

Chapter LES 6

DECERTIFICATIONS

LES 6.01 Decertifications.

LES 6.02 Decertification on termination of employment.

LES 6.03 Decertification by order of the board.

LES 6.04 Hearing on decertification.

LES 6.01 Decertifications. All jail, secure detention, law enforcement and tribal law enforcement basic training certificates issued by the board shall be subject to cancellation and recall upon decertification of the officer.

History: Cr. Register, February, 1991, No. 422, eff. 3-1-91; am. Register, November, 1997, No. 503, eff. 12-1-97.

LES 6.02 Decertification on termination of employment. (1) Upon the termination of employment of any law enforcement, tribal law enforcement, jail or secure detention officer, that officer's certification shall be terminated until there is received by the bureau from a new employer the verification of employment standards form required by rules of the board. The board shall then determine the amount of training, if any, required of the officer for recertification. Recertification on a contingency basis shall be effective immediately upon receipt by the bureau of the verification of employment standards form from the officer's new employer. Final recertification shall be effective upon action by the board upon completion by the officer of all requirements of the bureau for recertification.

(2) It shall be the responsibility of all law enforcement, tribal law enforcement and secure detention agencies to notify the director of the bureau of the termination of any law enforcement, tribal law enforcement, jail or secure detention officer. This notification shall be made regardless of the reason for the termination.

(3) Any officer decertified by reason of termination of his or her law enforcement, tribal law enforcement, jail or secure detention employment shall have the right to a hearing on the decertification.

History: Cr. Register, February, 1991, No. 422, eff. 3-1-91; corrections made under s. 13.93 (2m) (b) 1. and 5., Stats., Register, August, 1993, No. 452; am., Register, November, 1997, No. 503, eff. 12-1-97.

LES 6.03 Decertification by order of the board. The certification of any law enforcement, tribal law enforcement, jail or secure detention officer may be revoked by the board for failure to comply with a rule or order of the board relating to curriculum or training.

(1) Upon receipt of information which may permit decertification of an officer, the bureau shall make a preliminary investigation and verify all relevant facts. The bureau shall also advise the board at each of the board's regularly scheduled meetings of the existence or status of any investigation in progress.

(2) The bureau shall complete its investigation of any decertification matter within 90 days of its original receipt of information.

(3) Subsequent to the completion of its investigation the bureau shall, at the next regularly scheduled meeting of the board, make a recommendation to the board regarding the certification status of that officer. The bureau may recommend:

(a) That no action be taken;

(b) That the officer complete certain training or take certain recommended actions within a prescribed time period, and that

officer shall be decertified if the officer does not present the board with proof of compliance;

(c) That the officer be decertified until certain enumerated conditions are met;

(d) That the officer be decertified with the opportunity to reapply for certification as a new officer;

(e) Such other recommendation as the bureau may deem appropriate under the circumstances.

(4) The board shall, within 95 days of its receipt of the recommendation of the bureau, accept or reject said recommendation or take such other action it deems appropriate under the circumstances.

(5) (a) If the board takes any action that changes the certification status of the officer the bureau shall promptly notify the officer and the chief administrative officer of the officer's department of the board's action. The bureau shall provide the officer and his or her chief administrative officer a copy of the allegations upon which the action was taken, and a copy of the bureau's investigation and recommendation.

(b) Said notification shall be made by the bureau mailing to the chief administrative officer of the officer's department via certified mail, return receipt requested, a copy of the board's decision and the other documents provided for in these rules. The chief or someone designated by him or her shall serve a copy of said documents on the officer involved and shall return to the director of the bureau an affidavit of said service on a form to be provided by the bureau. If it is impossible to promptly serve said officer the chief shall notify the director of the bureau of that fact.

History: Cr. Register, February, 1991, No. 422, eff. 3-1-91; corrections made under s. 13.93 (2m) (b) 1., Stats., Register, August, 1993, No. 452; am. (intro.), Register, November, 1997, No. 503, eff. 12-1-97.

LES 6.04 Hearing on decertification. (1) (a) It shall be assumed that the decision of the board is accepted by the officer and that the officer will comply therewith unless said officer requests of board, for a hearing on its decision. Said request for hearing shall be addressed to the director of the bureau and sent by certified mail, return receipt requested. To be effective, said request for hearing must be received by the director of the bureau within 15 days of the service upon said officer of the recommendation of the board. If requested, the hearing shall be held as soon as reasonably possible on a date agreed to by the parties but not to exceed 60 days after receipt of the officer's request for hearing.

(b) All hearings shall be scheduled before the executive committee of the board.

(2) The decision of the executive committee shall be the decision of the board and shall have the same effect as a motion adopted by said board.

(3) All hearings shall be held according to procedures established by the board and published in the policies and procedures manual of said board. All of said procedures shall give appropriate consideration to due process and shall be in conformity with ch. 227, Stats.

LES 6.04

WISCONSIN ADMINISTRATIVE CODE

(4) The board shall, for any proceeding held hereunder, have the power of subpoena as provided by statute and the board shall also issue subpoenas at the request of the officer involved to give him or her equal ability to obtain information and compel witnesses to testify.

History: Cr. Register, February, 1991, No. 422, eff. 3-1-91; correction made under s. 13.93 (2m) (b) 5., Stats., Register, August, 1993, No. 452.