

Department of Justice

STATEMENT OF SCOPE OF PROPOSED RULES

Rule No.: Wis. Admin. Code Chs. LES 1-6 and 9

Relating to: Employment, education, training, and certification of law enforcement, tribal law enforcement, jail and secure detention officers; and certification of instructors and academies.

1. Description of the objective of the rules:

The State of Wisconsin Law Enforcement Standards Board (LESB) proposes to revise and update its administrative rules relating to training and education standards and programming for officers who work in the administration of criminal justice. The objectives of this proposal are (1) to make the LESB's administrative rules consistent with statutory changes made by 2013 Wisconsin Act 214; (2) to make the rules reflect developments in LESB policies; and (3) to address issues arising out of the LESB's experience in administering the existing rules. While the rules will be revised and updated for these purposes, their scope will remain the same as the scope of the existing rules. The last major substantive revisions of the LESB's administrative rules occurred in 1994.

The LESB's administrative rules are located at Wis. Admin. Code chs. LES 1-6 and 9. Chapter 1 is titled "General" and contains general provisions and definitions of terms used throughout the rules. Chapter 2 is titled "Recruitment qualifications" and identifies minimum qualifications for employment or certification as a law enforcement, tribal law enforcement, jail, or secure detention officer and procedures and standards for pre-employment drug testing. Chapter 3 is titled "Training standards" and establishes instructional goals and desired program outcomes for required preparatory training in the field of law enforcement; standards for waivers of training requirements; and model standards and training requirements related to police pursuits. Chapter 4 is titled "Certifications" and sets forth the procedures and requirements for law enforcement training schools and instructors to be certified by the LESB. Chapter 5 is titled "Grants" and addresses state reimbursement of expenses incurred by political subdivisions of the state in connection with law enforcement preparatory training. Chapter 6 is titled "Decertifications" and provides standards and procedures, including hearing procedures, for decertifying law enforcement officers. Chapter 9 is titled "By-laws of the Wisconsin Law Enforcement Standards Board" and establishes the LESB's internal rules regarding its own membership, officers, meetings, committees and staffing. Creation of other chapters is not anticipated but may be considered in light of the specific needs for proposed changes.

2. Description of the existing policies relevant to the rule and of new policies proposed to be included in the rule and an analysis of policy alternatives; the history, background, and justification for the proposed rule:

The LESB sets minimum employment, education, and training standards for law enforcement, tribal law enforcement, jail, and secure detention officers. It certifies persons who meet the standards as qualified to be officers. It certifies persons who qualify to deliver and instruct LESB-approved curricula. The LESB consults with other government agencies regarding the development of training schools and courses, conducts research to improve law enforcement and jail administration and performance, and evaluates governmental units' compliance with standards. The LESB is attached, for administrative and staffing purposes, to the Wisconsin Department of Justice Training and Standards Bureau ("Bureau"). *See* Wis. Stat. §§ 15.03, 15.255, and 165.86(1)(a). The Bureau will develop specific rule proposals for the LESB's consideration.

Since the last major revision of these administrative rules in 1994, the LESB and the Bureau—as a result of their ongoing work in initiating, designing, developing, implementing, maintaining, and supervising criminal justice education and training programs—have identified numerous needs for additions, revisions and clarifications in Wis. Admin. Code chs. LES 1-6 and 9. In particular, the evolution of strategies and practices in the criminal justice system in recent years has led to significant changes in law enforcement training and professional development. 2013 Wisconsin Act 214 increased the minimum basic training hours for law enforcement officers from 400 hours to 600 hours. On December 2, 2014, the LESB further expanded the basic training curriculum for law enforcement officers to 720 hours. The standard had been 520 hours of basic training since December 2003. In addition, accumulated practical experience in administering the programs for certification and decertification of law enforcement officers and training instructors has enabled the LESB and the Bureau to identify needs for updated standards and procedures.

This proposal to revise and update the LESB's rules is necessary in order to ensure consistency with 2013 Wisconsin Act 214 and the LESB's revised policies and accumulated experience, so as to effectively provide the skills, knowledge and competencies needed in Wisconsin's law enforcement system. The alternative of not revising these rules would result in the continued use of existing rules that do not reflect more recent statutory changes and developments in LESB policies and practices.

3. Statutory authority for the rule (including the statutory citation and language):

The LESB's substantive authority over the subjects covered by the proposed rules is supplied throughout Wis. Stat. §§ 165.85. The specific statutory authority to promulgate the proposed rules is supplied by Wis. Stat. § 165.85(3)(a) and (j). Wis. Stat. § 165.85(3)(a) and (j) reads as follows:

(3) POWERS. The board may:

(a) Promulgate rules for the administration of this section including the authority to require the submission of reports and information pertaining to the administration of this section by law enforcement agencies in this state.

(j) Adopt rules under ch. 227 for its internal management, control and administration.

4. Estimate of amount of time that state employees will spend to develop the rule and of other resources necessary to develop the rule:

It is estimated that state employees will spend approximately 140 hours on the rulemaking process for the proposed rule, including research, drafting, and compliance with required rulemaking procedures.

5. Description of all entities that may be impacted by the rule:

The LESB's rules affect all criminal justice agencies that employ certified law enforcement, jail, and/or secure detention officers; academies and schools using LESB-approved curricula that employ or utilize instructors in LESB-approved courses or content for recruit, specialized and advanced training; and individuals seeking to become certified law enforcement, jail, and/or secure detention officers or certified law enforcement instructors. LESB training programs administered by the Bureau annually impact approximately 590 law enforcement agencies; 16,320 law enforcement, jail, and secure detention officers; 21 certified training academies; and 3,200 certified instructors.

6. Summary and preliminary comparison of any existing or proposed federal regulation that is intended to address the activities to be regulated by the rule:

Employment, education, and training standards for law enforcement personnel are governed at the state level. There are no federal regulations regarding law enforcement, jail, or secure detention officer training, qualification, certification or credentialing. There is no existing or proposed federal regulation that has any bearing upon the proposed rules.

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