

CHAPTER 1
ORGANIZATION AND ADMINISTRATION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1.6(3) Notice, minutes and agenda.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

IOWA LAW ENFORCEMENT ACADEMY COUNCIL

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

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

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

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

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

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

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

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

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

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

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