

<p style="text-align:center"><b>COUNCIL ON LAW ENFORCEMENT EDUCATION AND TRAINING</b> <b>RESERVE PEACE OFFICERS FACT SHEET</b></p>
--

**Appointment of municipal police officers:** The authority for appointment of municipal police reserve officers is found in Title 11, Section 34-101, of the Oklahoma Statutes.

**Appointment of county deputy reserve officers:** The authority for appointment of county deputy reserve officers is found in Title 19, Section 547, of the Oklahoma Statutes.

**Standards for training and certification of reserve officers:** Title 70, Section 3311, of the Oklahoma Statutes establishes minimum standards for the training and certification of reserve peace officers. The Council on Law Enforcement Education and Training (CLEET) derives its authority from this statute.

**Requirements for attending training:** In order to attend CLEET approved certification training, reserve officers must meet, as a minimum, the following conditions:

1. Be at least 21 years of age.
2. Be a United States citizen or in resident alien status, as defined by U.S. Immigration and Naturalization Service.
3. Must be a high school graduate or have a GED certificate. (Minimum requirements)
4. Must not have been convicted in state or federal court for any felony, crime of moral turpitude, or a crime of domestic violence.
5. Must have fingerprint clearance from the Federal Bureau of Investigation & the Oklahoma State Bureau of Investigation.
6. Must have been administered an approved psychological examination & had same evaluated by an Oklahoma licensed psychologist, and have an original affidavit from the psychologist attesting to the officer's suitability for "employment as a peace officer."
7. Must be commissioned or appointed by employing agency prior to attending CLEET approved certification training.
8. Must be First Aid and CPR certified prior to attending CLEET approved training. (CPR training includes adult and child/infant)
9. Must not have been involuntarily committed to an Oklahoma state mental institution.
10. Must submit all required documentation and enrollment materials previous to the certification training.

**Prohibited Affiliation:** Title 47, Section 956(C) of the Oklahoma State Statutes states "An officer of the Department of Public Safety or a law enforcement officer of any political subdivision may have any interest, financial or otherwise, in or may be employed by a wrecker or towing service when the sole purpose and only business of the wrecker or towing service is to perform repossessions of vehicles which are subject to lien and are being repossessed by the lien holder of record."

**Workers' Compensation Insurance:** Reserve peace officers must be covered by Workers' Compensation as required under Title 85, Section 3 of Oklahoma Statutes.

**Reserve Officers Hours of Service:**

For cities or counties having a total population of less than two hundred thousand (200,000) persons, a reserve officer shall serve not more than one-hundred ten (110) hours per calendar month. (Effective November 1, 2010, one-hundred forty (140) hours per calendar month)

For cities or counties having a total population of two hundred thousand (200,000) or more persons, a reserve officer shall serve not more than one-hundred forty (140) hours per calendar month.

**Authority of Reserve Peace Officer while on-duty:** When on duty, reserve peace officers have the same authority as full-time certified peace officers, under Oklahoma Statutes. Counties and municipalities may choose to limit assignment or authority of reserve peace officers under their jurisdiction.

Municipal reserve officers **may** be assigned to work alone prior to CLEET certification. County reserve officers **must** work with a full-time officer until CLEET certified. This disparity is due to the fact that O.S. Title 11, 34-101 (municipalities) is "silent" with respect to this issue while O.S. Title 19-547 (counties) specifically prohibits working alone until certified.

**Authority of Reserve Peace Officer while off-duty:** Off duty reserve peace officers, with specific authority from the employing agency, **may** be permitted to carry off-duty weapons. Authority is found under Title 21, Section 1289.23, of the Oklahoma Statutes. If such authority is granted, it must meet requirements of this section. Counties and municipalities may choose not to permit off-duty weapon status.

**Authority "employed":** The authority of a reserve peace officer exists only when the officer is "employed" by a law enforcement agency. If the reserve officer leaves the agency, for any reason, the officer has no authority beyond that of a private citizen. The reserve officer's certification with the State of Oklahoma remains valid, **unless revoked, suspended, or the reserve officer is de-certified**, as provided for under Title 70, Section 3311, and/or, the administrative rules and regulations of CLEET.

**Compensation:** The Fair Labor Standards Act (FLSA), as interpreted by the U.S. Department of Labor (DOL) states “public sector employers may not allow their employees to volunteer, without compensation, additional time to do the same work for which they are employed.” Department of Labor regulations, 29 CFTR, Section 553.103 defines “same types of services to mean similar or identical services.” Substantially, persons who perform law enforcement duties/functions for which they are paid as an employee **may not** “volunteer” their services to the same agency. Whether the person is a civilian, or is commissioned, is not an issue. DOL/FLSA regulations do not prohibit a person receiving compensation from one agency volunteering similar services to a separate agency.

**Dual Office Holding:** Title 51 O.S. 6-A prohibits dual office holding for persons who hold an office under the laws of the State of Oklahoma, or deputies of such officers. Subsection 19 of 51 O.S. 6-A provides an exemption to dual office holding specifically relating to “any person holding a state office or position who is a reserve force deputy sheriff or a reserve municipal police officer.” A reserve officer is an officer of the state pursuant to this statute and **may** hold a second reserve commission.

Title 51, Section 6(A)(24) provides that any person who is a dispatcher or confinement officer at a municipal or county jail may serve as a non-compensated reserve police officer or reserve deputy sheriff for the same agency.

**Agreement-requirements of Title 70, Section 3311:** Reserve peace officers who have been absent during mandatory training, or who have not satisfactorily completed skills proficiency portions of the academy may be denied the opportunity to participate in progress examinations or the certification examination. Upon satisfactory completion of remedial training and/or skills exercises, such examinations may be administered by a CLEET field Representative.

Reserve peace officers attending CLEET approved certification training must agree to do under requirements of Title 70, Section 3311, of the Oklahoma Statutes, and the Council on Law Enforcement Education and Training (CLEET) Administrative Rules and Regulations governing the Reserve Certification Program.

**Approval of Reserve Academy:** CLEET does not actually conduct the Reserve Academy or certification training. CLEET issues approval for reserve academies to be conducted by agencies meeting minimum standards for the conduct of such academies, including, but not limited to: curriculum, facility, academy coordinator, instructors and scheduling.

**Training requirements beyond certification:** All reserve officers are required to successfully qualify with a handgun, at least one time annually. There are no annual continuing education requirements for reserve peace officers. The employing agency **may** mandate training requirements for their reserve officers.

## **DISQUALIFICATIONS**

Oklahoma State Statute Title 70 and Attorney General’s Opinion 84-101 prohibits any individual who has **ever** been convicted of a felony crime from becoming a commissioned peace officer, for that individual is **not** authorized to carry a firearm.

It is unlawful for any person to willfully make any statement in an application to CLEET knowing the statement is false or intentionally commit fraud in any application to the Council for attendance in any CLEET conducted or CLEET approved peace officer academy or program. Violation of this statute is a felony punishable by imprisonment in the Department of Corrections for a term of no less than two (2) years nor more than five (5) years, or by a fine not exceeding two thousand dollars (2,000.00), or by both such fine and imprisonment.

No person who has had a police or peace officer certification from another state revoked or voluntarily surrendered shall be considered for certification by CLEET within five (5) years of the effective date of any such revocation or voluntary surrender of certification.

## **FEDERAL DOMESTIC VIOLENCE FIREARM LEGISLATION**

The Gun Control Act makes it unlawful for a person who is the subject of a qualifying protection order to possess or receive firearms or ammunition (section 922(g)(8) of the Gun Control Act). Under ATF’s interpretation of the Official Use Exception, this provision does not apply to persons “Performing official duties on behalf of a Federal, State or local law enforcement agency.” The ATF says that if officers are “authorized or required to carry their service weapon at all time, the exception applies to their service weapon at all times.” The exception does not apply for officers who are “off-duty” at the end of a shift, and are not authorized by statute, regulation, or official department policy to possess their duty weapons for the purpose of performing official duties.”

**Note:** The Reserve Peace Officers Fact Sheet is designed to provide information and answers to the most frequently asked questions regarding the Oklahoma Statutes governing the “employment” and certification requirements for reserve peace officers. It is not intended to include all information or address specific local issues.

Additional information may be obtained by contacting the Council on Law Enforcement Education and Training in Ada, (405) 239-5100 or from a CLEET Field Representative. Reserve Fact Sheet –Revised 7/12/10