed physician or surgeon and meets the physical requirements necessary to fulfill the responsibilities of a law enforcement officer.

501—2.2(80B) Mandatory psychological testing and administrative procedures. In no case shall any person be selected or appointed as a law enforcement officer unless that person has performed satisfactorily in preemployment cognitive or personality tests, or both, prescribed by the Iowa law enforcement academy.

2.2(1) Required cognitive test.

a. Entry-level applicants for all law enforcement positions in the state of Iowa shall take the Stanard & Associates' National Police Officer Selection Test (POST).

b. The minimum satisfactory score to be eligible for employment is 70 percent on each of the four sections of this examination. Agencies and civil service commissions may require a higher satisfactory score than 70 percent on each or any of the sections of the test.

2.2(2) Required personality test.

a. The Minnesota Multiphasic Personality Inventory (MMPI) test shall be taken by all applicants in the final selection process for a law enforcement position.

b. The prescribed personality test for an applicant in the final selection process shall be administered, scored and interpreted by the academy or by an individual who has been approved by the academy. The prescribed personality test for an applicant in the final selection process shall be evaluated by the Iowa law enforcement academy. These tests shall be evaluated and test results and evaluations shall be forwarded to a law enforcement agency for selection purposes only by the Iowa law enforcement academy upon proper waiver by the applicant.

2.2(3) Test administration.

a. Test results may be forwarded by the academy to a law enforcement agency for selection purposes only upon proper waiver by the applicant.

b. The Iowa law enforcement academy shall have prescheduled testing dates each fiscal year. Nonscheduled testing dates may also be provided.

2.2(4) Cognitive test.

a. At the discretion of the employing agency, the cognitive test (POST) may be administered by qualified individuals.

b. Arrangements for and administration of the Stanard & Associates' National Police Officer Selection Test (POST) shall be in accordance with directions of the Iowa law enforcement academy.

2.2(5) Personality tests.

a. Those law enforcement agencies which choose to administer, score, or interpret the MMPI without using the academy's testing services shall forward to the academy psychological testing information on any individual hired within 14 days of the date hired. Such information shall include, but not be limited to, all scores from MMPI scales used in the evaluation, the MMPI answer sheet, and any resulting reports.

b. The Minnesota Multiphasic Personality Inventory (MMPI) test may be administered to applicants who are not in the final selection process.

2.2(6) Cost of tests. The academy will establish and post fee schedules for costs of administering and evaluating the psychological and cognitive test or tests mandated by the academy for agencies who choose to utilize academy testing services.

The cost of the POST test shall be paid by the agencies for which testing is conducted to Stanard & Associates in accordance with the fee schedule approved by and posted at the Iowa law enforcement academy.

2.2(7) Availability of tests scores.

a. Forwarding of cognitive test results. Individual cognitive test scores of cognitive tests purchased through the Iowa law enforcement academy shall be provided by the Iowa law enforcement academy to prospective employing agencies upon request and proper waiver by the applicant for a minimal handling fee.

b. Forwarding of Minnesota Multiphasic Personality Inventory (MMPI) test results. The evaluation by the Iowa law enforcement academy of Minnesota Multiphasic Personality Inventory tests will be available to any prospective employing agency upon request and proper waiver by the applicant for a minimal handling fee.

c. Certified law enforcement officers. Law enforcement officers certified through training by the Iowa law enforcement academy are not required to take a cognitive test but may be required to do so at the discretion of the employing agency.

d. Rescinded IAB 9/22/99, effective 10/27/99.

e. Individual POST test scores shall be forwarded by Stanard & Associates to prospective employing agencies upon request and payment of a fee in accordance with the fee schedule approved by and posted at the Iowa law enforcement academy.

f. Individual POST test scores must be postmarked and forwarded to Stanard & Associates within one business day of the date of the examination.

g. Only scores forwarded to Stanard & Associates will be recognized as valid and become part of the Iowa database.

2.2(8) Tests are valid for specific period.

a. The Iowa law enforcement academy evaluations of the Minnesota Multiphasic Personality Inventory may only be used for 12 months to comply with these testing rules. Any applicant who has not been hired or placed upon a civil service certified list within 12 months of taking the Minnesota Multiphasic Personality Inventory test must retake the examination and, before the applicant is hired, the results of the examination must be considered by the hiring authority.

b. Rescinded IAB 9/22/99, effective 10/27/99.

c. At its discretion the employing agency may elect to require an applicant to retake any Iowa law enforcement academy required psychological test as well as any other tests that it may deem necessary in its selection process.

d. POST test scores shall be valid for a period of one year from the date of the examination. An applicant who has not been hired or placed upon a civil service certified list within one year of taking this test must retake and successfully pass the examination before being hired. A person may retest on the same version of the POST examination once within a 12-month period, with a minimum required delay of 90 days before the retest. No delay in retesting is required when a person is given an alternate version of the POST examination.

e. The employing law enforcement agency or appropriate civil service commission retains the exclusive right to decide whether an individual shall be allowed to retest or take an alternate version of the POST examination as provided by these rules.

2.2(9) Construction. Nothing in these rules should be construed to preclude a Civil Service Commission or employing agency from requiring an applicant for a law enforcement position to take tests other than those mandated by these rules so long as the applicant in the final selection process has complied with these rules. These rules shall not be construed as altering or changing the current authority of a Civil Service Commission.

501—2.3(80B) Officers moving from agency to agency.

2.3(1) A certified Iowa peace officer who has previously met all the requirements of rule 2.1(80B) and who intends to move employment from one Iowa law enforcement agency to another Iowa law enforcement agency, or who intends to be employed as a certified peace officer by more than one Iowa law enforcement agency simultaneously, shall:

- a.* Undergo a psychological examination as provided in rule 2.2(80B) of this chapter, and
- b.* Be of good moral character as determined by a thorough background investigation by the hiring agency, including, but not limited to, a fingerprint search conducted by the Iowa division of criminal investigation and Federal Bureau of Investigation. If the results of the fingerprint file checks cannot reasonably be obtained prior to the time of appointment, the hiring shall be considered conditional until such time as the results are received and reviewed by the appointing agency.

2.3(2) Except as otherwise specified, the provisions of rule 2.1(80B) of this chapter do not need to be reverified upon the movement of employment from one Iowa law enforcement agency to another Iowa law enforcement agency or upon being employed by more than one Iowa law enforcement agency simultaneously if the certified Iowa peace officer met all of the requirements of rule 2.1(80B) when the officer was initially hired as an Iowa peace officer and if, without a break of not more than 180 days from law enforcement service, the officer is hired by another Iowa law enforcement agency.

2.3(3) A certified Iowa peace officer who has previously met all the requirements of rule 2.1(80B) and who intends to work at the Iowa law enforcement academy shall meet the requirements as outlined in this chapter effective October 20, 2004. Certified Iowa peace officers who are working at the Iowa law enforcement academy before October 20, 2004, may be considered regular peace officers in an active sworn status, and the requirements outlined in 2.3(1) and 2.3(2) shall be waived.

501—2.4(80B) Officers in agencies under intergovernmental agreements. The provisions of rule 2.1(80B) do not need to be reverified by officers when jurisdictions enter into an intergovernmental agreement under the provisions of Iowa Code chapter 28E for the sharing of law enforcement services by those jurisdictions and officers if the execution, filing and recording of the agreement conform to the requirements of Iowa law and a certified copy is provided to the director of the academy; however, this does not apply to the establishment of a unified law enforcement district as defined in Iowa Code section 28E.21, wherein a new legal entity or political subdivision is established.

501—2.5(80B) Higher standards not prohibited. While no person can be selected, hired or appointed as an Iowa law enforcement officer who does not meet minimum requirements, agencies are not limited or restricted in establishing additional standards.

These rules are intended to implement Iowa Code sections 80B.11 and 80B.11B.

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[◊] Two or more ARCs

CHAPTER 3
CERTIFICATION OF LAW ENFORCEMENT OFFICERS

[Appeared as Ch 1 prior to 4/10/85]
[Prior to 3/11/87, Law Enforcement Academy[550] Ch 3]

501—3.1(80B) Certification through training required for all law enforcement officers.

3.1(1) All law enforcement officers must be certified through the successful completion of training at an approved law enforcement training facility in order to remain eligible for employment. As a condition precedent to enrollment in a certifying training program, the Iowa law enforcement academy must be provided with verification by the enrollee's hiring agency that the minimum standards for Iowa law enforcement officers have been met as provided in rule 501—2.1(80B), except for a person elected or appointed as sheriff who may choose to be exempted from the requirement of 501—subrule 2.1(6), and may determine not to participate in physical training and who shall then be eligible only for certification as provided in subrule 3.1(2). Officers must be certified within one year of their employment, except sheriffs who must be certified within one year of taking office. (See rule 501—3.8(80B) for certification by testing requirements.)

3.1(2) A person elected or appointed sheriff who otherwise successfully completes a basic training course except for the physical training requirements, as provided by Iowa Code section 331.651(1), shall be granted certification limited to and valid only for the position of sheriff of the county in which the person was elected or appointed.

3.1(3) The academy council may, at the council's discretion, extend the one-year time period in which an officer must become certified for up to 180 days after a showing of "undue hardship" by the officer or the officer's hiring agency. To be considered for an extension of the one-year certification period, the person or agency requesting the extension must initiate the request in writing, not less than 10 days prior to the council meeting at which it is to be discussed, and then make a presentation to the council at the next regularly scheduled meeting of the council. Extensions shall not be liberally granted and shall only be granted after a showing that all other alternatives to an extension have been considered and rejected.

3.1(4) In accordance with Iowa Code section 80B.17, the one-year time period in which an officer must become certified is automatically extended for up to 180 days for an officer who is enrolled in training within 12 months of initial appointment. For purposes of this subrule, "enrolled" means physically present in and currently attending a basic certification training class.

3.1(5) The time period within which a person must achieve certification as a law enforcement officer in the state of Iowa as specified in rule 501—3.1(80B) shall commence on the day a person is first employed as a regular law enforcement officer in the state of Iowa. Any subsequent changes in a law enforcement officer's employment status, including transfers to a different employing agency, shall not toll or otherwise extend the certification period.

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 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.

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. 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.

501—3.3(80B) Standard certifying courses for approved law enforcement facilities. The standard certifying courses of study at an approved law enforcement training facility are:

1. The long course, consisting of 417 hours to be completed within a 20-week period; and
2. The short course, consisting of 326 hours to be completed within a 16-week period.

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

3.4(1) Have satisfactorily completed a two-year or four-year police science or criminal justice program at an accredited educational institution and documentation furnished to the academy.

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 same.

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

501—3.5(80B) Curriculum for long course.

3.5(1) Program administration 22 hours

- a. Registration.
- b. Orientation.
- c. Counselor meetings.
- d. Tests and review.
- e. Moot court.
- f. Graduation.

3.5(2) Patrol and traffic 65 hours

- a. Techniques of patrol and beat assignments.
- b. Observation and perception.
- c. Radio communications.
- d. Vehicle stops (of which 2 hours must be night vehicle stops).
- e. Building searches.
- f. Traffic direction.
- g. Accident investigation.
- h. Traffic law enforcement.
- i. Radar.
- j. OWI (enforcement techniques).
- k. Standardized field sobriety testing (horizontal gaze nystagmus).
- l. Chemical testing.
- m. Intoxilyzer.
- n. Hazardous materials operations.

3.5(3) Officer survival 141 hours

- a. Firearms/use of force (a minimum of 6 hours must be night fire).
- b. Defensive tactics/baton.
- c. Vehicle operations.
- d. Physical training.
- e. Chemical agents.
- f. Risk assessment in officer survival.
- g. Risk management in calls for service (felony calls).

3.5(4) Skills 69 hours

- a. Iowa law enforcement emergency care provider (ILEECP).
- b. Fingerprints.
- c. Interviews and interrogations.
- d. Crime scene, searching and recording.
- e. Notetaking.
- f. Report writing.

3.5(5) Investigation of specific crimes 25 hours

- a. Street intoxication.

- b. Narcotics investigation.
- c. Vehicle theft.
- d. Hate crimes.
- e. Domestic abuse.
- f. Death investigation.
- g. Sex abuse.
- h. Burglary.
- i. Gangs.
- 3.5(6) *The law and the courts* 65 hours**
 - a. Criminal law.
 - b. Procedural due process.
 - c. Law of arrest.
 - d. Court organization.
 - e. Search and seizure.
 - f. Juvenile law.
 - g. Rules of evidence.
 - h. OWI law.
 - i. Motor vehicle law.
 - j. Narcotics law.
 - k. Confessions and admissions.
 - l. Civil liability.
 - m. Testifying in court.
- 3.5(7) *Human behavior* 30 hours**
 - a. Self-understanding and handling stress.
 - b. Community relations/crime prevention.
 - c. Ethics and professionalism.
 - d. Discretion.
 - e. Minority groups.
 - f. Special needs population.
 - g. Crisis intervention.
 - h. Moral aspects of the use of force.
 - i. Death notification.
 - j. Mandatory reporting of dependent adult and child abuse.
 - k. Blood-borne pathogens and TB.

TOTAL HOURS: 417

501—3.6(80B) Curriculum for short course.

- 3.6(1) *Skills—traffic and patrol* 64 hours**
 - a. Vehicle operations.
 - b. Accident investigation.
 - c. Radar.
 - d. Traffic direction.
 - e. Hazardous materials operations.
 - f. Vehicle stops (of which 2 hours must be night vehicle stops).
 - g. OWI enforcement.
 - (1) Implied consent.
 - (2) Chemical testing.
 - (3) Intoxilyzer certification.
 - h. Felony calls.
- 3.6(2) *Skills—investigative* 16 hours**
 - a. Crime scene search and recording.
 - b. Fingerprinting.

- c. Interviewing and interrogations.
- d. Photography.
- 3.6(3) Skills—general** 140 hours
 - a. Firearms/use of force (of which 6 hours must be night fire).
 - b. Defensive tactics.
 - c. Iowa law enforcement emergency care provider (ILEECP).
 - d. Physical fitness.
- 3.6(4) Legal and investigative** 66 hours
 - a. Criminal law.
 - b. Search and seizure.
 - c. Law of arrest.
 - d. Rules of evidence.
 - e. Confessions and admissions.
 - f. Motor vehicle law.
 - g. Juvenile law.
 - h. OWI (legal).
 - i. Narcotics law.
 - j. Death investigation.
 - k. Narcotics investigation.
 - l. Vice investigation.
 - m. Sexual abuse investigation.
- 3.6(5) Human relations and communications** 24 hours
 - a. Report writing.
 - b. Crisis intervention (including domestic abuse).
 - c. Minority relations.
 - d. Mandatory reporting (dependent adult and child).
 - e. AIDS.
 - f. Testifying in court.
- 3.6(6) Program administration** 16 hours
 - a. Registration and orientation.
 - b. Testing.
 - c. Graduation.
 - d. Miscellaneous.

TOTAL HOURS: 326

501—3.7(80B) Special certification. The director of the academy, subject to the approval of the council may develop special certifying training courses in consideration of the varying factors and special requirements of certain law enforcement agencies.

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. 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 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) Less than five years of law enforcement experience. Officers with less than five years of full-time law enforcement experience will be required to pass a comprehensive test or tests which will

focus on all phases of law enforcement. The test or tests will include, but need not be limited to, such topics as criminal law, juvenile law, motor vehicle law, law of arrest, law of search and seizure, law regarding the use of force, confessions and admissions, crime prevention, community relations, minority relations, crime scene investigation, vehicle stops, and rules of evidence.

3.8(3) *Tabulating previous law enforcement experience.* In tabulating whether an officer has met the law enforcement experience requirement, no credit will be given for experience received from the officer's current employment.

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 certifying basic law enforcement training school in another state, which certification has not been withdrawn by the certifying state.

b. Firing a verified score of 80 percent or greater with the officer's service handgun since the individual's appointment as an Iowa law enforcement officer, and which course of fire was prescribed by the academy and administered by the Iowa law enforcement academy or its designee.

c. Possession of a current Iowa law enforcement emergency care provider (ILEECP) card or another appropriate certification recognized 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 academy certifying school.

3.8(6) *Retesting requirements.* Failure to successfully complete this examination will require retesting within 60 days in the areas failed. If any area is failed a second time, it will be necessary for the individual to attend and satisfactorily complete training at the academy covering those areas of deficiency. Successful completion of the training will result in law enforcement officer certification by the academy council.

3.8(7) *One year's absence from law enforcement shall require training.* An officer who has not served as a regular law enforcement officer during the 12-month period preceding the officer's hiring date will be required to attend a certifying school.

501—3.9(80B) Special certification through examination. This rule is promulgated by the academy in compliance with 1996 Iowa Acts, chapter 1201. Persons having successfully completed the Federal Bureau of Investigation National Academy, having corrected Snellen vision in both eyes of 20/20 or better, and having been employed on or before January 1, 1996, as chief of police of a city in the state of Iowa with a population of 20,000 or more may, upon application to the director with council approval, take a competency test or tests to gain Iowa law enforcement officer certification. 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 and the passing score will be determined by the academy. Persons eligible under this rule who successfully complete the long form examination shall be granted certification limited to and valid only for the position for which the person was hired.

3.9(1) *Criteria.* The following will be prerequisites for special certification through examination under this rule:

a. Firing a verified score of 80 percent or greater with the officer's service handgun which course of fire was prescribed and administered by the Iowa law enforcement academy.

b. The applicant must possess or obtain current Iowa law enforcement emergency care provider (ILEECP) or more advanced certification recognized by the Iowa department of public health and approved by the academy, and current course completion in cardiopulmonary resuscitation, AED and Foreign Body Airway Obstruction for all age groups according to national standards, with documentation furnished to the academy.

3.9(2) *Application and testing periods.* Application shall be made within 120 days of the effective date of this rule. Failure to make timely application will result in the applicant's being required to attend an academy certifying school.

3.9(3) Retesting requirements. Failure to successfully complete the examination will require retesting within 60 days in the areas failed. If any area is failed a second time, the applicant will be required to attend and satisfactorily complete training at the academy covering those areas of deficiency. Successful completion of the training will result in law enforcement officer certification by the academy council.

501—3.10(80B) More extensive certifying course curricula not prohibited. While no law enforcement training facility will be approved by the Iowa law enforcement academy council which does not meet the minimum requirements of these certifying course curricula, this in no way limits or restricts any law enforcement training facility in instituting a certifying course curriculum that surpasses the curriculum established pursuant to Iowa Code chapter 80B.

This rule is intended to implement Iowa Code chapter 80B.

501—3.11(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—3.12(80B) Training of an individual who intends to become certified as a law enforcement officer.

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 501—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 within the next 18 months or has hired the individual as a law enforcement officer.

c. The fees to attend the Iowa law enforcement academy will be collected as follows:

(1) 25 percent at the time position in class is reserved. (This fee is nonrefundable.)

(2) 25 percent on first day of the academy class.

(3) The remaining amount to reach full payment of all ILEA training fees must be received by the end of the fourth week or the individual will be dismissed from the academy.

d. The fees to attend a short course of study at an approved law enforcement training program will be collected as determined by that entity.

3.12(2) Hiring standards. An individual who files an application under subrule 3.12(1) must meet all hiring standards as established by the academy in rules 501—2.1(80B) and 501—2.2(80B).

a. The sponsoring law enforcement agency may conduct required testing including medical/psychological/cognitive examinations, thorough background investigation and other matters as required by rules 501—2.1(80B) and 501—2.2(80B). The sponsoring law enforcement agency that conducts the required testing must certify that all hiring standards have been met and submit proof of the same as required by Iowa law enforcement academy administrative rules and on forms provided by the academy.

b. The academy shall conduct the required testing including medical/psychological/cognitive examinations, thorough background investigation and other matters as required by rules 501—2.1(80B) and 501—2.2(80B) if the sponsoring agency has not done so. The academy will establish fees for conducting the hiring standards requirements, including the background check, to be paid by the individual filing the application. The fees must be paid before the testing occurs.

3.12(3) Application for a short course of study at an approved law enforcement training program. An individual applying for attendance at a short course of study at an approved law enforcement training program shall submit proof of successful completion of a two-year or four-year police science or criminal

justice program at an accredited educational institution in this state as approved by the academy. The proof must include a letter from the registrar certifying the person's graduation and a certified transcript of courses taken and grades received. The proof must be submitted 30 days in advance of the course of study that the person wants to attend.

3.12(4) Permission to attend. An individual shall not be granted permission to attend an approved law enforcement training program if such acceptance would result in the nonacceptance of another qualifying applicant who is a law enforcement officer.

3.12(5) Certification. 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.

3.12(6) Employment within 18 months. The individual must be employed by an Iowa law enforcement agency within 18 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 months of completion of the course of study.

This rule is intended to implement 2003 Iowa Acts, Senate Files 352 and 453.

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

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² Effective date delayed until the adjournment of the 1994 Session of the General Assembly pursuant to Iowa Code section 17A.8(9) by the Administrative Rules Review Committee at its meeting held May 12, 1993.

CHAPTER 4
INSTRUCTOR CERTIFICATION CRITERIA FOR APPROVED REGIONAL
LAW ENFORCEMENT TRAINING FACILITIES

[Appeared as Ch 3 prior to 4/10/85]

[Prior to 3/11/87, Law Enforcement Academy[550] Ch 4]

501—4.1(80B) Instructors for approved regional training facility.

4.1(1) *Instructor designation.* All instructors at regional training facilities will be designated as either general, specialist, or professional. General law enforcement instructors will be those instructing in subjects clearly law enforcement in nature. Specialist law enforcement instructors are those persons who have attended specialized schools and possess considerable experience in the subject to be taught. Professional law enforcement instructors will be those instructing subjects in the area of criminal law, human relations, and other areas requiring specialized academic degree. Final decision as to whether an instructor is in the general, specialist, or professional area rests with the academy council.

4.1(2) *Certification of regional training instructors.* All certification of regional training instructors will be the responsibility of the academy council.

4.1(3) *Request for instructional certification.* All instructors requesting certification must submit this request to the academy council on an application which can be obtained from the Iowa law enforcement academy.

4.1(4) *Instructor qualifications.* Instructors will be certified on the basis of minimum qualifications in the areas of education, training, experience and background. The actual evaluation and selection of instructors will remain the responsibility of the regional facility director who is ultimately responsible for the instruction provided.

4.1(5) *Granting or revocation of instructor certification.* All instructor certification will be issued for a period of four years. At the end of a four-year period, certification may be renewed if the instructor has successfully completed an instructor training course, consisting of a minimum of 30 hours, and has instructed in a certified training program during the four-year period, or has provided a minimum of 80 hours of classroom instruction during the period of certification and if the instructor's certification renewal is recommended by the regional facility director under whose supervision the individual has instructed. The certification may be revoked in writing whenever, in the opinion of the academy council or in the opinion of the regional facility director, the same should be revoked. In the event of denial of recertification or revocation of certification, the certificate holder may file a written notice of appeal to the academy council within 30 days of notification of the action. The appeal notice should be addressed to Director, Iowa Law Enforcement Academy, Camp Dodge, P.O. Box 130, Johnston, Iowa 50131. A hearing on this matter will be held by the academy council within 60 days of the receipt of the appeal notice.

4.1(6) *Waiver of application requirements for instructor certification.* The requirement for the submission of a formal application for certification for instructors at a regional training facility may be waived by the academy council in instances involving instructors made available by federal agencies. Final decision regarding the applicability of this provision to a proposed regional facility instructor (general, specialist, or professional) rests with the academy council.

4.1(7) *Responsibility for ensuring instructional excellence.* It is the continuing responsibility of the regional facility director to ensure that the instructors are assigned only topics which they are qualified to teach and are supervised on a regular basis to ensure that instructional excellence is maintained.

4.1(8) *Endorsement of application for instructor certification.* Applications for instructor (general, specialist, or professional) certification will be endorsed by the regional facility director and, where applicable, by the applicant's department head.

4.1(9) *Guest lecturers.* These regulations do not preclude the utilization of guest lecturers. Final decision as to whether an individual qualifies as a guest lecturer rests with the academy council.

501—4.2(80B) Minimum qualifications for certification of instructor (general).

4.2(1) *Experience.* A minimum of five years law enforcement experience with a major portion of this experience in the subject area to be instructed is required for personnel instructing general subjects.

This requirement may be modified by the director of the regional school with academy council approval in exceptional cases reflecting outstanding education or experience.

4.2(2) Education. Must have a minimum of a high school education with a diploma or possess a GED equivalency certificate.

4.2(3) Training. Must have successfully completed an instructor training course consisting of a minimum of 30 hours of instruction or has provided a minimum of 80 hours of classroom instruction within the past four years and can verify same upon request.

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

501—4.3(80B) Minimum qualifications for certification (specialist).

4.3(1) Experience and training. Must have five years of experience with major portion of this experience in the subject area to be instructed, have successfully completed a specialty course in the area to be instructed, and successfully completed an instructor training course consisting of a minimum of 30 hours of instruction or has been certified by the appropriate agency as an instructor as set forth in subrule 4.3(2).

4.3(2) Specialist (specific requirements to instruct in specialized areas). Special training or experience is required to instruct in certain segments of the curriculum as listed below:

a. Firearms instructor. Successful completion of a firearms instructor school at the Iowa law enforcement academy.

b. Defensive tactics instructor. Successful completion of a defensive tactics instructor school at the Iowa law enforcement academy or other training recognized by the Iowa law enforcement academy.

c. Precision driving instructor (lead instructor). Must have satisfactorily completed a recognized precision driving instructor school.

Assistant instructors. Must possess an understanding of the program to be presented and as a result of experience and informal instruction have developed skills adequately to assist lead instructor and shall work under the immediate supervision of lead instructor at all times.

d. Physical fitness instructor. Successful completion of a physical fitness instructor school at the Iowa law enforcement academy or other training recognized by the Iowa law enforcement academy.

e. Crash injury management. Must be certified to instruct in this area by the Iowa department of public health.

f. Fingerprint instructor. Must have successfully completed the basic and advanced Federal Bureau of Investigation fingerprint schools or a program approved by the Iowa law enforcement academy council.

g. Narcotics and dangerous drug instructor. Must have extensive experience and specialty training in this area.

h. Accident investigation instructor. Must have completed a two-week accident investigation school provided or recognized by the Iowa law enforcement academy.

i. Law enforcement and minority group instructor. Must possess a four-year degree from an accredited institution in the behavioral science area and must have three years of experience in the subject area, or, in the opinion of the council, meets the qualifications set forth in 4.3(1).

j. Communications instructor. Must be certified by general services, communication division.

k. Drinking driver control instructor. Must have extensive field experience with a strong background in the Iowa Code and case law. To teach the chemical testing segment, the instructor must possess training and experience in laboratory methods relative to the subject.

l. Arson and bombing instructor. Must have attended a specialty school in police/military explosive handling and a recognized arson school.

m. Crowd control instructor. Must have attended a school recognized by the Iowa law enforcement academy in riot control and chemical agents.

n. Criminalistics instructor. Must have extensive experience and education or training in methods and procedures for scientific crime detection.

o. Youth and law instructor. Must have extensive experience in dealing with youthful offenders, a strong background in Iowa juvenile law and relevant case law, and specialty training or education in the subject area.

501—4.4(80B) Minimum qualifications for certification of instructor (professional).

4.4(1) Experience. Must have at least three years of experience in the subject area to be instructed.

4.4(2) Education. Must have at least a baccalaureate degree in the subject area or a related field.

4.4(3) Background. Must be recommended by the regional facility director who shall consider the reputation, conduct, stability, and ability of the person being recommended.

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

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CHAPTER 5
APPROVED REGIONAL LAW
ENFORCEMENT TRAINING FACILITY

[Appeared as Ch 4 prior to 4/10/85]

[Prior to 3/11/87, Law Enforcement Academy[550] Ch 5]

501—5.1(80B) Procedures for approval or disapproval of regional training facility.

5.1(1) *On-site inspection.* Approval of a regional training facility will be made on the basis of on-site inspections conducted by members of the academy council, with or without advance notice to the regional training facility.

5.1(2) *Written request for approval.* A request for approval of a regional training facility will be made in writing to the academy council by the regional facility director.

5.1(3) *Facilities approval application form.* The request for approval of a regional training facility must be accompanied by a completed facilities approval application form, which form may be obtained from the Iowa law enforcement academy.

5.1(4) *Inspection.* The inspection of a regional training facility must be conducted within 20 days of receipt of the request by the academy council.

5.1(5) *Approval or disapproval furnished in writing.* Approval, or disapproval, of the regional training facility will be furnished in writing by the academy council to the regional facility director within 60 days of receipt of the request by the academy council.

5.1(6) *Appeal.* In the event approval of a regional training facility is denied, a written appeal may be made to the academy council. This appeal will be heard at the next regularly scheduled meeting of the academy council or within 30 days of the date of appeal, whichever occurs first. Decision of the academy council is final.

5.1(7) *Continuing approval of facility.* Continuing approval of regional training facilities shall be granted to facilities offering law enforcement training on a regular basis and will continue in effect until surrendered or revoked.

5.1(8) *One-time approval of facility.* Approval of a regional training facility offering one-time law enforcement training shall be for a specific course and shall be issued for a definite period of time not to exceed one year. A renewal of approval of such a facility may be granted by the academy council upon receipt of a written approval request accompanied by a completed facilities approval application form with or without a reinspection by members of the academy council.

5.1(9) *Revocation of approval.* Approval of a regional training facility may be revoked by action of the academy council whenever a facility is deemed inadequate. Such revocation shall be furnished in writing by the academy council to the regional facility director specifically stating why approval is being revoked. The facility may be reapproved by the academy council when it deems the deficiencies have been corrected.

5.1(10) *Notification to law enforcement officers of status of regional training facility.* It is the responsibility of the regional facility director to appropriately notify officers enrolled in a training course whether the facility has or has not been approved in compliance with Iowa's mandated training law.

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

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CHAPTER 6 DECERTIFICATION

PRACTICE AND PROCEDURE

[Ch 6 re Organization and Administration transferred to Ch 1, 4/10/85 IAC]
[Prior to 3/11/87, Law Enforcement Academy[550] Ch 6]

501—6.1(80B) Scope of rules. The rules contained in this chapter pertaining to practices and procedures are designed to implement the requirements of Iowa Code chapters 80B and 17A. These rules shall govern the practice, procedures, and conduct of contested case proceedings held in the revocation of a law enforcement officer's certification.

6.1(1) *Computation of time and filing of documents.* The computation of time and filing of documents shall be in compliance with Iowa Code section 4.1(22).

6.1(2) *Business hours.* The principal office of the Iowa Law Enforcement Academy Council shall be Camp Dodge, Iowa. Business hours shall be between the hours of 8:00 a.m. and 4:30 p.m. each weekday except Saturdays, Sundays, and legal holidays as prescribed in the Code, for the purpose of receiving protests, pleadings, petitions, motions, requests for public information, copies of official documents, or for the opportunity to inspect public records.

All documents or papers required to be filed with the council by these rules shall be filed with the director or designee at the Iowa Law Enforcement Academy, Camp Dodge, Iowa.

All documents or papers required to be filed with the council shall be delivered to the council's (principal) office within time limits as prescribed by law or by rules or orders of the council. No papers shall be considered filed until actually received by the director or designee.

In all cases where the time for filing of a protest or an appeal or the performance of any other act shall be fixed by law, the time so fixed by law shall prevail over the time fixed in these rules.

6.1(3) *Form and style of paper.* All pleadings, briefs, and motions or other documents filed with the council shall be typewritten, shall have a proper caption and a signature and copies as herein provided or as specified in some other rule. The proper caption shall be placed in full upon the first paper filed.

The signature of the petitioner, party, or other authorized representative, shall be subscribed in writing to the original of all pleadings, petitions, briefs or motions and shall be an individual and not a firm name. The name and mailing address of the party or representative actually signing shall be typed or printed immediately beneath the written signature. The signature shall constitute a certification that the signer has read the written document; that to the best of the signer's knowledge, information and belief every statement contained in the document is true and no statement is misleading; and that it is not interposed for delay.

Every pleading, brief or motion shall bear a proof of service upon the opposing party as provided by the Iowa rules of civil procedure. Except as otherwise provided in these rules or ordered by the council, an original and three copies of every pleading, brief, motion or petition shall be filed. This shall not be construed to apply to exhibits, documents or papers offered as evidence.

501—6.2(80B,80D) Grounds for revocation.

6.2(1) *Mandatory revocation.* The council shall revoke a law enforcement officer's certification or a reserve peace officer's certification if:

- a. The law enforcement officer or reserve peace officer pleads guilty to or is convicted of a felony;
- b. The law enforcement officer or reserve peace officer manufactures, sells, or conspires to manufacture or sell an illegal drug;
- c. The law enforcement officer or reserve peace officer pleads guilty to or is convicted of domestic abuse or other offenses stemming from domestic abuse.

6.2(2) *Discretionary revocation.* 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 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 Iowa law enforcement academy 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.

(4) Pleads guilty to or is found guilty of a crime, or an internal affairs investigation substantiates an act by the officer involving moral turpitude as defined in 501—subrule 2.1(5), including but not limited to:

1. Income tax evasion;
2. Perjury, or its subornation;
3. Theft;
4. Indecent exposure;
5. Sex crimes;
6. Conspiracy to commit a crime;
7. Defrauding the government;
8. Assault;
9. Stalking; and
10. Any offense in which a weapon was used in the commission of a crime.

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

(6) Fails to comply with the requirements of 501—Chapter 8 and 501—Chapter 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. 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) A written agreement or contract of employment must be entered into by the officer and the employing agency contemporaneously with the date of employment. The agreement shall specifically provide for the reimbursement to the employing agency by the officer of the costs of training incurred by the employing agency, including fees paid to ILEA, clothing vendor costs, meal costs, uniform/equipment costs, and the officer's salary paid during the academy. The agreement must:

1. Specify the amount of reimbursement that the officer agrees to pay;

2. Set forth the time period within which this reimbursement will be made, which shall be on a declining scale similar to the provisions of Iowa Code section 384.15(7);

3. Contain a statement that if reimbursement is not made in accordance with the agreement, the officer understands that the employing agency may at its option seek the officer's decertification as an Iowa law enforcement officer; and

4. Contain a provision to the effect that the agreement or contract of employment is for bona-fide employment of the officer and not for the purpose of achieving certification for the officer by way of "sponsorship" through the academy.

(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; and

1. Have attached a copy of the agreement referred to in subparagraph (1) above;

2. Include an order of judgment from a small claims or civil court;

3. State that the officer has not made reimbursement to the employing agency as provided in the agreement, and clearly describe the nature of the default;

4. List an accounting of all payments made by the officer to the employing agency under the agreement, and specify the balance due;

5. State that written notice of the default or judgment has been given to the officer, that the officer has been provided opportunity to correct the default, and that there remains no reasonable alternative to decertification;

6. Specifically recommend that the Iowa law enforcement academy council commence proceedings to decertify the officer, and state that the employing agency will do all things necessary to cooperate in this effort; and

7. Set out the last-known address of the officer, the officer's telephone number, and the officer's last-known place of employment.

(3) The recommendation for decertification must be submitted to the academy not more than one year after the date of the officer's default, unless the Iowa law enforcement academy council, upon written application and for good cause shown, grants further time in which to submit the recommendation.

501—6.3(80B) Prehearing procedures.

6.3(1) Subpoenas. Prior to the commencement of a contested case, the council may exercise the authority to subpoena books, papers, and records and shall have all other subpoena powers conferred upon it by law.

6.3(2) Commencement of contested case proceedings. Contested case proceedings shall be commenced by the filing of a notice by the council or its designee requiring the affected law enforcement officer to appear and show cause why certification to be a law enforcement officer in the state of Iowa should not be revoked or suspended. Notice may be given in the same manner as the service of original notice or may be by certified mail, return receipt requested, which shall be sent no fewer than 30 days before the date set for the hearing. The petition shall include:

1. A statement of the time, place and nature of the hearing.
2. A statement of the legal authority and jurisdiction under which the hearing is held.
3. A reference to the particular sections of the statutes and rules involved.
4. A short and plain statement of the grounds for revocation or suspension and all other relevant facts.

Notice may also be sent in the manner aforementioned or by ordinary mail to any other interested party. After the delivery of the notice commencing the contested case proceedings, the presiding officer may allow further response of pleadings by the party as in the presiding officer's discretion is deemed necessary and appropriate.

6.3(3) Discovery. The rules of the Iowa supreme court applicable in civil proceedings with respect to depositions upon oral examination or written questions; written interrogatories; production of documents or things or permission to enter upon land or other property, for inspection and other purposes; physical and mental examinations; and request for admission shall apply to discovery procedures in contested case proceedings.

All applications for the taking of discovery shall be submitted to the presiding officer who shall determine the frequency of use of these discovery methods as in the presiding officer's discretion is deemed necessary or appropriate to aid the parties in preparation of the contested case proceeding, narrowing issues or valid reasons. When the council relies on a witness in a contested case, whether or not associated with the council, who has made prior statements or reports with respect to the subject matter of the witness's testimony, it shall, on request, make such statements or reports available to a party for use on cross-examination. Identifiable council records that are relevant to disputed material facts involved in a contested case shall, upon request, promptly be made available to the party.

Evidence obtained in such discovery may be used in contested case proceedings if the evidence would otherwise be admissible in the contested case proceedings.

6.3(4) Prehearing conference. The council or its designee, acting as presiding officer, upon the presiding officer's own motion or upon the written request of one of the parties may, in the presiding

officer's discretion and upon written notice, direct the parties to appear at a specified time and place before the presiding officer for a prehearing conference to consider:

- a. The possibility or desirability of waiving any provision of these rules relating to contested case proceedings by written stipulation representing an informed mutual consent.
- b. A necessity or desirability of setting a new date for hearing.
- c. The simplification of issues.
- d. The necessity or desirability of amending the pleadings for purposes of clarification, amplification or limitation.
- e. The possibility of agreeing to the admission of facts, documents or records not substantially controverted, to avoid unnecessary introduction of proof.
- f. The procedure at the hearing.
- g. Limiting the number of witnesses.
- h. The names and identification of witnesses and the facts each party will attempt to prove at the hearing.
- i. Other matters as may aid in, expedite or simplify the disposition of the proceeding.

Since the stipulations are encouraged, it is expected and anticipated that the parties proceeding to a hearing will stipulate to evidence to the fullest extent to which complete or qualified agreement can be reached including all material facts that are not or should not fairly be in dispute. Any action taken at the prehearing conference shall be recorded in an appropriate manner unless the parties enter upon a written stipulation as to such matters or agree to a statement thereof made on the record by the presiding officer.

When an order is issued at determination of a prehearing conference, a reasonable time shall be allowed to the parties to present objections on the ground that it does not fully or correctly embody the agreements at the conference. Thereafter, the terms of the order or modification thereof shall determine the subsequent course of the proceedings relative to matters it includes unless modified to prevent manifest injustice.

501—6.4(80B) Hearing procedure.

6.4(1) *Contested case proceeding.* Unless the parties to a contested case proceeding have by written stipulation representing an informed mutual consent waived the provisions of the Act relating to the proceedings, contested case proceedings shall be initiated and culminate in an evidentiary hearing open to the public. Evidentiary hearings shall be held at the council's principal office, Iowa Law Enforcement Academy, Camp Dodge, Johnston, Iowa, except that a case may be assigned for hearing elsewhere when deemed necessary to afford a party an opportunity to appear at the hearing with as little inconvenience and expense as practicable. Parties shall have been notified of the date and place of the hearing at least 30 days prior thereto.

6.4(2) *Conduct of the proceedings.* A proceeding shall be conducted by a presiding officer who, among other things, shall:

1. Open the record and receive appearances;
2. Administer oaths and issue subpoenas;
3. Enter the notice of hearing into the record;
4. Receive testimony and exhibits presented by the parties;
5. In the officer's discretion, interrogate witnesses;
6. Rule on objections and motions;
7. Close the hearing;
8. Issue an order containing findings of fact and conclusions of law. This ruling shall be no later than 60 days after the conclusion of the hearing.

a. Evidentiary proceedings shall be oral and open to the public and shall be recorded either by mechanical means or by certified shorthand reporters. Parties requesting that the hearing be recorded by certified shorthand reporters shall bear the appropriate costs. The record of the oral proceedings or the transcription thereof shall be filed with and maintained by the council for at least five years from the date of the decision.

b. An opportunity shall be afforded to the parties to respond and argue on all issues involved and to be represented by counsel at their own expense. Unless otherwise directed by the presiding officer, evidence will be received in the following order:

1. Council designee.
2. Law enforcement officer.
3. Rebuttal by council designee.
4. Oral argument by parties (if necessary).

c. If the law enforcement officer is not represented by anyone qualified by these rules to make an appearance, the presiding officer shall explain to the law enforcement officer the rules of practice and procedure and generally conduct a hearing in a less formal manner than that used when a law enforcement officer has a representative qualified to appear. It should be the purpose of the presiding officer to assist any law enforcement officer who appears without a representative to the extent necessary to allow a fair presentation of evidence, testimony and arguments on the issues.

d. If the parties have mutually agreed to waive the provisions of the Act in regard to contested case proceedings, the hearing will be conducted in a less formal manner or in accordance with the terms of the waiver agreement.

e. If a party fails to appear in a contested case proceeding after proper service of notice, the presiding officer may, upon the officer's own motion or upon the motion of a party who has appeared, adjourn the hearing or proceed with the hearing and make a decision in the absence of the party.

f. Contemptuous conduct by any person appearing at a hearing shall be grounds for that person's exclusion from the hearing by the presiding officer.

6.4(3) Rules of evidence. The agency's experience, technical competence, and specialized knowledge may be utilized in evaluating evidence.

6.4(4) Oath. All testimony presented before the presiding officer shall be given under oath which the presiding officer has authority to administer.

6.4(5) Production of evidence and testimony. The presiding officer may issue subpoenas to a party on request, as permitted by law, compelling the attendance of witnesses and the production of books, papers, records or other real evidence.

a. When the council initially presides at a hearing, or considers an appeal from or review of the administrative presiding officer's decision, the order becomes the final order of the council for purposes of judicial review or rehearing. When the presiding officer makes a ruling pursuant to a contested case proceeding, that ruling or order becomes the final order of the council for purposes of rehearing unless there is an appeal to or review on motion of the council within 20 days. In such an appeal or review the council has all the power which the council would initially have had in making the decision. However, the council will only consider those issues or selected issues presented before the presiding officer. The parties will be notified of those issues which will be considered by the council.

b. The council may, however, allow a complete de novo hearing of the contested case in its discretion.

c. Orders will be issued within 60 days of the conclusion of the hearing unless good cause exists for a further period of time, not to exceed a reasonable period. Parties shall be promptly notified of each order by personal service or certified mail, return receipt requested.

6.4(6) Record. The record in a contested case shall include:

1. All pleadings, motions, and rulings;
2. All evidence received or considered and all other submissions;
3. A statement of all matters officially noticed;
4. All questions and offers of proof, objections, and rulings thereon;
5. All proposed findings and exceptions;
6. The order of the presiding officer.

6.4(7) *Rehearing.* Any party may file application for rehearing from a final decision of the council within 20 days of the issuance of a final decision in a contested case. Application is deemed denied unless granted within 20 days of filing.

These rules are intended to implement Iowa Code section 80B.11 and Iowa Code chapter 80D as amended by 2007 Iowa Acts, Senate File 110.

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CHAPTER 7
PUBLIC RECORDS AND
FAIR INFORMATION PRACTICES

The Iowa law enforcement academy adopts, with the following exceptions and amendments, rules of the Governor's Task Force on Uniform Rules of Agency Procedure relating to public records and fair information practices which are printed in the first volume of the Iowa Administrative Code.

501—7.1(17A,22) Definitions. As used in this chapter:

“Agency.” In lieu of the words “(official or body issuing these rules)”, insert “Iowa law enforcement academy”.

501—7.3(17A,22) Requests for access to records.

7.3(1) Location of record. In lieu of the words “(insert agency head)”, insert “director”. In lieu of the words “(insert agency name and address)”, insert “Iowa Law Enforcement Academy, P.O. Box 130, Camp Dodge, Johnston, Iowa 50131”.

7.3(2) Office hours. In lieu of the words “(insert customary office hours and, if the agency does not have customary office hours of at least thirty hours per week, insert hours specified in Iowa Code section 22.4)”, insert “8 a.m. to 4:30 p.m., Monday through Friday, except for state holidays”.

7.3(3) Request for access. In lieu of the first sentence, insert “Requests for access to open records may be made in writing or in person. The office may accommodate telephone requests where appropriate.”

7.3(7) Fees.

c. Supervisory fee. In lieu of the words “(specify time period)”, insert the words “15 minutes”.

d. Search fee. If a request requires research or if the record cannot reasonably be retrieved, the requester will be advised of the fact. Reasonable search fees or retrieval fees may be charged where appropriate.

e. Advance deposits. Reletter paragraph “d” as “e.”

501—7.6(17A,22) Procedure by which additions, dissents, or objections may be entered into certain records. In lieu of the words “(designate office)”, insert “the Director, Iowa Law Enforcement Academy, P.O. Box 130, Camp Dodge, Johnston, Iowa 50131”.

501—7.8(17A,22) Notice to suppliers of information. Insert at the end of this rule the following sentence: This notice will not be given in discovery requests, subpoenas, investigations of possible violations of the law, or similar demands for information.

501—7.9(17A,22) Disclosures without the consent of the subject.

7.9(1) Open records are routinely disclosed without the consent of the subject.

7.9(2) To the extent allowed by law, disclosure of confidential records may occur without the consent of the subject. Following are instances where disclosure, if lawful, will generally occur without notice to the subject:

a. For a routine use as defined in rule 7.10(17A,22) or in any notice for a particular record system.

b. To a recipient who has provided the agency with advance written assurance that the record will be used solely as a statistical research or reporting record, provided that the record is transferred in a form that does not identify the subject.

c. To another government agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if an authorized representative of such government agency or instrumentality has submitted a written request to the agency specifying the record desired and the law enforcement activity for which the record is sought.

- d. To an individual pursuant to a showing of compelling circumstances affecting the health or safety of any individual if a notice of the disclosure is transmitted to the last-known address of the subject.
- e. To the legislative services agency under Iowa Code section 2A.3.
- f. Disclosures in the course of employee disciplinary proceedings.
- g. In response to a court order or subpoena.

501—7.10(17A,22) Routine use.

7.10(1) Defined. “Routine use” means the disclosure of a record without the consent of the subject or subjects, for a purpose which is compatible with the purpose for which the record was collected. It includes disclosures required to be made by statute other than the public records law, Iowa Code chapter 22.

7.10(2) To the extent allowed by law, the following uses are considered routine uses of all agency records:

- a. Disclosure to those officers, employees, and agents of the agency who have a need for the record in the performance of their duties. The custodian of the record may, upon request of any officer or employee, or on the custodian’s own initiative, determine what constitutes legitimate need to use confidential records.
- b. Disclosure of information indicating an apparent violation of the law to appropriate law enforcement authorities for investigation and possible criminal prosecution, civil court action, or regulatory order.
- c. Disclosure to the department of inspections and appeals for matters in which it is performing services or functions on behalf of the agency.
- d. Transfers of information within the agency, to other state agencies, or to local units of government as appropriate to administer the program for which the information is collected.
- e. Information released to staff of federal and state entities for audit purposes or for purposes of determining whether the agency is operating a program lawfully.
- f. Any disclosure specifically authorized by the statute under which the record was collected or maintained.

501—7.11(17A,22) Consensual disclosure of confidential records.

7.11(1) *Consent to disclosure by a subject individual.* To the extent permitted by law, the subject may consent in writing to agency disclosure of confidential records as provided in rule 7.7(17A,22).

7.11(2) *Complaints to public officials.* A letter from a subject of a confidential record to a public official which seeks the official’s intervention on behalf of the subject in a matter that involves the agency may, to the extent permitted by law, be treated as an authorization to release sufficient information about the subject to the official to resolve the matter.

501—7.12(17A,22) Release to subject.

7.12(1) The subject of a confidential record may file a written request to review confidential records about that person as provided in rule 7.6(17A,22). However, the agency need not release the following records to the subject:

- a. The identity of a person providing information to the agency need not be disclosed directly or indirectly to the subject of the information when the information is authorized to be held confidential pursuant to Iowa Code section 22.7(18) or other provision of law.
- b. Records need not be disclosed to the subject when they are the work product of an attorney or are otherwise privileged.
- c. Peace officers’ investigative reports may be withheld from the subject, except as required by the Iowa Code. (See Iowa Code section 22.7(5))
- d. Examination may be withheld as defined in Iowa Code section 22.19.
- e. Decertification requests or information concerning decertification procedures under Iowa Code section 80B.13(8) and 501—Chapter 6 of the Iowa Administrative Code.
- f. As otherwise authorized by law.

7.12(2) Where a record has multiple subjects with interest in the confidentiality of the record, the agency may take reasonable steps to protect confidential information relating to another subject.

501—7.13(17A,22) Availability of records.

7.13(1) General. Agency records are open for public inspection and copying unless otherwise provided by rule or law.

7.13(2) Confidential records. The following records may be withheld from public inspection. Records are listed by category according to the legal basis for withholding them from public inspection.

- a. Sealed bids received prior to the time set for public opening of bids. (Iowa Code section 72.3)
- b. Tax records made available to the agency. (Iowa Code section 422.20, 422.72)
- c. Records which are exempt from disclosure under Iowa Code section 22.7.
- d. Minutes of closed meetings of a government body. (Iowa Code section 21.5(4))
- e. Identifying details in final orders, decisions and opinions to the extent required to prevent a clearly unwarranted invasion of personal privacy or trade secrets under Iowa Code section 17A.3(1) “d.”
- f. Those portions of agency staff manuals, instructions or other statements issued which set forth criteria or guidelines to be used by agency staff in auditing, in making inspections, in settling commercial disputes or negotiating commercial arrangements; or in the selection or handling of cases such as operational tactics or allowable tolerances, or criteria for the defense, prosecution or settlement of cases when disclosure of these statements would:
 - (1) Enable law violators to avoid detection;
 - (2) Facilitate disregard of requirements imposed by law; or
 - (3) Give a clearly improper advantage to persons who are in an adverse position to the agency. (See Iowa Code sections 17A.2 and 17A.3)
- g. Records which constitute attorney work product, attorney-client communications, or which are otherwise privileged. Attorney work product is confidential under Iowa Code sections 22.7(4), 622.10 and 622.11, Iowa R.C.P. 122.11, the rules of evidence, the Code of Professional Responsibility, and case law.
- h. Examinations and results. (Iowa Code section 22.19)
- i. Agency instructional outlines when disclosure would be prohibited by Iowa Code section 17A.2(7) “f.”
- j. Criminal investigative reports. (Iowa Code section 22.7(5))

501—7.14(17A,22) Personally identifiable information. This rule describes the nature and extent of personally identifiable information which is collected, maintained, and retrieved by the agency by personal identifier in a records system as defined in rule 7.1(17A,22). Unless otherwise stated the authority for the Iowa law enforcement academy to maintain the record is provided by Iowa Code chapter 80B, the statutes governing the subject matter of the record.

For each record system this rule describes the legal authority for the collection of that information, the means of storage of that information, and indicates whether a data processing system matches, collates, or permits the comparison of personally identifiable information in one record system with personally identifiable information in another record system. The record systems maintained by the agency are:

7.14(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 3.2(80B) of the IAC), medical information showing compliance with 501—2.1(80B) and 2.2(80B) of the IAC 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 computerized form.

7.14(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. 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 computerized forms.

7.14(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 wishing 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 computerized forms.

7.14(4) Personnel files. The agency maintains files containing information about present and former employees, families and dependents, and applicants for positions with the agency. These files include payroll records, attendance records, psychological testing results, biographical information, background investigative reports and fingerprint checks, medical information relating to disability, performance reviews and evaluations, disciplinary information, information required for tax withholding, information concerning employee benefits, affirmative action reports, and other information concerning the employer-employee relationship. Some of this information is confidential under Iowa Code sections 22.7(7) and 22.7(11) and Iowa Code chapter 692.

7.14(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 computerized form.

7.14(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 paper form.

7.14(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. This information is kept in computerized and paper form.

7.14(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. These records are kept in both computerized and paper form.

7.14(9) *Psychological testing.* These files contain information concerning a law enforcement applicant's test scores regarding cognitive and personality tests mandated by Iowa Code section 80B.11(5). 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 paper form.

7.14(10) *Contract file.* This file contains information concerning contracts between the Iowa law enforcement academy and outside agencies or individuals. Some of this information may be confidential pursuant to Iowa Code section 22.7(6). These records are kept in paper form or computerized form.

7.14(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 personnel, and the Iowa department of revenue. These records are kept in paper and computerized form.

501—7.15(17A,22) Other groups of records. This rule describes groups of records maintained by the agency other than record systems as defined in rule 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 7.13(17A,22). The records listed may contain information about individuals. All records are stored on paper and in computer systems unless otherwise noted.

7.15(1) *Council records.* Agendas, minutes, and materials presented to the Iowa law enforcement academy council are available at the Iowa law enforcement academy, except those records concerning executive sessions which are exempt from disclosure under Iowa Code section 21.5 or which are otherwise confidential by law. Council records contain information about people who participate in meetings. This information is collected pursuant to Iowa Code section 21.5.

7.15(2) *Administrative records.* This includes documents concerning budget, property inventory, reservation and use of facility space, purchasing, yearly reports, office policies for employees, time sheets, printing and supply requisitions, and income sources such as psychological testing fees, petty cash, tuition, film rentals, and room rentals.

7.15(3) *Publications.* The office receives a number of books, periodicals, video tapes, 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.

7.15(4) *Rule-making records.* Public documents generated during the promulgation of agency rules, including notices and public comments, are available for public inspection.

7.15(5) *Office manuals.* Information in office manuals such as the instructor outlines or policy manuals may be confidential under Iowa Code section 17A.2(7) "f" or other applicable provision of law.

7.15(6) *Office publications.* The agency maintains statistical reports and other written documentation to educate the public about the Iowa law enforcement academy to be used in program planning and budget projections.

7.15(7) *Legislative files.* These files keep a record of bills being considered by the Iowa legislature each legislative session. These records are public records and can best be obtained by contacting the Iowa house or senate bill rooms at the state capitol.

7.15(8) *Research files.* These files are kept as working files to research and scrutinize different concerns particular to law enforcement and the academy's training and rule-making obligations. Some of this information is confidential as attorney-client work product, as under Iowa Code section 17A.2, 22.7, or other applicable provisions of law.

7.15(9) *All other records.* Records are open if not exempted from disclosure by law.

501—7.16(17A,22) Data processing systems. None of the data processing systems used by the agency compare personally identifiable information in one record system with personally identifiable information in another record system.

These rules are intended to implement Iowa Code sections 22.11 and 80B.11.

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CHAPTER 8
MANDATORY IN-SERVICE TRAINING REQUIREMENTS

501—8.1(80B) Minimum in-service training requirements. All regular law enforcement officers shall meet the following mandatory minimum in-service training requirements.

8.1(1) Firearms training. A regular law enforcement officer must qualify with all duty handguns annually on a course of fire approved by the Iowa law enforcement academy and must successfully fire a minimum score as established by the Iowa law enforcement academy. This rule applies to only those law enforcement officers who are authorized to carry handguns by their employing agency.

8.1(2) CPR training. A regular law enforcement officer shall maintain current course completion in cardiopulmonary resuscitation, AED and Foreign Body Airway Obstruction for all age groups according to national standards recognized by the Iowa law enforcement academy.

8.1(3) General training. In addition to the requirements of subrules 8.1(1) and 8.1(2), a regular law enforcement officer must receive a minimum of 12 hours per year, or 36 hours every three years, 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 towards the in-service training requirement for the subject taught, plus the corresponding hours for preparation of the subject, not to exceed the credit obtained for the actual number of hours taught. An instructor in a 12-month period may receive credit for up to 12 hours of instruction for each subject taught.

8.2(2) A peace officer instructor may receive in-service training credit for the same subject taught only once every three years.

8.2(3) 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) Agency responsibilities regarding in-service training.

8.3(1) It is the responsibility of the law enforcement agency administrator to ensure that in-service training records are regularly kept and maintained. The law enforcement administrator shall also see that these records are made available for inspection upon request by the Iowa law enforcement academy or its designee.

8.3(2) In-service training records shall include the following data:

- a. The subject matter of the training.
- b. The instructor of the training.
- c. The individual who took the training.
- d. The number of credit hours received from the training.
- e. The location where the training took place.
- f. The scores, if any, achieved by the officer to show proficiency in or understanding of the subject matter.

8.3(3) It shall be the responsibility of the law enforcement agency administrators to ensure that all regular law enforcement officers under their direction receive the minimum hours of in-service training required by these rules.

501—8.4(80B) In-service training requirements for former regular law enforcement officers who return to law enforcement.

8.4(1) Any individual who leaves and then returns to an Iowa law enforcement officer position must receive, within one year of the individual's hiring date, in-service training as follows:

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

8.4(2) A regular law enforcement officer must possess, or obtain within the first year of employment, CPR certification and firearms qualification as designated by the Iowa law enforcement academy, in addition to the other in-service training requirements of these rules.

8.4(3) With the approval of the law enforcement agency administrator, college credits earned during the period of required training which relate directly to law enforcement may be used to satisfy the in-service training requirement. Credit will be given on the basis of ten hours of in-service training credit for each acceptable college credit earned.

8.4(4) For currently certified officers the required three-year in-service training period will begin on the anniversary date of receipt of the initial certification which follows the effective date of the rule.

8.4(5) For officers who are not certified on the effective date of this rule, and for officers hired after the effective date of this rule, the required in-service training period will begin on the first anniversary date of their initial certification.

501—8.5(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.

These rules are intended to implement Iowa Code section 80B.11.

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CHAPTER 9
JAILER TRAINING

501—9.1(80B) Jailer training.

9.1(1) Basic training. All jail administrators shall meet the following requirements within six months of appointment. Jailers shall meet the following requirements within one year of employment:

a. First aid and cardiopulmonary resuscitation.

(1) The individual shall hold a Red Cross standard first-aid certificate or the equivalent or one of the following:

1. Certification of Iowa law enforcement emergency care provider (ILEECP) from the Iowa department of public health; or

2. Certification of completion of an emergency medical technician program; or

3. Certification of completion of a first-aid training program appropriate to jail usage which was developed by a sheriff's department. First-aid training criteria shall include, at a minimum, the following topics:

Shock	Acute abdomen
Bleeding	Allergic reaction
Internal bleeding	Bites and stings
Burns	Convulsions/seizures
Chemical burns	Diabetic coma and insulin shock
Chest injuries	Heat stroke
Eye injuries	Hypothermia
Poisoning by mouth	Fractures
Head and face injuries	Drug overdose
Spine injuries	Hanging
Pain	Childbirth

All instructors providing this training shall be certified pursuant to subrule 9.2(2); or

4. Licensure to practice as a licensed practical nurse, registered nurse or medical practitioner in the state of Iowa.

(2) The individual shall be certified as having successfully completed the basic life support training conducted under the program of the American Heart Association or the American Red Cross.

(3) All certification or licensure required by this rule must thereafter be maintained current according to the standards of the certifying or licensing agency.

b. Either the successful completion of a 40-hour training program approved by the academy or the successful completion of a National Sheriffs' Association correspondence course shall be applicable to jailers and administrators employed in all jails as per subrule 9.2(1). Either course must be appropriately documented to reflect course content, length of session, and instructor(s). All instructors presenting classes either in the 40-hour or continuing education program shall be certified by academy personnel utilizing certification standards adopted by the academy. It shall be the responsibility of the training program director to make certain all instructors are certified and the training program is approved.

c. All staff providing medication shall be trained in accordance with the Iowa state sheriffs' and deputies' association medication training program or other program approved by the Iowa board of pharmacy examiners.

9.1(2) Continuing education. During each fiscal year of employment following completion of the required basic training as set forth in subrule 9.1(1), paragraphs "a" and "b," jailers and the administrator of a jail shall complete 20 hours of in-service training, not to include proficiency in first aid, CPR recertification, chemical agents, or firearms qualification.

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

501—9.2(80B) Approved training program.

9.2(1) Classroom training programs. Classroom training programs shall include the following topics which are to be completed within the first year of employment pursuant to 9.1(1)“b.” A training program of comparable course content completed in another state or prior to implementation of these rules may be certified as meeting this requirement.

1. Introduction to Iowa criminal procedure and criminal law as applicable to the jail setting including laws relating to the use of force.
2. Security procedures.
3. Supervision of inmates.
4. Report writing.
5. Inmate rules and regulations.
6. Grievance and disciplinary procedures.
7. Constitutional rights of inmates.
8. Emergency procedures, including methods of restraining violent persons.
9. Human relations and communication skills.
10. Recognizing symptoms of mental illness, retardation and suicidal tendencies.
11. Special needs of minorities, women and juveniles.
12. Problem solving and guidance.
13. Medical screening at intake.
14. Infectious diseases to include: AIDS, hepatitis, and other communicable diseases.

9.2(2) Jailer training—certification of instructors. All instructors used in jailer training programs will be designated as either general, professional, or recognized experts. Certification of training instructors (general and professional) will be issued by the academy. Application for certification of instructors (general and professional) shall be submitted to the academy on an application form obtained from the academy.

a. Instructor qualifications. Instructors shall be certified on the basis of minimum qualifications in the areas of education, training, experience, and background. The actual evaluation and recruitment of instructors (general and professional or guest) will remain the responsibility of the training program director who is ultimately responsible for the instruction provided.

b. Granting or revocation of instructor certification (general and professional). Initial instructor certification (general and professional) will be issued for a period of two years. At the end of a two-year period, certification may be renewed for a four-year period if the instructor has instructed in a jailer training program during the period of the certification and if renewal certification is recommended by the training program director under whose supervision the instructor has instructed. Subsequent four-year renewals may be obtained for instructors whose certification has not been revoked by the academy in writing. Written recommendation for revocation may be received from those agencies or persons involved in overseeing or administering jailer training programs. Appeals of revocation are based on Iowa Code chapter 17A.

c. Waiver of application requirements for a recognized expert. The requirement for the submission of a formal application for instructional certification for instructors in a jailer training program may be waived by the academy in instances involving individuals with exceptional, appropriate, and specialized background experience and education. Final decision regarding the applicability of this provision and whether an individual qualifies as a recognized expert rests with the academy.

d. Responsibility for ensuring instructional excellence. It is the continuing responsibility of the training program director to ensure that instructors are assigned only topics they are qualified to teach and are supervised on a regular basis to ensure that instructional excellence is maintained.

e. Endorsement of application for instructor certification. Applications for instructor (general) certification will be endorsed by the training program director and, where applicable, by the applicant's department head.

9.2(3) Minimum qualifications for certification of general jailer instructors. The following are minimum qualifications for certification of general instructors in jailer training programs:

a. Experience. A minimum of two years' experience as a jailer or jail administrator is required by personnel instructing general jail operations subjects. This requirement may be modified by the training program director, with academy approval, in exceptional cases reflecting outstanding education or experience.

b. Education. A minimum of high school graduation with a diploma or an equivalency certificate.

9.2(4) Minimum qualifications for certification of professional jailer instructors. The following are minimum qualifications for certification of professional instructors in jailer training programs:

a. Experience. At least three years of experience in the subject area to be instructed.

b. Education. At least a baccalaureate degree in the subject area of a related field or any equivalent combination of training and experience that will provide the required knowledge, skills, and abilities.

c. Background. An instructor (professional) must be recommended by the training program director.

501—9.3(80B) Training for holding facility personnel.

9.3(1) Basic training. All appointed facility administrators and designees shall meet the following requirements within one year of employment:

a. First aid and cardiopulmonary resuscitation.

(1) The individual shall hold a Red Cross standard first aid certificate or the equivalent or one of the following:

1. Certification of Iowa law enforcement emergency care provider (ILEECP) certificate from the Iowa department of public health; or

2. Certification of completion of an emergency medical technician program; or

3. Licensure to practice as a licensed practical nurse, registered nurse or medical practitioner in the state of Iowa.

(2) The individual must have current course completion in cardiopulmonary resuscitation, AED and Foreign Body Airway Obstruction for all age groups according to national standards, with documentation furnished to the academy.

(3) All certification or licensure required by this rule must thereafter be maintained current according to the standards of the certifying or licensing agency.

b. Facility administrators and supervisors employed in holding facilities shall receive ten hours of training within the first year of employment. This training shall include the following or comparable course content:

(1) Introduction to Iowa criminal procedure and criminal law as applicable to the temporary holding facility setting including laws relating to the use of force.

(2) Security procedures, to include procedures regarding the proper methods of transporting detainees.

(3) Supervision of detainees, to include instruction on the basic civil rights of a detainee which would be applicable to a temporary holding facility.

(4) Recognizing symptoms of mental illness, retardation or substance abuse.

(5) Specific instruction in the prevention of jail suicides.

9.3(2) Continuing education. Administrators and supervisors of holding facilities shall complete five hours of in-service training, not to include hours spent in maintaining required certification or proficiency in first aid, life support, chemical agents, or handling of firearms.

501—9.4(80B) Approved training program.

9.4(1) All employees shall receive an appropriate period of orientation prior to shift assignments.

9.4(2) Practice in the execution of a policy or procedure shall be conducted when feasible.

These rules are intended to implement Iowa Code section 80B.11.

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CHAPTER 10
RESERVE PEACE OFFICERS

DIVISION I
RESERVE PEACE OFFICER WEAPONS CERTIFICATION

501—10.1(80D) Weapons certification.

10.1(1) Reserve officers must receive council certification in the use of weapons the hiring authority expects and authorizes them to carry. Weapons training is not required with any weapons the reserve officers are not authorized to carry.

10.1(2) Individuals who have been certified through training by the Iowa law enforcement academy as regular officers may be certified to carry weapons as reserve officers without repeating the required reserve officer's weapons training under the following conditions:

a. The academy certification through training was acquired through a school in which firearms training was required; and

(1) The individual is serving as a regular officer for another department at the time of appointment as a reserve officer, or

(2) The individual has served as a regular officer within the two years immediately preceding appointment as a reserve officer.

b. Verification must also be provided to the council that the officer has fired a qualifying score of 80 percent or higher on a tactical revolver course approved by the academy within the past 12 months. This verification must be provided by an academy trained and certified firearms instructor.

10.1(3) Application for weapons certification.

a. Application for weapons certification must be made in writing to the council on forms provided by the academy.

b. Verification must be received by the council that a fingerprint check has been made with the Federal Bureau of Investigation and the division of criminal investigation of the Iowa department of public safety and that the applicant has no record of a felony conviction or conviction of a crime involving moral turpitude. Fingerprint check responses from these agencies must be dated not more than one year prior to the date of the receipt by the academy of the application to the council for certification.

c. Council certification will be granted only where weapons proficiency is documented.

d. Interim certification to carry weapons may be granted by the chairperson of the council if all requirements for certification have been met by the reserve officer and certified by the appointing authority. All interim certifications to carry weapons shall then be brought before the council at the next regularly scheduled meeting in order that the council can approve or reject the reserve officer's certification to carry weapons.

501—10.2(80D) Instructors for required weapons training. Firearms, striking instruments and chemical weapons training must be provided by an Iowa law enforcement academy-certified instructor before a reserve officer can be certified to carry weapons.

501—10.3(80D) Reserve officers and regular officers weapons training requirements identical. Reserve officer weapons training requirements are the same as those required of regular law enforcement officers during their basic training.

501—10.4(80D) Standards for certification. An applicant for certification to carry weapons as a reserve peace officer must be of good moral character and not have been convicted of a felony or a crime involving moral turpitude. (See 501—subrule 2.1(5).) The offenses of domestic abuse and stalking or other offenses of domestic violence, and any offense in which a weapon was used in the commission, are crimes involving moral turpitude.

501—10.5(80D) Annual qualification. All reserve peace officers who are certified to carry firearms must qualify with all duty handguns annually on a course of fire approved by the Iowa law enforcement

academy under the supervision of an academy-certified firearms instructor and must successfully fire a minimum score as established by the academy.

501—10.6(80D) Agency responsibilities for record keeping.

10.6(1) It is the responsibility of the law enforcement agency administrator to ensure that training records are regularly kept and maintained. The law enforcement administrator shall make these records available for inspection upon request by the Iowa law enforcement academy or its designee.

10.6(2) Training records shall include the following data:

- a. The date of the training.
- b. The subject matter of the training.
- c. The instructor of the training.
- d. The individual who took the training.
- e. The length of time of the training.
- f. The location where the training took place.
- g. Qualifying range scores and the scores, if any, achieved by the officer to show proficiency in or understanding of the subject matter.

501—10.7(80D) Officers transferring from one agency to another. A reserve peace officer who has been certified by the Iowa law enforcement academy council to carry weapons and who transfers from one Iowa law enforcement agency to another as a reserve officer without more than a 180-day break in service (affiliation) will not be required to undergo weapons certification training anew, provided that a completed application to carry weapons as a reserve officer for the new agency in compliance with Iowa Code section 80D.7 is filed with the academy within 180 days of the date of transfer. If firearms certification is requested, the application must show that the officer has fired qualifying rounds under the supervision of an ILEA-certified firearms instructor within 30 days of the date of application. The application shall further state that all training records for the officer have been transcribed to the new agency.

501—10.8(80D) Reserve peace officers serving more than one agency. A reserve peace officer who serves more than one Iowa law enforcement agency at the same time must be certified by the Iowa law enforcement academy council to carry weapons for each agency that the reserve officer serves in compliance with Iowa Code section 80D.7. It is not necessary for the officer to complete weapons training for each such agency, but all agencies shall maintain duplicate training records for the officer.

501—10.9(80D) Timeliness of training. Training in support of an application to the Iowa law enforcement academy council to carry weapons as a reserve peace officer shall have been accomplished not more than one year prior to the date of the receipt by the academy of the application to the council for certification. Failure to file the application within one year of the date of training shall require the officer to undergo weapons training anew.

501—10.10(80D) CPR certification required. Reserve peace officers shall maintain at a minimum valid first-aid certifications issued by the American Heart Association, the American Red Cross, or any other group recognized by the Iowa law enforcement academy and must have current course completion in cardiopulmonary resuscitation, AED and Foreign Body Airway Obstruction for all age groups according to national standards, with documentation furnished to the academy.

501—10.11 to 10.99 Reserved.

These rules are intended to implement Iowa Code sections 80D.3 and 80D.7.

DIVISION II
RESERVE PEACE OFFICER PERSONAL STANDARDS

501—10.100(80D) General requirements for reserve peace officers. In no case shall any person hereafter be selected or appointed as a reserve peace officer unless the person:

10.100(1) Is a citizen of the United States and a resident of Iowa or intends to become a resident of Iowa upon appointment as a reserve peace officer. However, with the approval of the Iowa law enforcement academy council, a city located on a state border that is within a standard metropolitan statistical area may allow reserve peace officers to reside in an adjacent state within that statistical area upon written application by the agency administrator to the council showing substantial reason and documenting undue hardship.

10.100(2) Is 18 years of age at the time of selection or appointment.

10.100(3) Has a valid driver's or chauffeur's license issued by the state of Iowa. Reserve peace officers who are allowed to reside in an adjacent state within a standard metropolitan statistical area shall be required to possess a valid driver's or chauffeur's license.

10.100(4) Is not addicted to drugs or alcohol.

10.100(5) Is of good moral character as determined by a thorough background investigation including a fingerprint search conducted on local, state and national fingerprint files, and has not been convicted of a felony or a crime involving moral turpitude. "Moral turpitude" is defined as an act of baseness, vileness, or depravity in the private and social duties which a person owes to another person, or to society in general, contrary to the accepted and customary rule of right and duty between person and person. Moral turpitude is conduct that is contrary to justice, honesty or good morals. The following nonexclusive list of acts has been held by the courts to involve moral turpitude: income tax evasion, perjury, insubordination, theft, indecent exposure, sex crimes, conspiracy to commit a crime, defrauding the government, and illegal drug offenses. The offenses of assault, domestic abuse, or other offenses of domestic violence, stalking, and any offense in which a weapon was used in the commission are crimes involving moral turpitude. Various factors, however, may cause an offense which is generally not regarded as constituting moral turpitude to be regarded as such.

10.100(6) Is not by reason of conscience or belief opposed to the use of force when necessary to fulfill the person's duties.

10.100(7) Is a high school graduate with a diploma, or possesses a GED equivalency certificate.

10.100(8) Has vision corrected to 20/20. Vision tests conducted within 12 months before appointment or selection may be used. A person who performs policing duties alone and without the direct supervision of a certified regular law enforcement officer who is physically present with the reserve peace officer at all times must have uncorrected vision of not less than 20/100 in both eyes, corrected to 20/20. Policing duties include but are not limited to responding to calls, making traffic stops, and patrolling the jurisdiction.

The applicant shall have color vision consistent with the occupational demands of law enforcement. An applicant's passing any of the following color vision tests indicates that the applicant has color vision abilities consistent with the occupational demands of law enforcement:

a. Pseudoisochromatic plates tests such as but not limited to: Tokyo Medical College, Ishihara, Standard Pseudoisochromatic Plates, Dvorine, American Optical HHR Plates, American Optical.

b. Panels tests such as Farnsworth Dichotomous D-15 Test or any other test designed and documented to identify extreme anomalous trichromatic, dichromatic or monochromatic color vision.

An individual with extreme anomalous trichromatism or monochromasy color vision, as determined through testing, is not eligible to serve as a reserve peace officer in the state of Iowa.

10.100(9) Has hearing corrected to normal hearing standards. Hearing is considered normal when, tested by an audiometer, hearing sensitivity thresholds are within 25dB measured at 1000Hz, 2000Hz and 3000Hz averaged together. Hearing tests conducted within 12 months before appointment or selection may be used. A person who performs policing duties alone and without the direct supervision of a certified regular law enforcement officer who is physically present with the reserve peace officer at all

times must have normal hearing in each ear. Policing duties include but are not limited to responding to calls, making traffic stops, and patrolling the jurisdiction.

10.100(10) Is examined by a licensed physician or surgeon and meets the physical requirements as defined by the law enforcement agency necessary to fulfill the responsibilities of the reserve peace officer position being filled.

501—10.101(80D) Reserve peace officers moving from agency to agency.

10.101(1) A reserve peace officer who has previously met all the requirements of rule 10.100(80D) and who intends to move reserve peace officer status from one Iowa law enforcement agency to another Iowa law enforcement agency, or who intends to be a reserve peace officer for more than one Iowa law enforcement agency simultaneously, shall be of good moral character as determined by a thorough background investigation by the law enforcement agency, including, but not limited to, a fingerprint search conducted by the Iowa division of criminal investigation and the Federal Bureau of Investigation. If the results of the fingerprint file checks cannot reasonably be obtained prior to the time of appointment, the appointment shall be considered conditional until such time as the results are received and reviewed by the appointing agency.

10.101(2) Except as otherwise specified, the provisions of rule 10.100(80D) do not need to be reverified upon the movement of reserve peace officer status from one Iowa law enforcement agency to another Iowa law enforcement agency or upon the reserve peace officer's being appointed as a reserve peace officer by more than one Iowa law enforcement agency simultaneously, if the reserve peace officer met all of the requirements of rule 10.100(80D) when the person was initially appointed as a reserve peace officer and if, without a break of not more than 180 days from law enforcement service, the person is appointed as a reserve peace officer by another Iowa law enforcement agency.

501—10.102(80D) Active law enforcement officer moving to reserve peace officer status.

10.102(1) An active law enforcement officer who has previously met all the requirements of rule 501—2.1(80B) and who intends to move to reserve peace officer status, or who intends to be a reserve peace officer for more than one Iowa law enforcement agency simultaneously, or who intends to be a reserve peace officer for an Iowa law enforcement agency while also working as an active law enforcement officer shall be of good moral character as determined by a thorough background investigation by the law enforcement agency, including, but not limited to, a fingerprint search conducted by the Iowa division of criminal investigation and the Federal Bureau of Investigation. If the results of the fingerprint file checks cannot reasonably be obtained prior to the time of appointment, the appointment shall be considered conditional until such time as the results are received and reviewed by the appointing agency.

10.102(2) Except as otherwise specified, the provisions of rule 10.100(80D) do not need to be verified upon the movement of active law enforcement officer status to reserve peace officer status or upon the officer's being appointed as a reserve peace officer by more than one Iowa law enforcement agency simultaneously, or upon the officer's being appointed as a reserve peace officer by one Iowa law enforcement agency while serving in active law enforcement status for another agency if the peace officer met all of the requirements of rule 501—2.1(80B) when the person was initially appointed as a peace officer and if, without a break of not more than 180 days from law enforcement service, the person is appointed as a reserve peace officer by another Iowa law enforcement agency.

501—10.103(80D) Reserve peace officers in agencies under intergovernmental agreements. When jurisdictions enter into an intergovernmental agreement under the provisions of Iowa Code chapter 28E for the sharing of law enforcement services by those jurisdictions and sharing of reserve peace officers, the compliance of reserve peace officers with rule 10.100(80D) does not need to be reverified if the execution, filing and recording of the intergovernmental agreement conform to the requirements of Iowa law and a certified copy of the agreement is provided to the director of the academy. However, this exception from reverification does not apply to the establishment of a unified law enforcement district as defined in Iowa Code section 28E.21, wherein a new legal entity or political subdivision is established.

501—10.104(80D) Higher standards not prohibited. A person who does not meet minimum standards shall not be selected or appointed as an Iowa reserve peace officer. Agencies are not limited or restricted in establishing additional standards.

501—10.105(80D) Reserve peace officers appointed before enactment of these rules. These rules apply only to reserve peace officers appointed on or after June 2, 2004.

501—10.106 to 10.199 Reserved.

DIVISION III
RESERVE PEACE OFFICER
STANDARDIZED TRAINING AND CERTIFICATION

501—10.200(80D) Certification through training required for all reserve peace officers.

10.200(1) Each person appointed to serve as a reserve peace officer after July 1, 2007, shall satisfactorily complete a minimum training course established by the academy consisting of 80 hours of training and 40 hours of supervised time. Training for individuals appointed as reserve peace officers shall be provided by instructors in a community college or other facility, including a law enforcement agency, selected by the individual and approved by the law enforcement agency and the academy. Reserve peace officers must be certified within 18 months from the date of their appointment.

10.200(2) The academy council may, at the council's discretion, extend the 18-month time period in which a reserve peace officer must become certified for up to 180 days after a showing of "undue hardship" by the reserve peace officer or the reserve peace officer's appointing agency. To be considered for an extension of the 18-month certification period, the person or agency requesting the extension must initiate the request in writing not less than 10 days prior to the council meeting at which the extension request is to be discussed and must also make a presentation to the council at the next regularly scheduled meeting of the council. An extension shall not be liberally granted and shall only be granted after a showing that all other alternatives to an extension have been considered and rejected.

10.200(3) The time period within which a person must achieve certification as a reserve peace officer in the state of Iowa shall commence on the day a person is first appointed as a reserve peace officer in the state of Iowa. Any subsequent changes in a reserve peace officer's appointment status, including transfers to a different appointing agency, shall not toll or otherwise extend the certification period. Those reserve peace officers appointed after July 1, 2007, but before October 3, 2007, shall have 18 months after October 3, 2007, to complete the training and supervision requirements.

10.200(4) Should a person appointed as a reserve peace officer fail to achieve certification within the time period or under any extension allowed by this rule, that person shall not be eligible for appointment as a reserve peace officer and shall not serve as a reserve peace officer in the state of Iowa for a period of not less than one year from the date the time period in which to achieve certification expired, or from the date that the person was last appointed as a reserve peace officer in the state of Iowa, whichever comes first.

501—10.201(80D) Training modules. Six modules consisting of 12 to 16 hours of required training topics per module will be developed by the academy. The training modules will include curriculum and training materials for each topic consisting of learning objectives, a lesson plan, training aids such as presentation tools, handouts, and sample tests. Curriculum and training materials will be provided by the academy to those agencies with academy-approved instructors. Training modules will be updated no less than every three years.

501—10.202(80D) Completion of training modules. The agency providing the training shall notify the academy when a training module is completed. The reserve peace officer completing the training module will be given an academy-developed test covering the completed module. The reserve peace officer completing the training module must pass the test with a score of 70 percent or better. The reserve peace officer may take the test a second time if the first test score is below 70 percent and the appointing law

enforcement agency approves the second test. The reserve peace officer must then retake the training in the area failed if the second test score is below 70 percent before taking the test a third time if the appointing law enforcement agency approves the third test. Failure of the test the third time will result in the individual's not being eligible for certification for a period of one year following the date of the third test failure.

501—10.203(80D) Supervised time. Supervised time is defined as direct supervision by a regular certified law enforcement officer of the reserve peace officer while performing activities consistent with the reserve peace officer's duties, such as ride-along time, jail time, or other assigned duties.

501—10.204(80D) Certification. Upon satisfactory completion of training and supervised time required by the academy, the individual shall be certified by the academy as an Iowa reserve peace officer and shall be issued a certificate by the academy.

501—10.205(80D) Time frame—tolled. The time frame requirements for completion of any mandatory training are tolled during the period a reserve peace officer is called to active military service.

501—10.206(80D) Minimum in-service training requirements. All certified reserve peace officers shall meet the following mandatory minimum in-service training requirements.

10.206(1) Firearms training. A certified reserve peace officer who is authorized to carry firearms must qualify with all duty handguns annually on a course of fire approved by the Iowa law enforcement academy and must successfully fire a minimum score as established by the Iowa law enforcement academy. This subrule applies only to those reserve peace officers who are authorized to carry firearms by their appointing agency.

10.206(2) General training. In addition to the firearms training and CPR training requirements, a certified reserve peace officer must receive a minimum of 12 hours per year, or 36 hours every three years, of law enforcement-related in-service training. Whether training is law enforcement-related shall be determined by the employing agency administrator.

10.206(3) Agency responsibility. It is the responsibility of the law enforcement agency administrator to ensure that in-service training records are regularly kept and maintained. The law enforcement administrator shall also ensure that these records are made available for inspection upon request by the Iowa law enforcement academy or its designee.

a. In-service training records shall include the following:

- (1) The subject matter of the training;
- (2) The name of the instructor of the training;
- (3) The name of the individual who took the training;
- (4) The number of credit hours received from the training;
- (5) The location where the training took place; and
- (6) The scores, if any, achieved by the reserve peace officer to show proficiency in or understanding of the subject matter.

b. It shall be the responsibility of law enforcement agency administrators to ensure that all certified reserve peace officers under their direction receive the minimum hours of in-service training required by these rules.

501—10.207(80D) Training and in-service training requirements for regular law enforcement officers who become certified reserve peace officers.

10.207(1) An active certified regular law enforcement officer who also serves as a reserve peace officer or a certified regular law enforcement officer who retires or leaves active regular law enforcement and returns within 180 days to an Iowa law enforcement agency as a reserve peace officer needs no further training.

10.207(2) Any individual who leaves an Iowa law enforcement officer position and becomes a certified reserve peace officer shall receive in-service training within one year of the individual's appointment date as follows:

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

The subject matter of this training will be determined and approved by the law enforcement agency.

501—10.208(80D) Reserve peace officers appointed prior to July 1, 2007—obtaining state certification.

10.208(1) A reserve peace officer enrolled in an approved minimum course of training prior to July 1, 2007, shall obtain state certification by July 1, 2012. The state certification may be obtained through certification by examination. Reserve peace officers who have received training prior to July 1, 2007, may, upon application to and approval from the director, take a competency test or tests to gain Iowa reserve peace officer certification. Successful completion of the required test or tests will result in certification by the council. The test or tests and study material shall be prepared and administered by the academy. The individual must pass the test or tests with a score of 70 percent or better. Individuals will be allowed to take the test or tests a second time in the areas with scores below 70 percent within 60 days and with the approval of the appointing law enforcement agency. The individual must pass the test or tests upon retake with a score of 70 percent or better. Failure to score 70 percent or better the second time will require the individual, with approval of the appointing law enforcement agency, to take the 80-hour module training established by the academy.

10.208(2) Criteria to be eligible to certify through examination. The following is required for certification through examination: successful completion of a minimum 150-hour certifying reserve peace officer training program.

10.208(3) Current reserve peace officers choosing not to be state certified by examination or by module training established by the academy will continue to hold agency certification only and will not be recognized as reserve peace officers after July 1, 2012.

10.208(4) If a reserve peace officer appointed prior to July 1, 2007, with agency certification only transfers to another agency, the reserve peace officer will be considered a new reserve peace officer and will be subject to the 18-month training requirements for state certification.

501—10.209(80D) Instructors for approved reserve peace officer training program.

10.209(1) All reserve peace officer instructors will be designated as general, specialist, or legal instructors. General law enforcement instructors will be those instructing in subjects that are clearly law enforcement in nature and as designated by the academy. Specialist law enforcement instructors are those persons who have attended specialized schools and possess considerable experience in the subject to be taught as designated by the academy. Legal instructors are those persons with a juris doctor degree instructing in the area of criminal law.

10.209(2) Request for instructional certification. All instructors requesting certification must submit this request to the academy council on an application form that can be obtained from the Iowa law enforcement academy.

10.209(3) Granting or revocation of instructor certification.

a. Instructor certification will be issued for a period of three years. Instructor certification may be renewed for a three-year period if the instructor has instructed in a reserve peace officer training program during the three-year time period; the reserve peace officer training coordinator or administrator for the agency recommends renewal of the instructor certification; the individual remains in good standing; and required certification in the specialty areas is in force and valid at the time of application.

b. Instructor certification may be revoked in writing when, in the opinion of the academy or in the opinion of the administrator of the appointing law enforcement agency or other agency requesting certification, that certification should be revoked. In the event of denial of recertification or revocation

of certification, the certificate holder may file a written notice of appeal to the academy council within 30 days of notification of the action. The appeal notice should be addressed to Director, Iowa Law Enforcement Academy, Camp Dodge, P.O. Box 130, Johnston, Iowa 50131. A hearing on the matter will be held by the academy council as soon as possible after receipt of the notice of appeal.

501—10.210(80D) Minimum qualifications for certification of general instructor. The minimum qualifications for certification of a general instructor include the following: a regular, nonprobationary Iowa certified sworn peace officer (active, inactive, or retired in good standing) with documented experience in the subject area to be instructed and endorsement by the chief, sheriff, or agency administrator of a law enforcement agency or other agency approved by the council as to the person's qualifications to instruct. Good standing is determined by the endorser and by the academy. A person who has been dismissed for good cause from previous employment, who left during an internal affairs investigation that would have resulted in dismissal for good cause, or who is currently involved in the decertification process shall not be considered in good standing.

501—10.211(80D) Minimum qualifications for certification of specialist instructor. The minimum qualifications for certification of a specialist instructor include the following.

10.211(1) The individual must have successfully completed a specialty course in the area to be instructed when required. The individual must have successfully met all requirements of the issuing agency granting the certification as an instructor in the specialty area requiring instructor certification. The specialty areas requiring certification include force management (ILEA), defensive tactics (ILEA), precision driving (ILEA), Hazmat awareness, blood-borne pathogens, and mandatory reporting. Certification from the issuing agency must be in force and valid at the time of application in order for the individual to be considered as a specialist instructor.

10.211(2) An instructor of the role of emergency communications must have completed the 40-hour basic telecommunication training approved by the academy or have been employed as a telecommunication specialist since July 1998.

10.211(3) An instructor of juvenile law must be a juvenile probation officer or department of human services social worker or be listed under "legal instructor."

10.211(4) An instructor of weather preparedness must have experience with the National Weather Service or be listed as a general instructor as defined above.

10.211(5) An instructor of current drug trends/investigations will be qualified by training and experience in drug investigations such as serving on a drug task force, attending DNE/DEA 40-hour training, or attending DRE training.

501—10.212(80D) Minimum qualifications for certification of legal instructor. The minimum qualifications for certification of a legal instructor include the following: The individual must have a juris doctor degree and be licensed to practice law in Iowa.

These rules are intended to implement Iowa Code sections 80D.1A, 80D.3, 80D.4 and 2007 Iowa Acts, Senate File 110.

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CHAPTER 11

*SALVAGE VEHICLE THEFT EXAMINATIONS

501—11.1(80B,321) Minimum standards to conduct salvage vehicle theft examinations. Eligibility requirements for certification as a salvage vehicle theft examiner:

11.1(1) Only certified law enforcement officers of agencies which agree to participate in the salvage vehicle theft examination program are eligible to obtain certification or recertification as a salvage vehicle theft examiner.

11.1(2) A law enforcement officer must be certified by the Iowa law enforcement academy to be eligible to conduct salvage vehicle theft examinations.

501—11.2(80B,321) Salvage vehicle theft examiner initial certification. A law enforcement officer may be initially certified by the academy in one of the following ways:

11.2(1) A law enforcement officer may be certified by the council because of extensive training, background and experience to conduct salvage vehicle theft examinations.

11.2(2) A law enforcement officer may be certified by the council upon completion of an academy-approved salvage vehicle theft examination training course.

501—11.3(80B,321) Salvage vehicle theft examination training course. Those law enforcement officers seeking certification through training must successfully complete a minimum 12-hour salvage vehicle theft examination course approved by the academy to include, but not be limited to, the following topics and skills:

1. Administrative procedures in salvage vehicle theft examinations.
2. Preexamination procedures for salvage vehicle theft examinations.
3. Examination procedures for salvage vehicle theft examinations.
4. Completion of prescribed salvage vehicle theft examination forms.
5. Demonstrated understanding and ability to conduct a salvage vehicle theft examination.
6. The officer must successfully pass a written test on salvage vehicle theft examinations.

501—11.4(80B,321) Salvage vehicle theft examiner recertification requirements.

11.4(1) Salvage vehicle theft examiners must be recertified every two years from the date of their last certification.

11.4(2) Recertification shall require one of two training courses depending upon the salvage vehicle theft examiner's experience.

a. Salvage vehicle theft examiners who have conducted 48 or more salvage vehicle theft examinations since their certification or recertification date are required to successfully complete a minimum four-hour salvage vehicle theft refresher course approved by the academy.

b. Previously certified salvage vehicle theft examiners who have not conducted a minimum 48 or more salvage vehicle theft examinations since their certification or recertification date must retake the initial salvage vehicle theft examination course to be recertified.

c. Recertification extensions. The council may grant a recertification extension of time for good cause.

These rules are intended to implement Iowa Code sections 80B.11 and 321.52.

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CHAPTER 12
CHILD SUPPORT

501—12.1(252J) Issuance of academy council certification. The council shall deny the issuance of a law enforcement officer's certification upon the receipt of a certificate of noncompliance from the child support recovery unit of the department of human services according to the procedures in Iowa Code chapter 252J. In addition to the procedures set forth in chapter 252J, this rule shall apply.

12.1(1) The notice required by Iowa Code section 252J.8 shall be served upon the law enforcement officer or applicant to be a law enforcement officer by restricted certified mail, return receipt requested, or personal service in accordance with Rules of Civil Procedure 56.1. Alternatively, the law enforcement officer or applicant to be a law enforcement officer may accept service personally or through authorized counsel.

12.1(2) The effective date of the denial of the issuance of a law enforcement officer's certification, as specified in the notice required by section 252J.8, shall be 60 days following service of the notice upon the law enforcement officer or applicant to be a law enforcement officer.

12.1(3) The academy director is authorized to prepare and serve the notice required by section 252J.8 upon the law enforcement officer or applicant to be a law enforcement officer.

12.1(4) Law enforcement officers and applicants to be a law enforcement officer shall keep the council informed of all court actions and all child support recovery unit actions taken under or in connection with chapter 252J and shall provide the council copies, within seven days of filing or issuance, of all applications filed with the district court pursuant to section 252J.9, all court orders entered in such actions, and withdrawals of certificates of noncompliance by the child support recovery unit.

12.1(5) All council fees for applications, certification or reinstatement must be paid by law enforcement officers or applicants to be a law enforcement officer before a law enforcement officer's certification will be issued or reinstated after the council has denied the issuance or reinstatement of a certification pursuant to chapter 252J.

12.1(6) In the event a law enforcement officer or applicant to be a law enforcement officer timely files a district court action following service of a council notice pursuant to sections 252J.8 and 252J.9, the council shall continue with the intended action described in the notice upon the receipt of a court order lifting the stay, dismissing the action, or otherwise directing the council to proceed. For purposes of determining the effective date of the denial of the issuance of a certification of registration, the council shall count the number of days before the action was filed and the number of days after the action was disposed of by the court.

12.1(7) The council shall notify the law enforcement officer or applicant to be a law enforcement officer in writing through regular first-class mail, or such other means as the council deems appropriate in the circumstances, within ten days of the effective date of the denial of the issuance of a law enforcement officer's certification, and shall similarly notify the law enforcement officer or applicant to be a law enforcement officer when the certification is issued following the council's receipt of a withdrawal of the certificate of noncompliance.

501—12.2(252J) Suspension or revocation of academy council certification. The council shall suspend or revoke a law enforcement officer's certification upon the receipt of a certification of noncompliance from the child support recovery unit of the department of human services according to the procedures in chapter 252J. In addition to the procedures set forth in chapter 252J, this rule shall apply.

12.2(1) The notice required by section 252J.8 shall be served upon the law enforcement officer by restricted certified mail, return receipt requested, or personal service in accordance with R.C.P. 56.1. Alternatively, the law enforcement officer may accept service personally or through authorized counsel.

12.2(2) The effective date of revocation or suspension of a law enforcement officer's certification, as specified in the notice required by section 252J.8, shall be 60 days following service of the notice upon the law enforcement officer.

12.2(3) The academy director is authorized to prepare and serve the notice required by section 252J.8 and is directed to notify the law enforcement officer that the officer's certification will be suspended, unless the registration is already suspended on other grounds. In the event a law enforcement officer's certification is on suspension, the academy director shall notify the law enforcement officer of the council's intention to revoke the officer's certification.

12.2(4) Law enforcement officers shall keep the council informed of all court actions and all child support recovery unit actions taken under or in connection with chapter 252J and shall provide the council copies, within seven days of filing or issuance, of all applications filed with the district court pursuant to section 252J.9, all court orders entered in such actions, and withdrawals of certificates of noncompliance by the child support recovery unit.

12.2(5) All council fees for certification or reinstatement must be paid by the law enforcement officer before an officer's certification will be reinstated after the council has suspended or revoked a certification pursuant to chapter 252J.

12.2(6) In the event a law enforcement officer timely files a district court action following service of a council notice pursuant to sections 252J.8 and 252J.9, the council shall continue with the intended action described in the notice upon the receipt of a court order lifting the stay, dismissing the action, or otherwise directing the council to proceed. For purposes of determining the effective date of revocation or suspension, the council shall count the number of days before the action was filed and the number of days after the action was disposed of by the court.

12.2(7) The council shall notify the law enforcement officer in writing through regular first-class mail, or such other means as the council deems appropriate in the circumstances, within ten days of the effective date of the suspension or revocation of the law enforcement officer's certification and shall similarly notify the law enforcement officer when the certification is reinstated following the council's receipt of a withdrawal of the certificate of noncompliance.

501—12.3(17A,22,252J) Confidentiality. Notwithstanding any statutory confidentiality provision, the council may share information with the child support recovery unit of the department of human services through manual or automated means for the sole purpose of identifying law enforcement officers or applicants to be a law enforcement officer who are subject to enforcement under chapter 252J or 598.

These rules are intended to implement Iowa Code chapter 252J.

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CHAPTER 13
TELECOMMUNICATOR TRAINING STANDARDS

501—13.1(80B) Telecommunicator training board. There is established a telecommunicator training board under the authority of Iowa Code section 7E.3(3) which shall be an advisory board to the director as to matters arising under this chapter and the provisions of Iowa Code sections 80B.11(9) and 80B.11C. This board shall consist of a minimum of one representative of and named by each of those organizations and departments listed in Iowa Code section 80B.11C, and such other persons appointed at the discretion of the director. Members of the board shall not be considered to be state employees for the purpose of the board and shall serve without compensation. The board will meet at the call of the director, and may establish such internal procedures as it may deem appropriate, subject to the approval of the director. A chairperson and such other officers of the board to be determined by the board shall be selected by majority vote of the board. The board may establish bylaws for its operation.

501—13.2(80B) Telecommunicator training.

13.2(1) Basic training. All persons employed primarily as telecommunicators after July 1, 1998, shall successfully complete an approved basic training course within one year of employment. For purposes of this chapter, a telecommunicator is defined as a person who receives requests for, or dispatches requests to, emergency response agencies which include, but are not limited to, law enforcement, fire, rescue, and emergency medical services agencies.

13.2(2) In-service training requirements for former telecommunicators who return to a telecommunicator position. Any individual who leaves and then returns to an Iowa telecommunicator position must receive, within one year of the individual's rehiring date, in-service training as follows:

<u>Period Outside Iowa Telecommunications</u>	<u>Training Required</u>
6 months to 12 months	8 hours
More than 12 months to 36 months	20 hours
More than 36 months	40 hours

501—13.3(80B) Basic training.

13.3(1) Approved basic training course. Approved basic training course means a 40-hour course of instruction which has been approved in advance by the Iowa law enforcement academy through the telecommunicator training board, which includes at a minimum the following topics:

1. Introduction to public safety services and the role of the telecommunicator.
2. Human relations and communications skills.
3. 911 systems, communications equipment, terminology.
4. Understanding and taking different types of calls.
5. Basic dispatch/broadcast techniques.
6. Dispatching and managing the response to a call for service.
7. Multiple tasking and prioritization.
8. Liability and legal issues.
9. Resource awareness.
10. Stress management and motivation.

13.3(2) Approval of courses. Requests for approval of basic training courses shall be timely submitted to the academy on prescribed forms.

13.3(3) Agency administrator responsibility. It shall be the responsibility of agency administrators to ensure that all telecommunicators under their direction receive the training required by these rules.

13.3(4) Period of validity. The approval of courses under this rule shall be valid for a period of 36 months.

501—13.4(80B) Minimum in-service training requirements.

13.4(1) *In-service training for newly hired telecommunicators.* During each full fiscal year of employment following completion of the required basic training as set forth in subrule 13.3(1), telecommunicators shall complete a minimum of eight hours of in-service training.

13.4(2) *In-service training for incumbents.* During each fiscal year beginning July 1, 1998, currently employed telecommunicators are required to complete a minimum of eight hours of in-service training.

13.4(3) *Required in-service course content.* To qualify as in-service training, the course content must consist of a topic or topics as listed in subrule 13.3(1) or other subject matter approved by the telecommunicator training board.

13.4(4) *Agency responsibility.* Agency administrators shall ensure that all telecommunicators under their direction receive the minimum hours of in-service training required by these rules and that current and accurate in-service training records are regularly kept and maintained. The agency administrator shall make these records available for inspection upon request by the director of the Iowa law enforcement academy or the director's designee.

13.4(5) *In-service training records.* In-service training records shall include the following data:

- a. The date and location of the training.
- b. The subject matter of the training.
- c. The instructor for the training.
- d. The individual who took the training.
- e. The number of credit hours received from the training.
- f. The scores, if any, achieved by the telecommunicator to show proficiency in, or understanding of, the subject matter.

501—13.5(80B) Instructors for basic training courses.

13.5(1) *Experience.* Instructors must have a minimum of two years of telecommunicator experience. This requirement may be modified by the telecommunicator's agency administrator with telecommunicator training board approval in exceptional cases reflecting outstanding education or experience.

13.5(2) *Education.* Instructors must have a minimum of a high school education with a diploma or possess a GED equivalency certificate.

13.5(3) *Training.* Instructors must have successfully completed an instructor training course consisting of a minimum of 40 hours of instruction or have provided a minimum of 80 hours of telecommunicator instruction within the past two years and can verify same.

13.5(4) *Period of validity.* Instructor approval shall be valid for a period of 36 months.

501—13.6(80B) Telecommunicator status forms furnished to academy. Within ten days of any of the following occurrences, the academy will be notified by the use of prescribed forms:

1. Any hiring, termination or retirement of personnel.
2. Change of status of existing personnel (e.g., promotions, name changes).
3. Training received by telecommunicators not provided at or by personnel of the Iowa law enforcement academy.

These rules are intended to implement Iowa Code sections 80B.11(9) and 80B.11C.

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CHAPTERS 14 and 15
Reserved

CHAPTER 16
WAIVERS

501—16.1(17A,80B) Definitions. For purposes of this chapter, the following definitions apply:

“*Council*” means the Iowa law enforcement academy council.

“*Waiver*” or “*variance*” means action by the Iowa law enforcement academy council which suspends in whole or in part the requirements or provisions of a rule as applied to an identified person on the basis of the particular circumstances of that person. For simplicity, the term “waiver” shall include both a “waiver” and a “variance.”

501—16.2(17A,80B) Scope of chapter.

16.2(1) General. This chapter outlines generally applicable standards and a uniform process for the granting of individual waivers from rules in situations where no other more specifically applicable law provides for waivers. To the extent another more specific provision of law governs the issuance of a waiver from a particular rule, the more specific provision shall supersede this chapter with respect to any waiver from that rule.

16.2(2) Exclusions. This chapter does not apply to the following minimum standards for Iowa law enforcement officers:

- a. Eighteen years of age at time of appointment, 501—subrule 2.1(2).
- b. Physical fitness, 501—subrule 2.1(6).
- c. Vision requirements, 501—subrule 2.1(9).
- d. Normal hearing, 501—subrule 2.1(10).

501—16.3(17A,80B) Criteria for waiver. In response to a petition completed pursuant to rule 16.5(17A,80B), the Iowa law enforcement academy council may in its sole discretion issue an order waiving in whole or in part the requirements of a rule if the council finds, based upon clear and convincing evidence, all of the following:

1. The application of the rule would impose an undue hardship on the person for whom the waiver is requested;
2. The waiver from the requirements of the rule in the specific case would not prejudice the substantial legal rights of any person;
3. The provisions of the rule subject to the petition for a waiver are not specifically mandated by statute or another provision of law; and
4. Substantially equal protection of public health, safety, and welfare will be afforded by a means other than that prescribed in the particular rule for which the waiver is requested.

501—16.4(17A,80B) Filing of petition. A petition for a waiver must be in writing addressed to and submitted to the council as follows:

16.4(1) Contested cases. If the petition relates to a pending contested case, the petition shall be filed in the contested case proceeding, using the caption of the contested case.

16.4(2) Other. If the petition does not relate to a pending contested case, the petition shall be submitted to the director of the academy.

501—16.5(17A,80B) Content of petition. A petition for waiver shall include the following information where applicable and known to the petitioner:

1. The name, address, and telephone number of the person for whom the waiver is being requested and the case number of any related contested case.
2. A description of and citation to the specific rule from which the waiver is requested.
3. The specific waiver requested, including the precise scope and duration.
4. The relevant facts that the petitioner believes would justify a waiver under each of the criteria set out in rule 16.3(17A,80B). This statement shall include a signed certification from the petitioner attesting to the accuracy of the facts provided in the petition and a statement of reasons that the petitioner believes will justify a waiver.

5. A history of any prior contacts between the petitioner and the council relating to the activity affected by the proposed waiver including any notices of violation, contested case hearings, or investigative reports relating to the activity within the past five years.

6. Any information known to the petitioner regarding the council's treatment of similar cases.

7. The name, address, and telephone number of any public agency or political subdivision which also regulates the activity in question, or which might be affected by the granting of a waiver.

8. The name, address and telephone number of any entity or person who could be adversely affected by the granting of a waiver.

9. The name, address and telephone number of any person with knowledge of relevant facts relating to the proposed waiver.

10. Signed releases authorizing persons with knowledge regarding the request to furnish the council with information relevant to the waiver.

501—16.6(17A,80B) Additional information. Prior to issuing an order granting or denying a waiver, the council may request additional information from the petitioner relative to the petition and surrounding circumstances. If the petition was not filed in a contested case, the council may, on its own motion or at the petitioner's request, schedule a telephonic or in-person meeting between the petitioner and the council or a committee of the council.

501—16.7(17A,80B) Notice. The council shall acknowledge a petition upon or within a reasonable time after receipt. The council shall ensure that, within 30 days of the receipt of the petition, notice of the pendency of the petition and a concise summary of its contents are provided to all persons to whom notice is required by any provision of law. In addition, the council may give notice to other persons. To accomplish this notice provision, the council may require the petitioner to serve the notice on all persons to whom notice is required by any provision of law, and provide a written statement to the council attesting that notice was provided.

501—16.8(17A,80B) Hearing procedures. The provisions of Iowa Code sections 17A.10 to 17A.18A regarding contested case hearings shall apply to any petition for a waiver filed within a contested case and shall otherwise apply to council proceedings for a waiver only when the council so provides by rule or order or is required to do so by statute.

501—16.9(17A,80B) Ruling. An order granting or denying a waiver shall be in writing and shall contain a reference to the particular person and rule or portion thereof to which the order pertains, a statement of the relevant facts and reasons upon which the action is based, and a description of the precise scope and duration of the waiver if one is granted.

16.9(1) Council discretion. The final decision on whether the circumstances justify the granting of a waiver shall be made at the sole discretion of the council, upon consideration of all relevant factors. Each petition for a waiver shall be evaluated by the council based upon the unique, individual circumstances set out in the petition.

16.9(2) Burden of persuasion. The burden of persuasion rests with the petitioner to demonstrate by clear and convincing evidence that the council should exercise its discretion to grant a waiver from a rule.

16.9(3) Narrowly tailored exception. A waiver, if granted, shall provide the narrowest exception possible to the provisions of a rule.

16.9(4) Administrative deadlines. When the rule from which a waiver is sought establishes administrative deadlines, the council shall balance the special individual circumstances of the petitioner with the overall goal of uniform treatment of all similarly situated persons.

16.9(5) Conditions. The council may place any condition or conditions on a waiver that the council finds desirable to protect the public health, safety and welfare.

16.9(6) Time period of waiver. A waiver shall not be permanent unless the petitioner can show that a temporary waiver would not be practical. If a temporary waiver is granted, there is no automatic right to

renewal. At the sole discretion of the council, a waiver may be renewed if the council finds that grounds for a waiver continue to exist.

16.9(7) *Time for ruling.* The council shall grant or deny a petition for a waiver as soon as practicable but, in any event, shall do so within 120 days of its receipt, unless the petitioner agrees to a later date. However, if a petition is filed in a contested case, the council shall grant or deny the petition no later than the time at which the final decision in that contested case is issued.

16.9(8) *When deemed denied.* Failure of the council to grant or deny a petition within the required time period shall be deemed a denial of that petition by the council.

16.9(9) *Service of order.* Within seven days of its issuance, any order issued under this chapter shall be transmitted to the petitioner or the person to whom the order pertains and to any other person entitled to such notice by any provision of law.

501—16.10(17A,80B) Public availability. All orders granting or denying a waiver petition shall be indexed, filed, and available for public inspection as provided in Iowa Code section 17A.3. Petitions for a waiver and orders granting or denying a waiver petition are public records under Iowa Code chapter 22. Some petitions or orders may contain information that the council is authorized or required to keep confidential. The council may accordingly redact confidential information from petitions or orders prior to public inspection.

501—16.11(17A,80B) Summary reports. In compliance with Iowa Code section 17A.9A, semiannually the council shall prepare a summary report identifying the rules for which a waiver has been granted or denied, the number of times a waiver was granted or denied for each rule, a citation to the statutory provisions implemented by these rules, and a general summary of the reasons justifying the council's actions on waiver requests. If practicable, the report shall detail the extent to which the granting of a waiver has affected the general applicability of the rule itself. Copies of this report shall be available for public inspection and shall be provided semiannually to the administrative rules coordinator and the administrative rules review committee.

501—16.12(17A,80B) Cancellation of a waiver. In addition to any other sanctions that might be available or applicable, a waiver issued by the council pursuant to this chapter may be withdrawn, canceled, or modified if, after appropriate notice and hearing, the council issues an order finding any of the following:

1. The petitioner or the person who was the subject of the waiver order withheld or misrepresented material facts relevant to the propriety or desirability of the waiver; or
2. The alternative means for ensuring that the public health, safety and welfare will be adequately protected after issuance of the waiver order have been demonstrated to be insufficient; or
3. The subject of the waiver order has failed to comply with all conditions contained in the order.

501—16.13(17A,80B) Violations. Violation of a condition in a waiver order shall be treated as a violation of the particular rule for which the waiver was granted. As a result, the recipient of a waiver under this chapter who violates a condition of the waiver may be subject to the same remedies or penalties as a person who violates the rule at issue.

501—16.14(17A,80B) Defense. After the council issues an order granting a waiver, the order is a defense within its terms and the specific facts indicated therein for the person to whom the order pertains in any proceeding in which the rule in question is sought to be invoked.

501—16.15(17A,80B) Judicial review. Judicial review of the council's decision to grant or deny a waiver petition may be taken in accordance with Iowa Code chapter 17A.

These rules are intended to implement Iowa Code chapters 17A, 80B and 80D.

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