

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.

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

“*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.

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

“*Convicted*” or “*conviction*” means a finding of guilt, a plea of guilty, a deferred judgment, a deferred or suspended sentence, and an adjudication of delinquency as a juvenile.

“*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 instructors*” means peace officers, jailers, jail administrators or public safety telecommunicators instructing in subjects relevant to their profession.

“*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.

“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.

“Iowa law enforcement emergency care provider” or *“ILEECP”* means an individual who is certified by the academy as an Iowa peace officer, who has successfully completed an emergency medical care provider curriculum approved by the academy, and who is currently certified by the academy as an emergency medical care provider.

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

“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 and sworn in for the purposes of training; 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 an administrative law judge employed by the Iowa department of inspections and appeals or the full council or a three-member panel of the council.

“Proposed decision” means the presiding officer’s recommended findings of fact, conclusions of law, decision, and order in a contested case in which the full council did not preside.

“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.

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

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

“*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.”

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

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

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

“*Subject matter expert*” means those instructors responsible for a subject requiring a specialized academic degree, certification, licensure or experience.

“*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. [ARC 3997C, IAB 9/12/18, effective 10/17/18; ARC 5006C, IAB 3/25/20, effective 4/29/20; ARC 5572C, IAB 4/21/21, effective 5/26/21; ARC 6137C, IAB 1/12/22, effective 2/16/22]

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 currently appointed 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.
[ARC 5006C, IAB 3/25/20, effective 4/29/20]

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 shall deny the petition in writing on the merits 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 academy council shall submit the petition and the disposition of the petition to the administrative rules review committee. 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.

[ARC 5860C, IAB 8/25/21, effective 9/29/21]

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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 the state residency requirement under this subrule shall not apply to employees of a city or county that has adopted an ordinance to allow employees of the city or county to reside in another state and shall not apply to an employee of a city or county that later repeals such an ordinance if the employee resides in another state at the time of the repeal. A city or county that has adopted an ordinance to allow the employees of the city or county to reside in another state shall provide a current copy of the ordinance to the Iowa law enforcement academy. 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 shall be required to possess a valid driver's or chauffeur's license of the state of residence of the officer.

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 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.

a. The following nonexclusive list of acts has been found by the Iowa law enforcement academy council to involve moral turpitude:

(1) Any felony. As used in this section, the word "felony" means any offense punishable in the jurisdiction where it occurred by imprisonment for a term exceeding one year, but does not include any offense, other than an offense involving a firearm or explosive, classified as a misdemeanor under the laws of the state and punishable by a term of imprisonment of two years or less.

(2) A misdemeanor crime of domestic violence as defined by Iowa Code section 724.26(2) "c," or other offenses of domestic violence.

(3) An adjudication of delinquency as a juvenile based on conduct that would constitute a felony if committed by an adult.

(4) Assault or harassment.

(5) Stalking.

(6) Any offense in which a weapon was used in the commission.

(7) Income tax evasion.

(8) Perjury or its subornation.

(9) Theft, aggravated theft, fraudulent practices, robbery or burglary.

(10) Any sex crime or crime listed in Iowa Code chapter 709.

(11) Conspiracy or solicitation to commit a crime listed in this rule.

(12) Defrauding the government.

(13) Delivering, manufacturing or possessing with the intent to deliver or manufacture a controlled substance.

(14) Convictions by any other state or by the federal government under statutes substantially corresponding to the crimes listed in this rule.

(15) Any crime as an adult that resulted in the requirement of being listed on a sex offender registry.

(16) An adjudication of delinquency as a juvenile based on conduct that would constitute a crime as an adult that resulted in the requirement of being listed on a sex offender registry.

b. In determining whether to grant a waiver of subrule 2.1(5) under rule 501—16.3(17A,80B), the council shall consider in its analysis of numbered paragraph “4” of rule 501—16.3(17A,80B):

- (1) The nature and seriousness of the crime;
- (2) The time elapsed since the crime was committed;
- (3) The degree of rehabilitation which has taken place since the crime was committed;
- (4) The likelihood that the person will commit the same crime again;
- (5) The number of criminal convictions; and
- (6) Such additional factors as may in a particular case demonstrate mitigating circumstances or heightened risk to public safety.

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, and has color vision consistent with the occupational demands of law enforcement.

a. Passing any of the following color vision tests indicates that the applicant has color vision abilities consistent with the occupational demands of law enforcement:

- (1) Pseudoisochromatic plates tests such as but not limited to: Tokyo Medical College, Ishihara, Standard Pseudoisochromatic Plates, Dvorine, American Optical HRR Plates, American Optical.
- (2) 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.

b. Color corrective lenses may not be used by an applicant during the testing process pursuant to the American College of Occupational and Environmental Medicine (ACOEM) Guidance for the Medical Evaluation of Law Enforcement Officers.

c. 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, physician assistant or surgeon and meets the physical requirements necessary to fulfill the responsibilities of a law enforcement officer.

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

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

[ARC 2960C, IAB 3/1/17, effective 4/5/17; ARC 5006C, IAB 3/25/20, effective 4/29/20; ARC 5572C, IAB 4/21/21, effective 5/26/21; ARC 6137C, IAB 1/12/22, effective 2/16/22; ARC 6727C, IAB 12/14/22, effective 1/18/23]

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 psychological 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 psychological test.

a. The Minnesota Multiphasic Personality Inventory 2 (MMPI-2) test shall be taken by all applicants in the final selection process for a law enforcement position.

b. The prescribed psychological 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 psychological 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.

c. The administration of the POST test and the MMPI-2 shall be in accordance with directions of the Iowa law enforcement academy.

2.2(4) Cognitive test. Rescinded IAB 3/25/20, effective 4/29/20.

2.2(5) Psychological tests.

a. Those law enforcement agencies which choose to administer, score, or interpret the MMPI-2 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-2 scales used in the evaluation, the MMPI-2 answer sheet, and any resulting reports.

b. The MMPI-2 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 MMPI-2 test results. The evaluation by the Iowa law enforcement academy of MMPI-2 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 MMPI-2 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 MMPI-2 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.

[ARC 5006C, IAB 3/25/20, effective 4/29/20; ARC 6137C, IAB 1/12/22, effective 2/16/22]

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 501—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 501—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 501—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 501—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 501—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 501—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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[Filed ARC 6727C (Notice ARC 6545C, IAB 9/21/22), IAB 12/14/22, effective 1/18/23]

◊ 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 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 12 months from the date the time period in which to achieve certification specified in rule 501—3.1(80B) expired, or from the date that the person was last employed as a regular law enforcement officer in the state of Iowa, whichever comes first.

[ARC 6264C, IAB 3/23/22, effective 4/27/22]

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 of personnel.
2. Change of status of existing personnel (e.g., promotions).
3. Any termination of employment of a law enforcement officer or termination of appointment as a reserve peace officer. The notification must state whether the law enforcement officer or reserve peace officer was discharged or removed for serious misconduct or whether the officer left, voluntarily quit, or was laid off when disciplinary investigation or action was imminent or pending which could

have resulted in the officer being discharged or removed for serious misconduct. Upon request by the council, the employing agency shall provide any additional information or documentation about the officer including confidential records or information under Iowa Code section 22.7 or other applicable law to the council.

[ARC 5572C, IAB 4/21/21, effective 5/26/21; ARC 6264C, IAB 3/23/22, effective 4/27/22; ARC 6727C, IAB 12/14/22, effective 1/18/23]

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

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

[ARC 5006C, IAB 3/25/20, effective 4/29/20; ARC 6264C, IAB 3/23/22, effective 4/27/22]

501—3.4(80B) Qualifications for attendance at a short course. In order to be eligible for enrollment in a 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 that includes at least 20 credit hours dedicated to police science or criminal justice coursework 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 the same.

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

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

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

[ARC 5006C, IAB 3/25/20, effective 4/29/20; ARC 6264C, IAB 3/23/22, effective 4/27/22; ARC 6727C, IAB 12/14/22, effective 1/18/23]

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

3.5(1) Program administration 24 hours

- a. Examinations.
- b. Family day.
- c. Graduation.
- d. Registration/orientation.
- e. Student advisor meeting.

3.5(2) Patrol procedures 55 hours

- a. Active shooter response training.
- b. Alcohol licensee compliance.
- c. Animal control procedures.
- d. Basic incident command (IS-100 and IS-700).
- e. Felony calls in progress (includes building searches).
- f. Fire calls.
- g. Gangs.
- h. Hazardous materials.
- i. Iowa system communication including NCIC (National Crime Information Center).
- j. Meth lab safety.
- k. Observation and perception.
- l. Patrol techniques and beat assignments.
- m. Radar enforcement.
- n. Radio communications.
- o. Terrorism awareness.
- p. Traffic direction.

- q. Traffic law enforcement.
- r. Weather preparedness.
- 3.5(3) Tactical skills 188 hours**
- a. Chemical spray.
- b. Defensive tactics.
- c. Expandable baton training.
- d. Firearms (including 6 hours of night fire).
- e. Firearms training simulator.
- f. Risk management.
- g. Vehicle operations (including 2 hours of night vehicle operations).
- h. Vehicle stops (including 2 hours of night vehicle stops).
- 3.5(4) Life skills 123 hours**
- a. Below 100.
- b. Bloodborne pathogens.
- c. Officer resiliency and development.
- d. Crisis intervention training.
- e. Critical incident stress management.
- f. Federal color of law (aspects of use of force).
- g. Iowa law enforcement emergency care provider (minimum of 32 hours of classroom).
- h. Mental health emergencies.
- i. Physical training.
- j. Special needs population.
- k. Stress management.
- l. Survival awareness.
- 3.5(5) Investigation. 112 hours**
- a. Bombing and arson.
- b. Burglary.
- c. Card fraud.
- d. Collision investigation.
- e. Crime scene search and recording.
- f. Death investigation.
- g. Document fraud.
- h. Domestic abuse investigation (including 4 hours of practical).
- i. Financial crimes.
- j. Fingerprinting.
- k. Forensic science and the DCI laboratory.
- l. Hate crimes.
- m. Human trafficking.
- n. Insurance fraud.
- o. Iowa lottery security.
- p. Iowa missing persons.
- q. Mandatory reporting of child and dependent adult abuse.
- r. Narcotics investigation.
- s. OWI enforcement (includes chemical testing, evidentiary breath testing device training and drug recognition for street officers).
- t. Photography.
- u. Sexual abuse investigation.
- v. Stalking.
- w. Standardized field sobriety testing.
- x. Street intoxication.
- y. Vehicle theft.
- 3.5(6) Legal topics 67 hours**

- a. Civil liability.
- b. Confessions and admissions.
- c. Criminal law.
- d. Juvenile law.
- e. Law of arrest.
- f. Motor vehicle law.
- g. Narcotics law.
- h. OWI legal.
- i. Peace officer and management rights.
- j. Procedural due process.
- k. Rules of evidence.
- l. Search and seizure.
- m. Use of force.
- 3.5(7) Communication skills 36 hours**
- a. Deaf and hard-of-hearing culture.
- b. Death notification.
- c. Interviews and interrogations.
- d. Moot court.
- e. Report writing and investigative note-taking.
- f. Social media.
- g. Testifying in court.
- h. Verbal defense and influence.
- 3.5(8) Foundations of American policing 15 hours**
- a. Community relations.
- b. Court organization.
- c. Cultural competency.
- d. Discretion.
- e. Ethics and professionalism.
- f. Jail operations/corrections/civil process.
- g. Race relations.
- h. Unbiased policing (minimum of 2 hours).

TOTAL HOURS: 620

This rule is intended to implement Iowa Code section 80B.11.
[ARC 5006C, IAB 3/25/20, effective 4/29/20; ARC 5860C, IAB 8/25/21, effective 9/29/21; ARC 6264C, IAB 3/23/22, effective 4/27/22; ARC 6727C, IAB 12/14/22, effective 1/18/23]

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

- 3.6(1) Program administration 16 hours**
- a. Examinations.
- b. Graduation.
- c. Registration/orientation.
- 3.6(2) Patrol procedures 35 hours**
- a. Active shooter response training.
- b. Basic incident command.
- c. Felony calls in progress (includes building searches).
- d. Gangs.
- e. Hazardous materials.
- f. Iowa system communication including NCIC.
- g. Meth labs.
- h. Radar enforcement.
- i. Radio communications.
- j. Traffic direction.

- 3.6(3) Tactical skills 128 hours**
 - a. Chemical spray.
 - b. Defensive tactics.
 - c. Expandable baton training.
 - d. Firearms (including 6 hours of night fire).
 - e. Vehicle operations (including 2 hours of night vehicle operations).
 - f. Vehicle stops (including 2 hours of night vehicle stops).
- 3.6(4) Life skills 73 hours**
 - a. Below 100.
 - b. Bloodborne pathogens.
 - c. Officer resiliency and development.
 - d. Crisis intervention training.
 - e. Iowa law enforcement emergency care provider (minimum of 32 hours of classroom).
 - f. Mental health.
 - g. Physical training.
- 3.6(5) Investigation 56 hours**
 - a. Collision investigation.
 - b. Crime scene search and recording.
 - c. Card fraud.
 - d. Death investigation.
 - e. Domestic abuse investigation (including 2 hours of practical).
 - f. Fingerprinting.
 - g. Human trafficking.
 - h. Iowa lottery security.
 - i. Mandatory reporting.
 - j. Narcotics investigation.
 - k. OWI enforcement (includes chemical testing, evidentiary breath testing device training and drug recognition for street officers).
 - l. Photography.
 - m. Sexual abuse investigation.
- 3.6(6) Legal topics 57 hours**
 - a. Confessions and admissions.
 - b. Criminal law.
 - c. Juvenile law.
 - d. Law of arrest.
 - e. Motor vehicle law.
 - f. Narcotics law.
 - g. OWI legal.
 - h. Rules of evidence.
 - i. Search and seizure.
 - j. Use of force.
- 3.6(7) Communication skills 29 hours**
 - a. Interviews and interrogations.
 - b. Report writing and investigative note-taking.
 - c. Testifying in court.
 - d. Verbal defense and influence.
- 3.6(8) Foundations of American policing 6 hours**
 - a. Cultural competency.
 - b. Ethics and professionalism.
 - c. Unbiased policing (minimum of 2 hours).

TOTAL HOURS: 400

This rule is intended to implement Iowa Code section 80B.11.
[ARC 5006C, IAB 3/25/20, effective 4/29/20; ARC 6264C, IAB 3/23/22, effective 4/27/22]

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, adhering to all requirements set out in Iowa Code section 80B.11F, as well as any additional requirements set out by the academy. Successful completion of the required test or tests will result in certification by the council. The test or tests will be prepared and administered by the academy or its designee, and the passing score will be determined by the academy. The required test or tests will be based upon the officer's prior law enforcement training and experience as follows:

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

3.8(2) *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 to 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 400-hour certifying basic law enforcement training school in another state, which certification has not been withdrawn or suspended 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 a certifying academy.

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.

[ARC 5572C, IAB 4/21/21, effective 5/26/21; ARC 6264C, IAB 3/23/22, effective 4/27/22]

501—3.9(80B) Special certification through examination. Rescinded ARC 6264C, IAB 3/23/22, effective 4/27/22.

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 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. An administrative fee, to be established by the academy, shall accompany the application packet.

b. The sponsoring Iowa law enforcement agency must certify that the agency intends to hire the individual within the next 12 months.

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.

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

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.

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

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

[ARC 6264C, IAB 3/23/22, effective 4/27/22]

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

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[Filed ARC 6264C (Notice ARC 6154C, IAB 1/26/22), IAB 3/23/22, effective 4/27/22]
[Filed ARC 6727C (Notice ARC 6545C, IAB 9/21/22), IAB 12/14/22, effective 1/18/23]

- ¹ Effective date of 3/1/89 for rescission of 3.4(1) delayed 70 days by the Administrative Rules Review Committee.
- 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 THE TRAINING OF PEACE OFFICERS,
RESERVE OFFICERS, JAILERS AND PUBLIC SAFETY TELECOMMUNICATORS

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

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

501—4.1(80B,80D) Instructors for the training of peace officers, reserve officers, jailers and public safety telecommunicators.

4.1(1) *Instructor designation.* All instructors of a council-approved training program, excluding agency in-service training, will be designated as either general or subject matter expert (SME). General instructors will be peace officers, jailers, jail administrators or public safety telecommunicators instructing in subjects relevant to their profession. Subject matter expert instructors will be those instructing subjects in the areas requiring a specialized academic degree, certification, licensure or experience. The final decision as to whether an instructor is in the general or SME area rests with the academy council or the academy director.

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

4.1(3) *Request for instructional certification.*

a. 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. Minimum qualifications for the certification of instructors (general and subject matter expert) apply to all applicants.

b. All applications for instructors must be submitted to the academy 20 days prior to a regularly scheduled academy council meeting. Any applications not received 20 days prior to a regularly scheduled meeting may not be considered and may be added to the agenda of the next subsequent meeting.

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 administrator who is ultimately responsible for the instruction provided.

4.1(5) *Granting or revocation of instructor certification.*

a. The granting of instructor certification will be determined by a vote of the academy council. The academy shall issue instructor certification to an applicant upon approval of the academy council. In the event of denial of instructor certification, the applicant 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, 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.

b. All instructor certification will be issued for a period of three years. Once certified, an instructor is certified to instruct throughout the state. At the end of a three-year period, certification may be renewed if the instructor has maintained the training requirements for certification, has instructed in a certified training program during the three-year period, remains in good standing, and is recommended by the administrator under whose supervision the individual has instructed.

c. The certification may be revoked or suspended in writing at the discretion of the academy council or the academy director subject to subsequent council review. 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, 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.

d. Good standing determination is in the sole discretion of the academy council or academy director subject to subsequent council review. A person who has been dismissed for good cause from previous employment; who leaves, who voluntarily quits, or whose position is eliminated when disciplinary action was imminent or pending that could have resulted in removal for good cause as

defined in rule 501—1.1(80B); or who is currently involved in the decertification process shall not be considered in good standing.

4.1(6) *Responsibility for ensuring instructional excellence.* It is the continuing responsibility of the administrator who is ultimately responsible for the instruction provided to ensure that the instructors are assigned only topics that they are qualified to teach and are supervised on a regular basis to ensure that instructional excellence is maintained.

4.1(7) *Endorsement of application for instructor certification.* Applications for instructor (general or subject matter expert) certification will be endorsed by the administrator who is ultimately responsible for the instruction provided and, where applicable, by the applicant's department head.

[ARC 6137C, IAB 1/12/22, effective 2/16/22; ARC 6727C, IAB 12/14/22, effective 1/18/23]

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

4.2(1) *Experience and training.* The following are minimum experience and training requirements that an instructor (general) must meet in order to become certified:

a. A minimum of three years' certified experience (peace officer, jailer or public safety telecommunicator) with a majority portion of this experience in the subject area to be instructed; and

b. Successful completion of an instructor training course consisting of a minimum of 16 hours of instruction or have provided a minimum of 60 hours of instruction within the past three years and be able to verify the same upon request.

4.2(2) *Specific requirements to instruct specialized areas.* Special training or valid certification is required to instruct certain subject areas, including but not limited to those listed below:

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

b. Collision investigation instructor. Must have successfully completed a two-week collision investigation school at the Iowa law enforcement academy or other training recognized by the Iowa law enforcement academy.

c. Defensive tactics instructor. Must have successfully completed a defensive tactics instructor school at the Iowa law enforcement academy or other training recognized by the Iowa law enforcement academy.

d. 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.

e. Firearms instructor. Must have successfully completed a firearms instructor school at the Iowa law enforcement academy or other training recognized by the Iowa law enforcement academy.

f. Iowa law enforcement emergency care provider instructor. Must be certified as an ILEECBP by the Iowa law enforcement academy or maintain current emergency medical care provider, or higher level of medical certification.

g. Less lethal and chemical munitions instructor. Must have attended a school recognized by the Iowa law enforcement academy in less lethal and chemical munitions.

h. OWI/implied consent and standardized field sobriety test (SFST) instructor. Must have successfully completed a standardized field sobriety test instructor school at the Iowa law enforcement academy or other training recognized by the Iowa law enforcement academy.

i. Precision driving instructor. Must have successfully completed a precision driving instructor school at the Iowa law enforcement academy or other training recognized by the Iowa law enforcement academy.

[ARC 6137C, IAB 1/12/22, effective 2/16/22]

501—4.3(80B,80D) Minimum qualifications for certification (subject matter expert). The following are minimum experience and training requirements that an instructor (subject matter expert) must meet in order to become certified:

4.3(1) *Experience.* Must have a minimum of three years' experience in the subject area to be instructed; and

4.3(2) Education. Must have at least a baccalaureate degree in the subject area or related field unless further education is required or a current license or certification in the subject area; and

4.3(3) Background. Must be recommended by the administrator who is ultimately responsible for the instruction provided who shall consider the reputation, conduct, stability, and ability of the person being recommended.

[ARC 6137C, IAB 1/12/22, effective 2/16/22]

These rules are intended to implement Iowa Code sections 80B.11, 80B.11A, 80B.11C and 80D.4.

[Filed 7/16/70]

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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.

[Filed 7/16/70]

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[Filed 12/21/00, Notice 11/15/00—published 1/10/01, effective 2/14/01]

CHAPTER 6 DECERTIFICATION

[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.

[ARC 5006C, IAB 3/25/20, effective 4/29/20]

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 upon a finding that the law enforcement officer or reserve peace officer has done any of the following:

- a. The law enforcement officer or reserve peace officer pled guilty to or was convicted of a felony;
- b. The law enforcement officer or reserve peace officer manufactured, sold, or conspired to manufacture or sell an illegal drug other than an authorized act in connection with official duties;
- c. The law enforcement officer or reserve peace officer pled guilty to or was convicted of a crime constituting a misdemeanor crime of domestic violence or other domestic abuse including other offenses or lesser included offenses stemming from domestic abuse;
- d. The law enforcement officer or reserve peace officer pled guilty to or was convicted of any offense classified as a tier I, tier II, or tier III sex offense in Iowa Code chapter 692A;
- e. The law enforcement officer or reserve peace officer was discharged for serious misconduct, as defined by Iowa Code section 80B.13A(1) "b," from employment as a law enforcement officer;
- f. The law enforcement officer or reserve peace officer left, voluntarily quit, or was laid off when disciplinary investigation or action was imminent or pending which could have resulted in the law enforcement officer being discharged or the reserve officer being removed for serious misconduct, if the council determined that the officer engaged in serious misconduct;
- g. The law enforcement officer or reserve peace officer was convicted or pled guilty to any offense under prior laws of this state or another jurisdiction, or any offense under prior law that was prosecuted in a federal, military, or foreign court, that is comparable to an offense listed in paragraphs 6.2(1) "a" to "d."

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

- a. The law enforcement officer or reserve peace officer has been discharged for "good cause" from employment as a law enforcement officer or from appointment as a reserve peace officer.
- b. The law enforcement officer or reserve peace officer leaves, voluntarily quits, or the officer's position is eliminated when disciplinary action was imminent or pending which could have resulted in the law enforcement officer being discharged or the reserve peace officer being removed for "good cause."
- c. The law enforcement officer's or reserve peace officer's current or former employing agency recommends to the council that revocation or suspension would be appropriate with regard to a current or former employee. A recommendation by the law enforcement officer's or reserve peace officer's current or former employing agency must be in writing and set forth the reasons why the action is being recommended, the findings of the employing agency concerning the matter, the action taken by the employing agency, and that the action by the agency is final. Upon such a recommendation, the law enforcement officer's or reserve peace officer's current or former employing agency shall provide the Iowa law enforcement academy the following materials within ten days of the recommendation:

- (1) The law enforcement officer's or reserve peace officer's personnel file;
- (2) The employing agency's internal investigative file;

(3) Any other materials the employing agency used in the determination to make its recommendation.

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

e. The law enforcement officer or reserve peace officer:

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

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

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

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

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

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

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

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

(1) 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 the Iowa law enforcement academy, 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. The recommendation for decertification must contain the following information:

1. Have attached a copy of the agreement referred to in subparagraph 6.2(2) "*f*"(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 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 council, upon written application and for good cause shown, grants further time in which to submit the recommendation.

[ARC 5006C, IAB 3/25/20, effective 4/29/20; ARC 5572C, IAB 4/21/21, effective 5/26/21]

501—6.3(80B,17A) Service and filing of pleadings and other papers.

6.3(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(34).

6.3(2) *Service—when required.* Except where otherwise provided by law, every document filed in a contested case proceeding shall be served upon each of the parties of record to the proceeding, simultaneously with its filing. Except for the original notice of hearing and an application for rehearing as provided in Iowa Code section 17A.16(2), the party filing a document is responsible for service on all parties.

6.3(3) *Service—how made.* Service upon a party represented by an attorney shall be made upon the attorney unless otherwise ordered. Service is made by delivery or by mailing a copy to the person's last-known address. Service by mail is complete upon mailing, except where otherwise specifically provided by statute, rule, or order.

6.3(4) *Filing—when required.* After the notice of hearing, all documents in a contested case proceeding shall be filed with the council at Iowa Law Enforcement Academy, Camp Dodge, Johnston, Iowa 50131. All documents that are required to be served upon a party shall be filed simultaneously with the council and, if the presiding officer is not the council, at a location designated by the presiding officer.

6.3(5) *Filing—when made.* Except where otherwise provided by law, a document is deemed filed at the time it is delivered to the council, delivered to an established courier service for immediate delivery to that office, or mailed by first-class mail or state interoffice mail to that office, so long as there is proof of mailing.

6.3(6) *Proof of mailing.* Proof of mailing includes either: a legible United States Postal Service postmark on the envelope, a certificate of service, a notarized affidavit, or a certification in substantially the following form:

I certify under penalty of perjury and pursuant to the laws of Iowa that, on (date of mailing), I mailed copies of (document description) addressed to the (agency office and address) and to the names and addresses of the parties listed below by depositing the same in (a United States post office mailbox with correct postage properly affixed or state interoffice mail).

(Date) (Signature)

[ARC 5006C, IAB 3/25/20, effective 4/29/20]

501—6.4(80B,17A) Prehearing procedures.

6.4(1) *Council 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.

6.4(2) *Commencement of contested case proceedings.* Contested case proceedings shall be commenced by the delivery of a notice by the council or its designee requiring the affected law enforcement officer to appear and show cause as to 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 as provided in the Iowa Rules of Civil Procedure; by certified restricted mail, return receipt requested; by signed acknowledgment accepting service; or, when service cannot be accomplished using the aforementioned methods, notice of hearing shall be published once each week for three consecutive weeks in a newspaper of general circulation, published or circulated in the

county of last-known residence of the affected law enforcement officer. The first notice of hearing shall be published at least 30 days prior to the scheduled hearing.

The notice shall include:

- a. A statement of the time, place and nature of the hearing;
- b. A statement of the legal authority and jurisdiction under which the hearing is held;
- c. A reference to the particular sections of the statutes and rules involved;
- d. A short and plain statement of the grounds for revocation or suspension and relevant facts;
- e. Reference to the procedural rules governing conduct of the contested case proceeding; and
- f. Identification of the presiding officer, if known. If not known, a description of who will serve as presiding officer.

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.

6.4(3) Discovery. The following discovery procedures available in the Iowa Rules of Civil Procedure are available to the parties: depositions upon oral examination or written questions; written interrogatories; production of documents, electronically stored information, and things; and requests for admission. Unless lengthened or shortened by the presiding officer, the time frames for discovery in the specific Iowa Rules of Civil Procedure govern those specific procedures.

a. Iowa Rules of Civil Procedure 1.701 through 1.717 regarding depositions shall apply to any depositions taken in a contested case proceeding. Any party taking a deposition in a contested case shall be responsible for any deposition costs, unless otherwise specified or allocated in an order. Deposition costs include, but are not limited to, reimbursement for mileage of the deponent, costs of a certified shorthand reporter, and expert witness fees, as applicable.

b. Iowa Rule of Civil Procedure 1.509 shall apply to any interrogatories propounded in a contested case proceeding.

c. Iowa Rule of Civil Procedure 1.512 shall apply to any requests for production of documents, electronically stored information, and things in a contested case proceeding.

d. Iowa Rule of Civil Procedure 1.510 shall apply to any requests for admission in a contested case proceeding. Iowa Rule of Civil Procedure 1.511 regarding the effect of an admission shall apply in contested case proceedings.

e. The mandatory disclosure and discovery conference requirements in Iowa Rules of Civil Procedure 1.500 and 1.507 do not apply to contested case proceedings. However, upon application by a party, the presiding officer may order the parties to comply with these procedures unless doing so would unreasonably complicate the proceedings or impose an undue hardship.

f. Iowa Rule of Civil Procedure 1.508 shall apply to discovery of any experts identified by a party to a contested case proceeding.

g. A party may file a motion to compel or other motion related to discovery in accordance with this subrule. Any motion filed with the presiding officer relating to discovery shall allege that the moving party has previously made a good-faith attempt to resolve the discovery issues involved with the opposing party. Motions in regard to discovery shall be ruled upon by the presiding officer. Opposing parties shall be afforded the opportunity to respond within ten days of the filing of the motion unless the time is lengthened or shortened by the presiding officer. The presiding officer may rule on the basis of the written motion and any response or may order argument on the motion.

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

6.4(4) Presiding officer subpoenas. 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.

6.4(5) Motions. No technical form for motions is required. However, prehearing motions must be in writing, state the grounds for relief, and state the relief sought.

a. Any party may file a written response to a motion within ten days after the motion is served, unless the time period is extended or shortened by rules of the agency or the presiding officer.

b. The presiding officer may schedule oral arguments on any motion.

c. Motions pertaining to the hearing, including motions for summary judgment, must be filed and served at least ten days prior to the date of hearing unless there is good cause for permitting later action or the time for such action is lengthened or shortened by rule of the agency or an order of the presiding officer.

6.4(6) Prehearing conference. The presiding officer, upon its 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.

Prehearing conferences shall be conducted by telephone unless otherwise ordered. Parties shall exchange witness and exhibit lists in advance of a prehearing conference.

[ARC 5006C, IAB 3/25/20, effective 4/29/20]

501—6.5(80B,17A) Presiding officer.

6.5(1) The presiding officer assigned to render a proposed decision will be an administrative law judge employed by the Iowa department of inspections and appeals. However, the council in its discretion may elect to preside over a case in lieu of an administrative law judge.

6.5(2) Any party who wishes to request that the presiding officer assigned to render a proposed decision be an administrative law judge employed by the Iowa department of inspections and appeals must file a written request within 20 days after service of a notice of hearing which identifies or describes the presiding officer as the council.

6.5(3) The council may deny the request only upon a finding that one or more of the following apply:

a. Neither the council nor any officer of the council under whose authority the contested case is to take place is a named party to the proceeding or a real party in interest to that proceeding.

b. There is a compelling need to expedite issuance of a final decision in order to protect the public health, safety, or welfare.

c. An administrative law judge is unavailable to hear the case within a reasonable time.

d. The case involves significant policy issues of first impression that are inextricably intertwined with the factual issues presented.

e. The demeanor of the witnesses is likely to be dispositive in resolving the disputed factual issues.

f. Funds are unavailable to pay the costs of an administrative law judge and an interagency appeal.

g. The request was not timely filed.

h. The request is not consistent with a specified statute.

6.5(4) The council shall issue a written ruling specifying the grounds for its decision within 20 days after a request for an administrative law judge is filed. If the ruling is contingent upon the availability of an administrative law judge, the parties shall be notified at least ten days prior to hearing if a qualified administrative law judge will not be available.

6.5(5) Unless otherwise provided by law, all rulings by an administrative law judge acting as presiding officer are subject to appeal to the council. A party must seek any available intra-agency appeal in order to exhaust adequate administrative remedies.

6.5(6) Unless otherwise provided by law, the council, when reviewing a proposed decision upon intra-agency appeal, shall have the powers of and shall comply with the provisions of this chapter which apply to presiding officers.

[ARC 5006C, IAB 3/25/20, effective 4/29/20]

501—6.6(80B,17A) Disqualification.

6.6(1) A presiding officer or council member shall withdraw from participation in the making of any proposed or final decision in a contested case if that person:

- a. Has a personal bias or prejudice concerning a party or a representative of a party;
- b. Has personally investigated, prosecuted or advocated in connection with that case, the specific controversy underlying that case, another pending factually related contested case, or a pending factually related controversy that may culminate in a contested case involving the same parties;
- c. Is subject to the authority, direction or discretion of any person who has personally investigated, prosecuted or advocated in connection with that contested case, the specific controversy underlying that contested case, or a pending factually related contested case or controversy involving the same parties;
- d. Has acted as counsel to any person who is a private party to that proceeding within the past two years;
- e. Has a personal financial interest in the outcome of the case or any other significant personal interest that could be substantially affected by the outcome of the case;
- f. Has a spouse or relative within the third degree of relationship that:
 - (1) Is a party to the case, or an officer, director or trustee of a party;
 - (2) Is a lawyer in the case;
 - (3) Is known to have an interest that could be substantially affected by the outcome of the case; or
 - (4) Is likely to be a material witness in the case; or
- g. Has any other legally sufficient cause to withdraw from participation in the decision making in that case.

6.6(2) The term “personally investigated” means taking affirmative steps to interview witnesses directly or to obtain documents or other information directly. The term “personally investigated” does not include general direction and supervision of assigned investigators, unsolicited receipt of information which is relayed to assigned investigators, review of another person’s investigative work product in the course of determining whether there is probable cause to initiate a proceeding, or exposure to factual information while performing other agency functions, including fact gathering for purposes other than investigation of the matter which culminates in a contested case. Factual information relevant to the merits of a contested case received by a person who later serves as presiding officer in that case shall be disclosed if required by Iowa Code section 17A.17 and subrules 6.6(3) and 6.11(9).

6.6(3) In a situation where a presiding officer or council member knows of information which might reasonably be deemed to be a basis for disqualification and decides voluntary withdrawal is unnecessary, that person shall submit the relevant information for the record by affidavit and shall provide for the record a statement of the reasons for the determination that withdrawal is unnecessary.

6.6(4) If a party asserts disqualification on any appropriate ground, including those listed in subrule 6.6(1), the party shall file a motion supported by an affidavit pursuant to Iowa Code section 17A.17(7). The motion must be filed as soon as practicable after the reason alleged in the motion becomes known to the party. If the presiding officer determines that disqualification is appropriate, the presiding officer or council member shall withdraw. If the presiding officer determines that withdrawal is not required, the presiding officer shall enter an order to that effect. A party asserting disqualification may seek an interlocutory appeal under rule 501—6.12(80B,17A) and seek a stay under rule 501—6.16(80B,17A).

[ARC 5006C, IAB 3/25/20, effective 4/29/20]

501—6.7(80B,17A) Continuances. A party has no automatic right to a continuance or delay of the council’s hearing procedure or schedule. However, a party may request a continuance of the presiding

officer prior to the date set for hearing. The presiding officer shall have the power to grant continuances. Within seven days of the date set for hearing, no continuances shall be granted except for extraordinary, extenuating or emergency circumstances.
[ARC 5006C, IAB 3/25/20, effective 4/29/20]

501—6.8(80B,17A) Hearing procedures.

6.8(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. Parties shall have been notified of the date and place of the hearing at least 30 days prior thereto.

a. Evidentiary hearings before the council 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.

b. Evidentiary hearings before an administrative law judge shall be held at an appropriate location designated by the department of inspections and appeals.

6.8(2) Conduct of the proceedings.

a. The presiding officer presides at the hearing and may rule on motions, require briefs, issue a proposed decision, and issue such orders and rulings as will ensure the orderly conduct of the proceedings. If the presiding officer is the council or a panel thereof, an administrative law judge from the Iowa department of inspections and appeals may be designated to assist the council in conducting proceedings under this chapter. An administrative law judge so designated may rule upon motions and other procedural matters and assist the council in conducting the hearings.

b. 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.

6.8(3) All objections shall be timely made and stated on the record.

6.8(4) Legal representation.

a. The law enforcement officer has a right to participate in all hearings or prehearing conferences and may be represented by an attorney or another person authorized by law. 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.

b. The office of the attorney general or an attorney designated by the director shall be responsible for prosecuting contested case proceedings under this chapter. The assistant attorney general or other designated attorney assigned to prosecute the contested case shall not represent the council in that case but shall represent the public interest.

6.8(5) Subject to terms and conditions prescribed by the presiding officer, parties have the right to introduce evidence on issues of material fact, cross-examine witnesses present at the hearing as necessary for a full and true disclosure of the facts, present evidence in rebuttal, and submit briefs and engage in argument.

6.8(6) Witnesses may be sequestered during the hearing.

6.8(7) The presiding officer shall conduct the hearing in the following manner:

a. The presiding officer shall give an opening statement briefly describing the nature of the proceedings;

b. The parties shall be given an opportunity to present opening statements;

c. Parties shall present their cases in the sequence determined by the presiding officer;

d. Each witness shall be sworn or affirmed by the presiding officer or the court reporter and be subject to examination and cross-examination. The presiding officer may limit questioning in a manner consistent with law;

e. When all parties and witnesses have been heard, parties may be given the opportunity to present final arguments.

[ARC 5006C, IAB 3/25/20, effective 4/29/20]

501—6.9(80B,17A) Evidence.

6.9(1) The presiding officer shall rule on admissibility of evidence and may, where appropriate, take official notice of facts in accordance with all applicable requirements of law.

6.9(2) Stipulation of facts is encouraged. The presiding officer may make a decision based on stipulated facts.

6.9(3) Evidence in the proceeding shall be confined to the issues concerning allegations raised on the face of petition for decertification as to which the parties received notice prior to the hearing.

6.9(4) The party seeking admission of an exhibit must provide opposing parties with an opportunity to examine the exhibit prior to the ruling on its admissibility. Copies of documents should normally be provided to opposing parties. All exhibits admitted into evidence shall be appropriately marked and be made part of the record.

6.9(5) Any party may object to specific evidence or may request limits on the scope of any examination or cross-examination. Such an objection shall be accompanied by a brief statement of the grounds upon which it is based. The objection, the ruling on the objection, and the reasons for the ruling shall be noted in the record. The presiding officer may rule on the objection at the time it is made or may reserve a ruling until the written decision.

6.9(6) Whenever evidence is ruled inadmissible, the party offering that evidence may submit an offer of proof on the record. The party making the offer of proof for excluded oral testimony shall briefly summarize the testimony or, with permission of the presiding officer, present the testimony. If the excluded evidence consists of a document or exhibit, it shall be marked as part of an offer of proof and inserted in the record.

[ARC 5006C, IAB 3/25/20, effective 4/29/20]

501—6.10(80B,17A) Default.

6.10(1) If a party fails to appear or participate in a contested case proceeding after proper service of notice, the presiding officer may, if no adjournment is granted, enter a default decision or proceed with the hearing and render a decision in the absence of the party.

6.10(2) Where appropriate and not contrary to law, any party may move for default against a party who has requested the contested case proceeding and has failed to file a required pleading or has failed to appear after proper service.

6.10(3) Default decisions or decisions rendered on the merits after a party has failed to appear or participate in a contested case proceeding become final agency action unless, within 15 days after the date of notification or mailing of the decision, a motion to vacate is filed and served on all parties or an appeal of a decision on the merits is timely initiated within the time provided by rule 501—6.14(80B,17A). A motion to vacate must state all facts relied upon by the moving party which establish that good cause existed for that party's failure to appear or participate at the contested case proceeding. Each fact so stated must be substantiated by at least one sworn affidavit of a person with personal knowledge of each such fact, which affidavit(s) must be attached to the motion.

6.10(4) The time for further appeal of a decision for which a timely motion to vacate has been filed is stayed pending a decision on the motion to vacate.

6.10(5) Properly substantiated and timely filed motions to vacate shall be granted only for good cause shown. The burden of proof as to good cause is on the moving party. Adverse parties shall have ten days to respond to a motion to vacate. Adverse parties shall be allowed to conduct discovery as to the issue of good cause and to present evidence on the issue prior to a decision on the motion, if a request to do so is included in that party's response.

6.10(6) “Good cause” for purposes of this rule shall have the same meaning as “good cause” for setting aside a default judgment under Iowa Rule of Civil Procedure 1.977.

6.10(7) A decision denying a motion to vacate is subject to further appeal within the time limit allowed for further appeal of a decision on the merits in the contested case proceeding. A decision granting a motion to vacate is subject to interlocutory appeal by the adverse party pursuant to rule 501—6.12(80B,17A).

6.10(8) If a motion to vacate is granted and no timely interlocutory appeal has been taken, the presiding officer shall issue another notice of hearing and the contested case shall proceed accordingly.

6.10(9) A default decision may award any relief consistent with the request for relief made in the petition and embraced in its issues (but, unless the defaulting party has appeared, it cannot exceed the relief demanded).

6.10(10) A default decision may provide either that the default decision is to be stayed pending a timely motion to vacate or that the default decision is to take effect immediately, subject to a request for stay under rule 501—6.16(80B,17A).

[ARC 5006C, IAB 3/25/20, effective 4/29/20]

501—6.11(80B,17A) Ex parte communication.

6.11(1) Prohibited communications. Unless required for the disposition of ex parte matters specifically authorized by statute, following issuance of the notice of hearing, there shall be no communication, directly or indirectly, between the presiding officer and any party or representative of any party or any other person with a direct or indirect interest in such case in connection with any issue of fact or law in the case except upon notice and opportunity for all parties to participate. This does not prohibit persons jointly assigned such tasks from communicating with each other. Nothing in this provision is intended to preclude the presiding officer from communicating with members of the council or seeking the advice or help of persons other than those with a personal interest in, or those engaged in personally investigating, prosecuting, or advocating in, either the case under consideration or a pending factually related case involving the same parties as long as those persons do not directly or indirectly communicate to the presiding officer any ex parte communications they have received of a type that the presiding officer would be prohibited from receiving or that furnish, augment, diminish, or modify the evidence in the record.

6.11(2) Prohibitions on ex parte communications commence with the issuance of the notice of hearing in a contested case and continue for as long as the case is pending.

6.11(3) Written, oral or other forms of communication are “ex parte” if made without notice and opportunity for all parties to participate.

6.11(4) To avoid prohibited ex parte communications, notice must be given in a manner reasonably calculated to give all parties a fair opportunity to participate. Notice of written communications shall be provided in compliance with rule 501—6.3(80B,17A) and may be supplemented by telephone, facsimile, electronic mail or other means of notification. Where permitted, oral communications may be initiated through conference telephone call including all parties or their representatives.

6.11(5) Council members acting as presiding officers may communicate with each other without notice or opportunity for parties to participate.

6.11(6) The director or other persons may be present in deliberations or otherwise advise the presiding officer without notice or opportunity for parties to participate as long as they are not disqualified from participating in the making of a proposed or final decision under any provision of law and they comply with subrule 6.11(1).

6.11(7) Communications with the presiding officer involving uncontested scheduling or procedural matters do not require notice or opportunity for parties to participate. Parties should notify other parties prior to initiating such contact with the presiding officer when feasible, and shall notify other parties when seeking to continue hearings or other deadlines pursuant to rule 501—6.7(80B,17A).

6.11(8) Disclosure of prohibited communications. A presiding officer who receives a prohibited ex parte communication during the pendency of a contested case must initially determine if the effect of the communication is so prejudicial that the presiding officer should be disqualified. If the presiding officer

determines that disqualification is warranted, a copy of any prohibited written communication, all written responses to the communication, a written summary stating the substance of any prohibited oral or other communication not available in written form for disclosure, all responses made, and the identity of each person from whom the presiding officer received a prohibited ex parte communication shall be submitted for inclusion in the record under seal by protective order (or disclosed). If the presiding officer determines that disqualification is not warranted, such documents shall be submitted for inclusion in the record and served on all parties. Any party desiring to rebut the prohibited communication must be allowed the opportunity to do so upon written request filed within ten days after notice of the communication.

6.11(9) Promptly after being assigned to serve as presiding officer at any stage in a contested case proceeding, a presiding officer shall disclose to all parties material factual information received through ex parte communication prior to such assignment unless the factual information has already been or shortly will be disclosed pursuant to Iowa Code section 17A.13(2) or through discovery. Factual information contained in an investigative report or similar document need not be separately disclosed by the presiding officer as long as such documents have been or will shortly be provided to the parties.

6.11(10) The presiding officer may render a proposed or final decision imposing appropriate sanctions for violations of this rule including default, a decision against the offending party, censure, or suspension or revocation of the privilege to practice before the department. Violation of ex parte communication prohibitions by department personnel shall be reported to (agency to designate person to whom violations should be reported) for possible sanctions including censure, suspension, dismissal, or other disciplinary action.

[ARC 5006C, IAB 3/25/20, effective 4/29/20]

501—6.12(80B,17A) Interlocutory appeals. Upon written request of a party or on its own motion, the council may review an interlocutory order of the presiding officer. In determining whether to do so, the council shall weigh the extent to which its granting the interlocutory appeal would expedite final resolution of the case and the extent to which review of that interlocutory order by the council at the time it reviews the proposed decision of the presiding officer would provide an adequate remedy. Any request for interlocutory review must be filed within 14 days of issuance of the challenged order, but no later than the time for compliance with the order or the date of hearing, whichever is first.

[ARC 5006C, IAB 3/25/20, effective 4/29/20]

501—6.13(80B,17A) Final decision.

6.13(1) When the council presides over the reception of evidence at the hearing, its decision is a final decision.

6.13(2) When the council does not preside over the reception of evidence at the hearing, the presiding officer shall make a proposed decision. The proposed decision becomes the final decision of the council without further proceedings unless there is an appeal to, or review on motion of, the council within the time provided in rule 501—6.14(80B,17A).

6.13(3) Final decisions shall be served on the affected law enforcement officer using one of the following methods: the same manner as the service of original notice as provided in the Iowa Rules of Civil Procedure; by certified restricted mail, return receipt requested; by signed acknowledgment accepting service; or, when service cannot be accomplished using the aforementioned methods, notice of hearing shall be published once each week for three consecutive weeks in a newspaper of general circulation, published or circulated in the county of last-known residence of the affected law enforcement officer. If the officer is represented by an attorney, the final decision shall be mailed to the attorney. The attorney may waive the requirement to serve the affected law enforcement officer through a written acknowledgment that the attorney is accepting service on behalf of the client.

[ARC 5006C, IAB 3/25/20, effective 4/29/20]

501—6.14(80B,17A) Appeals and review.

6.14(1) *Appeal by party.* Any adversely affected party may appeal a proposed decision to the council within 30 days after issuance of the proposed decision.

6.14(2) Review. The council may initiate review of a proposed decision on its own motion at any time within 30 days following the issuance of such a decision.

6.14(3) Notice of appeal. An appeal of a proposed decision is initiated by filing a timely notice of appeal with the council. The notice of appeal must be signed by the appealing party or a representative of that party and contain a certificate of service. The notice shall specify:

- a. The parties initiating the appeal;
- b. The proposed decision or order appealed from;
- c. The specific findings or conclusions to which exception is taken and any other exceptions to the decision or order;
- d. The relief sought; and
- e. The grounds for relief.

6.14(4) Requests to present additional evidence. A party may request the taking of additional evidence only by establishing that the evidence is material, that good cause existed for the failure to present the evidence at the hearing, and that the party has not waived the right to present the evidence. A written request to present additional evidence must be filed with the notice of appeal or, by a nonappealing party, within 14 days of service of the notice of appeal. The council may remand a case to the presiding officer for further hearing or may itself preside at the taking of additional evidence.

6.14(5) Scheduling. The council shall issue a schedule for consideration of the appeal.

6.14(6) Briefs and arguments. Unless otherwise ordered, within 20 days of the notice of appeal or order for review, each appealing party may file exceptions and briefs. Within 20 days thereafter, any party may file a responsive brief. Briefs shall cite any applicable legal authority and specify relevant portions of the record in that proceeding. Written requests to present oral argument shall be filed with the briefs. The council may resolve the appeal on the briefs or provide an opportunity for oral argument. The council may shorten or extend the briefing period as appropriate.

[ARC 5006C, IAB 3/25/20, effective 4/29/20]

501—6.15(80B,17A) Application for rehearing.

6.15(1) By whom filed. Any party to a contested case proceeding may file an application for rehearing from a final order.

6.15(2) Content of application. The application for rehearing shall state on whose behalf it is filed, the specific grounds for rehearing, and the relief sought. In addition, the application shall state whether the applicant desires reconsideration of all or part of the council decision on the existing record and whether, on the basis of the grounds enumerated in subrule 6.14(4), the applicant requests an opportunity to submit additional evidence.

6.15(3) Time of filing. The application shall be filed with the council within 20 days after issuance of the final decision.

6.15(4) Notice to other parties. A copy of the application shall be timely mailed by the applicant to all parties of record not joining therein. If the application does not contain a certificate of service, the council shall serve copies on all parties.

6.15(5) Disposition. Any application for a rehearing shall be deemed denied unless the council grants the application within 20 days after its filing.

[ARC 5006C, IAB 3/25/20, effective 4/29/20]

501—6.16(80B,17A) Stays of council actions.

6.16(1) When available.

a. Any party to a contested case proceeding may petition the council for a stay of an order issued in that proceeding or for other temporary remedies, pending review by the council. The petition shall be filed with the notice of appeal and shall state the reasons justifying a stay or other temporary remedy. The director may rule on the stay or authorize the presiding officer to do so.

b. Any party to a contested case proceeding may petition the council for a stay or other temporary remedies pending judicial review of all or part of that proceeding. The petition shall state the reasons justifying a stay or other temporary remedy.

6.16(2) *When granted.* In determining whether to grant a stay, the director or presiding officer shall consider the factors listed in Iowa Code section 17A.19(5).

6.16(3) *Vacation.* A stay may be vacated by the issuing authority upon application of the council or any other party.

[ARC 5006C, IAB 3/25/20, effective 4/29/20]

501—6.17(80B,17A) No factual dispute contested cases. If the parties agree that no dispute of material fact exists as to a matter that would be a contested case if such a dispute of fact existed, the parties may present all relevant admissible evidence either by stipulation or otherwise as agreed by the parties, without necessity for the production of evidence at an evidentiary hearing. If such agreement is reached, a jointly submitted schedule detailing the method and timetable for submission of the record, briefs and oral argument should be submitted to the presiding officer for approval as soon as practicable. If the parties cannot agree, any party may file and serve a motion for summary judgment pursuant to the rules governing such motions.

[ARC 5006C, IAB 3/25/20, effective 4/29/20]

501—6.18(80B,17A) Reinstatement. Any person whose certification has been suspended may apply to the board for reinstatement in accordance with the terms and conditions of the order of suspension and this rule. Any person whose certification has been revoked is not eligible for reinstatement.

6.18(1) All proceedings for reinstatement shall be initiated by the law enforcement officer or reserve peace officer, who shall file with the academy council an application for reinstatement. Such application shall be docketed in the original case in which the certification was suspended. All proceedings upon the application for reinstatement shall be subject to the same rules of procedure as other cases before the academy council.

6.18(2) An application for reinstatement shall allege facts which, if established, will be sufficient to enable the academy council to determine that the basis for the suspension of the law enforcement officer's or reserve peace officer's certification no longer exists and that it will be in the public interest for the certification to be reinstated. The burden of proof to establish such facts shall be on the law enforcement officer or reserve peace officer seeking reinstatement.

6.18(3) An order denying or granting reinstatement shall be based upon a decision which incorporates findings of fact and conclusions of law.

[ARC 5006C, IAB 3/25/20, effective 4/29/20]

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

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CHAPTER 7
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

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

“*Agency*” means the Iowa law enforcement academy.

“*Confidential record*” means a record which is not available as a matter of right for examination and copying by members of the public under applicable provisions of law. Confidential records include records or information contained in records that the agency is prohibited by law from making available for examination by members of the public, and records or information contained in records that are specified as confidential by Iowa Code section 22.7, or other provision of law, but that may be disclosed upon order of a court, the lawful custodian of the record, or by another person duly authorized to release the record. Mere inclusion in a record of information declared confidential by an applicable provision of law does not necessarily make that entire record a confidential record.

“*Custodian*” means the Iowa law enforcement academy, or a person lawfully delegated authority by the Iowa law enforcement academy to act for the agency in implementing Iowa Code chapter 22.

“*Open record*” means a record other than a confidential record.

“*Personally identifiable information*” means information about or pertaining to an individual in a record which identifies the individual and which is contained in a record system.

“*Record*” means the whole or a part of a public record as defined in Iowa Code section 22.1.

“*Record system*” means any group of records under the control of the agency from which a record may be retrieved by a personal identifier such as the name of an individual, number, symbol, or other unique retriever assigned to an individual.

[ARC 5006C, IAB 3/25/20, effective 4/29/20]

501—7.2(17A,22) Statement of policy. This chapter implements Iowa Code section 22.11 by establishing agency policies and procedures for the maintenance of records. The purpose of this chapter is to facilitate public access to open records. It also seeks to facilitate sound agency determinations with respect to the handling of confidential records and the implementation of the fair information practices Act. This agency is committed to the policies set forth in Iowa Code chapter 22; agency staff shall cooperate with members of the public in implementing the provisions of that chapter.

[ARC 5006C, IAB 3/25/20, effective 4/29/20]

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

7.3(1) Location of record. A request for access to a record should be directed to the office where the record is kept. If the location of the record is not known by the requester, the request shall be directed to the Iowa Law Enforcement Academy, P.O. Box 130, Camp Dodge, Johnston, Iowa 50131.

7.3(2) Office hours. Open records shall be available during customary office hours, which are 8 a.m. to 4:30 p.m. daily, excluding Saturdays, Sundays and legal holidays.

7.3(3) Request for access. A request for access to open records may be made in writing, by electronic mail, in person or by telephone. The request shall identify the particular records sought by name or description in order to facilitate the location of the record. Mail or telephone requests shall include the name, address, and telephone number of the person requesting the information. A person shall not be required to give a reason for requesting an open record.

7.3(4) Response to requests. Access to an open record shall be provided promptly upon request unless the size or nature of the request makes prompt access infeasible. If the size or nature of the request for access to an open record requires time for compliance, the custodian shall comply with the request as soon as feasible. Access to an open record may be delayed for one of the purposes authorized by Iowa Code section 22.8(4) or 22.10(4). The custodian shall promptly give notice to the requester of the reason for any delay in access to an open record and an estimate of the length of that delay and, upon request, shall promptly provide that notice to the requester in writing.

The custodian of a record may deny access to the record by members of the public only on the grounds that such a denial is warranted under Iowa Code sections 22.8(4) and 22.10(4), or that it is a confidential record, or that its disclosure is prohibited by a court order. Access by members of the public

to a confidential record is limited by law and, therefore, may generally be provided only in accordance with the provisions of rule 501—7.6(17A,22) and other applicable provisions of law.

7.3(5) Security of record. No person may, without permission from the custodian, search or remove any record from agency files. Examination and copying of agency records shall be supervised by the custodian or a designee of the custodian. Records shall be protected from damage and disorganization.

7.3(6) Copying. A reasonable number of copies of an open record may be made in the agency's office. If photocopy equipment is not available in the agency office where an open record is kept, the custodian shall permit its examination in that office and shall arrange to have copies promptly made elsewhere.

7.3(7) Fees.

a. When charged. The agency may charge fees in connection with the examination or copying of records only if the fees are authorized by law. To the extent permitted by applicable provisions of law, the payment of fees may be waived when the imposition of fees is inequitable or when a waiver is in the public interest.

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

c. Search and supervisory fees. Fees may be charged for actual agency expenses in searching for and supervising the examination and copying of requested records. The custodian shall notify the requester of the hourly fees to be charged for searching for records and supervision of records during examination and copying. That hourly fee shall not be in excess of the hourly wage of an agency employee who ordinarily would be appropriate and suitable to perform these search and supervisory functions.

d. Advance deposits.

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

(2) When a requester has previously failed to pay a fee chargeable under this subrule, the custodian may require payment of the full amount of any fees previously owed and of any estimated fees for the new request prior to processing any new request from the requester.

[ARC 5006C, IAB 3/25/20, effective 4/29/20; ARC 6264C, IAB 3/23/22, effective 4/27/22]

501—7.4(17A,22) Requests for treatment of a record as a confidential record and its withholding from examination. The custodian may treat a record as a confidential record and withhold it from examination only to the extent that the custodian is authorized by Iowa Code section 22.7, another applicable provision of law, or a court order, to refuse to disclose that record to members of the public.

7.4(1) Persons who may request. Any person who would be aggrieved or adversely affected by disclosure of a record and who asserts that Iowa Code section 22.7, another applicable provision of law, or a court order, authorizes the custodian to treat the record as a confidential record, may request the custodian to treat that record as a confidential record and to withhold it from public inspection.

7.4(2) Request. A request that a record be treated as a confidential record and be withheld from public inspection shall be in writing and shall be filed with the custodian. The request must set forth the legal and factual basis justifying such confidential record treatment for that record, and the name, address, and telephone number of the person authorized to respond to any inquiry or action of the custodian concerning the request. A person requesting treatment of a record as a confidential record may also be required to sign a certified statement or affidavit enumerating the specific reasons justifying the treatment of that record as a confidential record and to provide any proof necessary to establish relevant facts. Requests for treatment of a record as such a confidential record for a limited time period shall also specify the precise period of time for which that treatment is requested.

A person filing such a request shall, if possible, accompany the request with a copy of the record in question from which those portions for which such confidential record treatment has been requested

have been deleted. If the original record is being submitted to the agency by the person requesting such confidential treatment at the time the request is filed, the person shall indicate conspicuously on the original record that all or portions of it are confidential.

7.4(3) Failure to request. Failure of a person to request confidential record treatment for a record does not preclude the custodian from treating it as a confidential record. However, if a person who has submitted business information to the agency does not request that it be withheld from public inspection under Iowa Code section 22.7(3) or 22.7(6), the custodian of records containing that information may proceed as if that person has no objection to its disclosure to members of the public.

7.4(4) Timing of decision. A decision by the custodian with respect to the disclosure of a record to members of the public may be made when a request for its treatment as a confidential record that is not available for public inspection is filed, or when the custodian receives a request for access to the record by a member of the public.

7.4(5) Request granted or deferred. If a request for such confidential record treatment is granted, or if action on such a request is deferred, a copy of the record from which the matter in question has been deleted and a copy of the decision to grant the request or to defer action upon the request will be made available for public inspection in lieu of the original record. If the custodian subsequently receives a request for access to the original record, the custodian will make reasonable and timely efforts to notify any person who has filed a request for its treatment as a confidential record that is not available for public inspection of the pendency of that subsequent request.

7.4(6) Request denied and opportunity to seek injunction. If a request that a record be treated as a confidential record and be withheld from public inspection is denied, the custodian shall notify the requester in writing of that determination and the reasons therefor. On application by the requester, the custodian may engage in a good faith, reasonable delay in allowing examination of the record so that the requester may seek injunctive relief under the provisions of Iowa Code section 22.8, or other applicable provision of law. However, such a record need not be withheld from public inspection for any period of time if the custodian determines that the requester had no reasonable grounds to justify the treatment of that record as a confidential record. The custodian shall notify the requester in writing of the time period allowed to seek injunctive relief or the reasons for the determination that no reasonable grounds exist to justify the treatment of that record as a confidential record. The custodian may extend the period of good faith, reasonable delay in allowing examination of the record so that the requester may seek injunctive relief only if no request for examination of that record has been received, or if a court directs the custodian to treat it as a confidential record, or to the extent permitted by another applicable provision of law, or with the consent of the person requesting access.

[ARC 5006C, IAB 3/25/20, effective 4/29/20]

501—7.5(17A,22) Procedure by which additions, dissents, or objections may be entered into certain records. Except as otherwise provided by law, a person may file a request with the custodian to review, and to have a written statement of additions, dissents, or objections entered into, a record containing personally identifiable information pertaining to that person. However, this does not authorize a person who is a subject of such a record to alter the original copy of that record or to expand the official record of any agency proceeding. The requester shall send the request to review such a record or the written statement of additions, dissents, or objections to the custodian or to the Iowa law enforcement academy. The request to review such a record or the written statement of such a record of additions, dissents or objections must be dated and signed by the requester, and shall include the current address and telephone number of the requester or the requester's representative.

[ARC 5006C, IAB 3/25/20, effective 4/29/20]

501—7.6(17A,22) Access to confidential records. Under Iowa Code section 22.7 or other applicable provisions of law, the lawful custodian may disclose certain confidential records to one or more members of the public. Other provisions of law authorize or require the custodian to release specified confidential records under certain circumstances or to particular persons. In requesting the custodian to permit the examination and copying of such a confidential record, the following procedures apply and are in addition to those specified for requests for access to records in rule 501—7.3(17A,22).

7.6(1) Proof of identity. A person requesting access to a confidential record may be required to provide proof of identity or authority to secure access to the record.

7.6(2) Requests. The custodian may require that a request to examine and copy a confidential record be in writing. A person requesting access to such a record may be required to sign a certified statement or affidavit enumerating the specific reasons justifying access to the confidential record and to provide any proof necessary to establish relevant facts.

7.6(3) Notice to subject of record and opportunity to obtain injunction. After the custodian receives a request for access to a confidential record, and before the custodian releases such a record, the custodian may make reasonable efforts to notify promptly any person who is a subject of that record, is identified in that record, and whose address or telephone number is contained in that record. To the extent such a delay is practicable and in the public interest, the custodian may give the subject of such a confidential record to whom notification is transmitted a reasonable opportunity to seek an injunction under Iowa Code section 22.8, and indicate to the subject of the record the specific period of time during which disclosure will be delayed for that purpose.

7.6(4) Request denied. When the custodian denies a request for access to a confidential record, the custodian shall promptly notify the requester. If the requester indicates to the custodian that a written notification of the denial is desired, the custodian shall promptly provide such a notification that is signed by the custodian and that includes:

- a. The name and title or position of the custodian responsible for the denial; and
- b. A citation to the provision of law vesting authority in the custodian to deny disclosure of the record and a brief statement of the reasons for the denial to this requester.

7.6(5) Request granted. When the custodian grants a request for access to a confidential record to a particular person, the custodian shall notify that person and indicate any lawful restrictions imposed by the custodian on that person's examination and copying of the record.

[ARC 5006C, IAB 3/25/20, effective 4/29/20]

501—7.7(17A,22) Notice to suppliers of information. The agency shall notify persons completing agency forms of the use that will be made of personal information, which persons outside the agency might routinely be provided this information, which parts of the requested information are required and which are optional, and the consequences of a failure to provide the information requested. This notice may be given in these rules, on the form used to collect the information, on a separate fact sheet or letter, in brochures, in formal agreements, in contracts, in handbooks, in manuals, verbally, or by other appropriate means. Notice need not be given in connection with discovery requests in litigation or administrative proceedings, subpoenas, investigations of possible violations of law, or similar demands for information.

[ARC 5006C, IAB 3/25/20, effective 4/29/20]

501—7.8(17A,22) Disclosures without the consent of the subject.

7.8(1) Open records are routinely disclosed without the consent of the subject.

7.8(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 501—7.9(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.

[ARC 5006C, IAB 3/25/20, effective 4/29/20]

501—7.9(17A,22) Routine use.

7.9(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.

7.9(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.

[ARC 5006C, IAB 3/25/20, effective 4/29/20]

501—7.10(17A,22) Consensual disclosure of confidential records. To the extent permitted by any applicable provision of law, a person who is the subject of a confidential record may have a copy of the portion of that record concerning the subject disclosed to a third party. A request for such a disclosure must be in writing and must identify the particular record or records that may be disclosed, and the particular person or class of persons to whom the record may be disclosed (and, where applicable, the time period during which the record may be disclosed). The person who is the subject of the record and, where applicable, the person to whom the record is to be disclosed, may be required to provide proof of identity. (Additional requirements may be necessary for special classes of records.) Appearance of counsel on behalf of a person who is the subject of a confidential record is deemed to constitute consent for the agency to disclose records about that person to the person’s attorney.

[ARC 5006C, IAB 3/25/20, effective 4/29/20]

501—7.11(17A,22) Release to subject.

7.11(1) The subject of a confidential record may file a written request to review confidential records about that person as provided in rule 501—7.5(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 22.7(19).
- e. Decertification requests or information concerning decertification procedures under Iowa Code section 80B.13(8) and 501—Chapter 6.
- f. As otherwise authorized by law.

7.11(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.
[ARC 5006C, IAB 3/25/20, effective 4/29/20]

501—7.12(17A,22) Availability of records.

7.12(1) General. Agency records are open for public inspection and copying unless otherwise provided by rule or law.

7.12(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 sections 422.20 and 422.72)
- c. Records which are exempt from disclosure under Iowa Code section 22.7.
- d. Minutes or audio recordings of closed meetings of a government body. (Iowa Code section 21.5(5))
- 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)“e.”
- 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(11)“f” and 17A.3(1)“d.”)
- 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, state and federal rules of evidence or procedure, the Code of Professional Responsibility, and case law.
- h. Examinations and results. (Iowa Code section 22.7(19))
- i. Agency instructional outlines when disclosure would be prohibited by Iowa Code section 17A.2(11)“f.”
- j. Criminal investigative reports. (Iowa Code section 22.7(5))
- k. Computer resource security files containing names, identifiers, and passwords of users of computer resources. Such files must be kept confidential to maintain security for access to confidential records pursuant to Iowa Code section 22.7. (Iowa Code section 22.7(50))
- l. Data or information collected for the purpose of assessing, analyzing, measuring, preparing for, or responding to suspected, potential, or actual information security threats. (Iowa Code section 22.7(50))
- m. Detailed security audit information. Such information includes but is not limited to security assessment reports; information directly related to vulnerability assessments; information contained in records relating to security measures such as security and response plans, security codes and combinations, passwords, restricted area passes, keys, and security or response procedures; emergency response protocols; and information contained in records that if disclosed would significantly increase the vulnerability of critical physical systems or infrastructures of the office. (Iowa Code section 22.7(50))

n. Information security data, information security proposals, or information security assessments compiled, prepared, or developed by a governmental body, or compiled, prepared, or developed by a nongovernment body and used by a government body pursuant to a contractual relationship with the nongovernment body. (Iowa Code section 22.7(50))

o. Data processing software, as defined in Iowa Code section 22.3A, which is developed by a government body, or developed by a nongovernment body and used by a government body pursuant to a contractual relationship with the nongovernment body. (Iowa Code section 22.3A(2) “a”)

p. Log-on identification passwords, Internet protocol addresses, private keys, or other records containing information which might lead to the disclosure of private keys used in a digital signature or other similar technologies as provided in Iowa Code chapter 554D.

q. Records which if disclosed might jeopardize the security of an electronic transaction pursuant to Iowa Code chapter 554D.

[ARC 5006C, IAB 3/25/20, effective 4/29/20]

501—7.13(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 501—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:

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

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

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

7.13(3) Litigation files. These files or records contain information regarding litigation, or anticipated litigation, which includes judicial and administrative proceedings. The records include

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

7.13(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 chapter 692.

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

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

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

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

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

7.13(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.

7.13(11) *Salary files.* These files contain information concerning financial data regarding payments made to permanent or temporary employees of the Iowa law enforcement academy. These records are maintained concurrently by the Iowa law enforcement academy, the Iowa department of administrative services, and the Iowa department of revenue. These records are kept in paper or computerized form.

[ARC 5006C, IAB 3/25/20, effective 4/29/20; ARC 6137C, IAB 1/12/22, effective 2/16/22; ARC 6264C, IAB 3/23/22, effective 4/27/22]

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

7.14(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.

7.14(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.

7.14(3) Publications. The office receives a number of books, periodicals, videotapes, films, newsletters, government documents, etc. Some of these records may be protected by copyright law. Many of these publications of general interest are available in the state law library.

7.14(4) Rule-making records. Public documents generated during the promulgation of agency rules, including notices and public comments, are available for public inspection.

7.14(5) Office manuals. Information in office manuals such as the instructor outlines or policy manuals may be confidential under Iowa Code section 17A.2(11)“f” or other applicable provision of law.

7.14(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.

7.14(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 room at the state capitol.

7.14(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 or 22.7, or other applicable provisions of law.

7.14(9) All other records. Records are open if not exempted from disclosure by law.
[ARC 5006C, IAB 3/25/20, effective 4/29/20; ARC 6264C, IAB 3/23/22, effective 4/27/22]

501—7.15(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.

[ARC 5006C, IAB 3/25/20, effective 4/29/20]

These rules are intended to implement Iowa Code chapters 17A and 22.

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[Filed ARC 6264C (Notice ARC 6154C, IAB 1/26/22), IAB 3/23/22, effective 4/27/22]

CHAPTER 8
MANDATORY IN-SERVICE AND SPECIALTY TRAINING REQUIREMENTS

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

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

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

8.1(2) General training. In addition to the requirements of subrule 8.1(1), a regular law enforcement officer must receive a minimum of 12 hours per year of law enforcement-related in-service training. Whether training is law enforcement-related shall be determined by the employing agency administrator. [ARC 6264C, IAB 3/23/22, effective 4/27/22]

501—8.2(80B) Instructors.

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

8.2(2) In-service training programs, specialized classes, or other courses of instruction that are not Iowa law enforcement academy instructor certifying schools, may be developed and instructed by any individual deemed qualified by the law enforcement agency administrator. [ARC 6264C, IAB 3/23/22, effective 4/27/22]

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

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

[ARC 6264C, IAB 3/23/22, effective 4/27/22]

501—8.4(80B) Time frame—tolled. The time frame requirements for completion of any mandatory training are tolled during the period a law enforcement officer is called to active military service.
[ARC 6264C, IAB 3/23/22, effective 4/27/22]

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

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

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

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

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

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

[ARC 6264C, IAB 3/23/22, effective 4/27/22]

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

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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 or assignment:

a. Successful completion of a 40-hour training program approved by the academy or the National Sheriffs' Association correspondence course. Either course must be appropriately documented to reflect course content, length of session, and instructor(s). All instructors presenting in the 40-hour training program shall be certified by academy personnel utilizing certification standards adopted by the academy (rule 501—4.1(80B,80D)). It shall be the responsibility of the training program administrator to make certain all instructors are certified and the training program is approved.

b. Approved 40-hour training program curriculums shall include the following topics:

- (1) Suicide prevention/mental illness (201—paragraph 50.15(6)“c”).
- (2) Prison rape elimination act (PREA) (Title 42 U.S.C. 147) (recommended prerequisite).
- (3) Bloodborne pathogens (OSHA standard as set out in CFR Part 1910.1030(g)(2)) (recommended prerequisite).

(4) Legal: training topics in paragraphs “1” through “5” below must include references to the Iowa Code, jail standards and relevant case law.

1. Grievance and disciplinary procedures (201—subrule 50.21(4)).
2. Constitutional rights of inmates (201—Chapter 50).
3. Introduction to Iowa criminal law as applicable to a jail setting (201—Chapter 50).
4. Affirmative duty to intervene/intercede.
5. Use of force (Iowa Code sections 704.1, 704.2, 704.2A, 704.2B, 704.8).
- (5) Cultural diversity including implicit bias (Iowa Code section 80B.11G).
- (6) Communication skills including de-escalation (Iowa Code section 80B.11G).
- (7) Methods of restraining violent inmates.
- (8) Intake procedures (201—subrule 50.15(6)).
- (9) Supervision of inmates.
- (10) Report writing.
- (11) DNA submissions (recommended prerequisite).
- (12) Fingerprinting.
- (13) Medication management (201—subrule 50.15(2)) (recommended prerequisite).
- (14) Security procedures/cell and area searches.
- (15) Jail standards (201—Chapter 50).
- (16) Juveniles in custody.

c. First aid and cardiopulmonary resuscitation (CPR).

(1) The individual shall hold a current course completion card in CPR, automated external defibrillator (AED) and foreign body airway obstruction for adults according to national standards defined by the International Liaison Committee on Resuscitation (ILCOR) and recognized by the Iowa law enforcement academy.

(2) The individual shall be trained in first aid according to national standards recognized by the Iowa law enforcement academy or shall hold certification as an Iowa law enforcement emergency care provider (ILEECP), emergency medical responder, licensed practical nurse, registered nurse, or medical practitioner or hold other similar certification in the state of Iowa.

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

9.1(2) Annual jailer in-service curriculum. During each fiscal year of employment following completion of the required basic training as set forth in subrule 9.1(1), jailers and the administrator of a jail shall complete 20 hours of in-service training, not to include proficiency in chemical agents or

firearms qualification. All instructors shall be certified by academy personnel utilizing certification standards adopted by the academy.

a. The following is a list of annually (every year) required topics (10 hours minimum):

- (1) Suicide prevention/mental illness (201—paragraph 50.15(6)“c”).
- (2) Prison rape elimination act (PREA) (Title 42 U.S.C. 147).
- (3) Emergency evacuation plan (201—subrule 50.9(3)).
- (4) Bloodborne pathogens (OSHA standard as set out in CFR Part

1910.1030(g)(2)).

(5) Legal: training topics in paragraphs “1” through “5” must include references to the Iowa Code, jail standards and relevant case law.

1. Grievance and disciplinary procedures (201—subrule 50.21(4)).
2. Constitutional rights of inmates (201—Chapter 50).
3. Introduction to Iowa criminal law as applicable to a jail setting (201—Chapter 50).
4. Affirmative duty to intervene/intercede.
5. Use of force (Iowa Code sections 704.1, 704.2, 704.2A, 704.2B, 704.8).
- (6) Cultural diversity including implicit bias (Iowa Code section 80B.11G).
- (7) Communication skills including de-escalation (Iowa Code section

80B.11G).

(8) Methods of restraining violent inmates.

(9) Intake procedures (201—subrule 50.15(6)).

b. Required biannually (every two years): CPR/AED/airway obstruction (adult).

c. Ten hours of additional training selected by the jail administrator or sheriff.

[ARC 6137C, IAB 1/12/22, effective 2/16/22; ARC 6727C, IAB 12/14/22, effective 1/18/23]

501—9.2(80B) Holding facility personnel training.

9.2(1) Basic training. All appointed facility administrators and designees shall meet the following requirements within one year of employment or assignment:

a. 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 required topics or comparable course content:

- (1) Suicide prevention/mental illness (201—paragraph 50.15(6)“c”).
- (2) Prison rape elimination act (PREA) (Title 42 U.S.C. 147).
- (3) Legal: training topics in paragraphs “1” through “5” must include references to the Iowa Code,

jail standards and relevant case law.

1. Grievance and disciplinary procedures (201—subrule 50.21(4)).
2. Constitutional rights of inmates (201—Chapter 50).
3. Introduction to Iowa criminal law as applicable to a jail setting (201—Chapter 50).
4. Affirmative duty to intervene/intercede.
5. Use of force (Iowa Code sections 704.1, 704.2, 704.2A, 704.2B, 704.8).

(4) Security procedures.

b. First aid and CPR.

(1) The individual shall hold a current course completion card in CPR, AED and foreign body airway obstruction for adults according to national standards defined by the ILCOR and recognized by the Iowa law enforcement academy.

(2) The individual shall be trained in first aid according to national standards recognized by the Iowa law enforcement academy, or shall hold certification as an ILEECP, emergency medical responder, licensed practical nurse, registered nurse, or medical practitioner or hold other similar certification in the state of Iowa.

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

9.2(2) Annual holding facility in-service curriculum.

a. 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, CPR/AED/airway obstruction (adult), chemical agents, or handling of firearms.

b. Required annually (every year):

(1) Suicide prevention (201—paragraph 50.15(6) “c”).

(2) Emergency evacuation plan (201—subrule 50.9(3)).

(3) Bloodborne pathogens (OSHA standard as set out in CFR Part 1910.1030(g)(2)).

(4) Prison rape elimination act (PREA) (Title 42 U.S.C. 147).

[ARC 6137C, IAB 1/12/22, effective 2/16/22; ARC 6727C, IAB 12/14/22, effective 1/18/23]

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

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CHAPTER 10
RESERVE PEACE OFFICERS

501—10.1(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:

10.1(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, provided that the state residency requirement under this subrule shall not apply to employees of a city or county that has adopted an ordinance to allow the employees of the city or county to reside in another state and shall not apply to an employee of a city or county that later repeals such an ordinance if the employee resides in another state at the time of the repeal. A city or county that has adopted an ordinance to allow the employees of the city or county to reside in another state shall provide a current copy of the ordinance to the Iowa law enforcement academy.

10.1(2) Is 18 years of age at the time of selection or appointment.

10.1(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 shall be required to possess a valid driver's or chauffeur's license of the state of residence of the officer.

10.1(4) Is not addicted to drugs or alcohol.

10.1(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 or adjudicated of any offense listed in 501—subrule 2.1(5).

10.1(6) Is not by reason of conscience or belief opposed to the use of force when necessary to fulfill the person's duties.

10.1(7) Is a high school graduate with a diploma or possesses a GED equivalency certificate.

10.1(8) Has an uncorrected vision of not less than 20/100 in both eyes, corrected to 20/20.

a. 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:

(1) Pseudoisochromatic plates tests such as, but not limited to, Tokyo Medical College, Ishihara, Standard Pseudoisochromatic Plates, Dvorine, American Optical HHR Plates, and American Optical.

(2) 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. Color corrective lenses may not be used by an applicant during the testing process per the American College of Occupational and Environmental Medicine (ACOEM) Guidance for the Medical Evaluation of Law Enforcement Officers.

b. 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.

10.1(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.

10.1(10) Is examined by a licensed physician, physician assistant 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.

[ARC 6137C, IAB 1/12/22, effective 2/16/22; ARC 6727C, IAB 12/14/22, effective 1/18/23]

501—10.2(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.

[ARC 6137C, IAB 1/12/22, effective 2/16/22]

501—10.3(80D) Certification through training required for all reserve peace officers.

10.3(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 at least 80 hours of training and 40 hours of supervised time. Training for individuals appointed as reserve peace officers shall be provided by the Iowa law enforcement academy through the learning management system, through approved regional academies, or through instructors at a law enforcement agency approved by the academy. Reserve peace officers must be certified within 18 months from the date of their appointment.

a. The training modules will be available through a learning management system online. The modules are self-paced and must be completed in order. 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. If the first test score is below 70 percent, the reserve peace officer may take the test a second time following remediation of the failed topic(s) with an Iowa law enforcement academy instructor. Failure of the test the second time will result in the individual's not being eligible for certification for a period of one year following the date of the second test failure. At the completion of the training modules, the reserve peace officer will be given an academy-developed test covering all six modules. The reserve peace officer must pass this test with a score of 70 percent or better. If the first test score is below 70 percent, the reserve peace officer may take the test a second time following remediation of the failed topic(s) with an Iowa law enforcement academy instructor.

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

c. 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.

10.3(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 ten 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.

10.3(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.

10.3(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.

[ARC 6137C, IAB 1/12/22, effective 2/16/22]

501—10.4(80D) Curriculum for 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. Curriculum and training materials will be provided by the academy to all reserve officer candidates via the online learning management system and to agencies with academy-approved instructors. Training modules will be updated no less than every three years. Approved training module curriculum shall include the following topics:

10.4(1) Module A.

- a.* Implicit bias.
- b.* Patrol techniques.
- c.* Ethics.
- d.* Use of force.
- e.* De-escalation.
- f.* Defensive tactics.

10.4(2) Module B.

- a.* Law of arrest.
- b.* Report writing.
- c.* Discretion.
- d.* Interviews and interrogations.
- e.* Role of emergency communication.
- f.* Precision driving.
- g.* Traffic direction.
- h.* Motor vehicle law.

10.4(3) Module C.

- a.* Vehicle stops.
- b.* Collision scene control.
- c.* Criminal law.
- d.* Current drug trends.
- e.* Recognizing impairment.
- f.* Community policing.

10.4(4) Module D.

- a.* Search and seizure.
- b.* Felony calls.
- c.* Introduction to crime scene.
- d.* Crisis and conflict.
- e.* Domestic abuse.
- f.* Juvenile law.

10.4(5) Module E.

- a.* Human trafficking.
- b.* Hazmat awareness.
- c.* Civil liability.
- d.* Bloodborne pathogens.
- e.* Weather preparedness.
- f.* Court organization.
- g.* Testifying in court.
- h.* Community relations.

10.4(6) Module F.

- a.* Mandatory reporting.
- b.* Practical skills testing in the areas of defensive tactics, vehicle stops, precision driving, and report writing.

[ARC 6137C, IAB 1/12/22, effective 2/16/22]

501—10.5(80D) Weapons certification.

10.5(1) Reserve officers must receive council certification in the use of weapons the hiring authority expects and authorizes the reserve peace officers to carry. Weapons training is not required with any weapons the reserve officers are not authorized to carry.

10.5(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 firearm course using targets approved by the academy within the past 12 months. This verification must be provided by an academy-trained and -certified firearms instructor.

10.5(3) Firearms, striking instruments and chemical weapons training must be provided by an Iowa law enforcement academy-certified instructor before a reserve peace officer can be certified to carry weapons. Reserve officer weapons training requirements are the same as those required of regular law enforcement officers during their basic training.

10.5(4) Application for weapons certification.

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

b. An applicant for certification to carry weapons as a reserve peace officer must be of good moral character and not have been convicted or adjudicated of any offense listed in 501—paragraph 2.1(5) “*a.*”

c. 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 not been convicted or adjudicated of any offense listed in 501—paragraph 2.1(5) “*a.*” 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.

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

e. 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.

[ARC 6137C, IAB 1/12/22, effective 2/16/22]

501—10.6(80D) Reserve peace officers moving from agency to agency. 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 academy-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 transferred to the new agency.

[ARC 6137C, IAB 1/12/22, effective 2/16/22]

501—10.7(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 501—10.1(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. [ARC 6137C, IAB 1/12/22, effective 2/16/22]

501—10.8(80D) Reserve peace officers serving more than one agency.

10.8(1) A reserve peace officer who has previously met all the requirements of rule 501—10.1(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.

10.8(2) Except as otherwise specified, the provisions of rule 501—10.1(80D) do not need to be verified 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 501—10.1(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.

10.8(3) 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.

[ARC 6137C, IAB 1/12/22, effective 2/16/22]

501—10.9(80D) Minimum in-service training requirements. All certified reserve peace officers shall meet the following mandatory minimum in-service training requirements:

10.9(1) Firearms training. A certified reserve peace officer who is authorized to carry firearms must qualify with all duty firearms annually on a course of fire using targets approved by the Iowa law enforcement academy and must successfully fire a minimum score as established by the Iowa law enforcement academy, using targets approved by the academy under the supervision of an academy-certified firearms instructor. This subrule applies only to those reserve peace officers who are authorized to carry firearms by the officers' appointing agency.

10.9(2) CPR certification required. Reserve peace officers shall maintain current course completion in cardiopulmonary resuscitation (CPR), automated external defibrillator (AED) and foreign body airway obstruction for all age groups according to national standards recognized by the Iowa law enforcement academy.

10.9(3) 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.

10.9(4) Mental health training. In addition to the requirements of subrules 10.9(1), 10.9(2) and 10.9(3), a certified reserve peace officer must receive mental health in-service training from a course of study approved by the Iowa law enforcement academy.

a. Initial in-service training. Effective September 25, 2013, each certified reserve peace officer shall complete within one year a minimum of four hours of mental health training from a course of study approved by the Iowa law enforcement academy council. Successful completion of mental health first aid or crisis intervention (Memphis Model or similar model) training after January 1, 2011, shall satisfy the initial requirement.

b. Annual in-service training. Effective September 25, 2013, each certified reserve peace officer shall complete a minimum of one hour per year, or four hours every four years, of mental health training from a course of study approved by the Iowa law enforcement academy council. This annual in-service training is separate from and in addition to any other in-service training requirements set forth in this chapter, including the initial in-service mental health training required.

10.9(5) De-escalation training. In addition to the requirements of subrules 10.9(1), 10.9(2), 10.9(3) and 10.9(4), a certified reserve peace officer must receive a minimum of four hours per year of training that includes all of the following topics:

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

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

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

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

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

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

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

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

10.9(6) Training and in-service requirements for regular law enforcement officers who become certified reserve peace officers.

a. 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.

b. 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.

10.9(7) Agency responsibility for record keeping. It shall be 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 conducting the training;
- (3) The name of the individual who completed 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 to include qualifying range scores.

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.

[ARC 6137C, IAB 1/12/22, effective 2/16/22]

501—10.10(80D) Reserve peace officers appointed prior to July 1, 2007—obtaining state certification.

10.10(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. 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.

10.10(2) 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.

[ARC 6137C, IAB 1/12/22, effective 2/16/22]

501—10.11(80D) Active law enforcement officer moving to reserve peace officer status.

10.11(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.

10.11(2) Except as otherwise specified, the provisions of rule 501—10.1(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.

[ARC 6137C, IAB 1/12/22, effective 2/16/22]

501—10.12(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.

[ARC 6137C, IAB 1/12/22, effective 2/16/22]

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

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[Filed ARC 6727C (Notice ARC 6545C, IAB 9/21/22), IAB 12/14/22, effective 1/18/23]

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 whether the salvage vehicle theft examiner's certification has expired.

a. Salvage vehicle theft examiners are required to successfully complete a minimum four-hour salvage vehicle theft refresher course approved by the academy prior to the expiration of certification. The refresher course shall be completed no more than 30 days prior to the expiration of certification.

b. Previously certified salvage vehicle theft examiners who have an expired certification must retake the initial 12-hour in-person salvage vehicle theft examination course to be recertified.

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

[ARC 6137C, IAB 1/12/22, effective 2/16/22]

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

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[Filed ARC 6137C (Notice ARC 5962C, IAB 10/6/21), IAB 1/12/22, effective 2/16/22]

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.

[Filed emergency 12/22/95—published 1/17/96, effective 1/1/96]

CHAPTER 13
PUBLIC SAFETY TELECOMMUNICATOR TRAINING STANDARDS

501—13.1(80B) Public safety telecommunicator training board. There is established a public safety 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 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. [ARC 5860C, IAB 8/25/21, effective 9/29/21]

501—13.2(80B) Public safety telecommunicator training.

13.2(1) Basic training. All persons employed primarily as public safety telecommunicators after July 1, 1998, shall successfully complete an approved basic training course within one year of employment. For purposes of this chapter, a public safety telecommunicator is defined as a person who serves as a first responder by receiving requests for, or dispatching 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 public safety telecommunicators who return to a public safety telecommunicator position. Any individual who leaves and then returns to an Iowa public safety telecommunicator position must receive, within one year of the individual's rehiring date, in-service training as follows:

<u>Period Outside Iowa Public Safety 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

[ARC 5860C, IAB 8/25/21, effective 9/29/21]

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 public safety telecommunicator training board, which includes at a minimum the following topics:

- a. Introduction to public safety services and the role of the public safety telecommunicator.
- b. Human relations and communications skills.
- c. 911 systems, communications equipment, terminology.
- d. Understanding and taking different types of calls.
- e. Basic dispatch/broadcast techniques.
- f. Dispatching and managing the response to a call for service.
- g. Multiple tasking and prioritization.
- h. Liability and legal issues.
- i. Resource awareness.
- j. 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 public safety telecommunicators under agency administrators' 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.

[ARC 5860C, IAB 8/25/21, effective 9/29/21]

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

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

13.4(2) *In-service training for incumbents.* During each fiscal year, currently employed public safety 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 public safety telecommunicator training board.

13.4(4) *Agency responsibility.* Agency administrators shall ensure that all public safety 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 public safety telecommunicator to show proficiency in, or understanding of, the subject matter.

[ARC 5860C, IAB 8/25/21, effective 9/29/21]

501—13.5(80B) Public safety 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 public safety telecommunicators not provided at or by personnel of the

Iowa law enforcement academy.

[ARC 5860C, IAB 8/25/21, effective 9/29/21; ARC 6137C, IAB 1/12/22, effective 2/16/22]

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

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[Filed ARC 6137C (Notice ARC 5962C, IAB 10/6/21), IAB 1/12/22, effective 2/16/22]

CHAPTER 14
IOWA LAW ENFORCEMENT EMERGENCY CARE PROVIDER

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

[ARC 5572C, IAB 4/21/21, effective 5/26/21]

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

14.2(1) Application and examination.

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

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

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

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

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

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

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

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

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

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

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

14.2(2) Renewal of certification.

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

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

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

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

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

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

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

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

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

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

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

[ARC 5572C, IAB 4/21/21, effective 5/26/21]

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

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

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

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

[ARC 5572C, IAB 4/21/21, effective 5/26/21]

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

[Filed ARC 5572C (Notice ARC 5402C, IAB 1/27/21), IAB 4/21/21, effective 5/26/21]

CHAPTER 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*” 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.

[ARC 5860C, IAB 8/25/21, effective 9/29/21]

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 sections 17A.3 and 17A.9A. 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.

[ARC 5860C, IAB 8/25/21, effective 9/29/21]

501—16.11(17A,80B) Submission of waiver information. In compliance with Iowa Code section 17A.9A, within 60 days of granting or denying a waiver, the council shall make a submission on the Internet site established pursuant to Iowa Code section 17A.9A for the submission of waiver information. The submission shall identify 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 submission shall detail the extent to which the granting of a waiver has established a precedent for additional waivers and the extent to which the granting of a waiver has affected the general applicability of the rule itself.

[ARC 5860C, IAB 8/25/21, effective 9/29/21]

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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