

STATE OF WISCONSIN
Department of Justice

STATEMENT OF SCOPE OF PROPOSED RULES

Rule No.: Wis. Admin. Code § LES 3.01

Relating to: Hours of preparatory training for law enforcement, tribal law enforcement, jail, and secure detention officers.

1. Description of the objective of the rules:

The State of Wisconsin Law Enforcement Standards Board (LESB) proposes to revise provisions in Wis. Admin. Code § LES 3.01 relating to minimum hours for preparatory training for law enforcement, tribal law enforcement, jail, and secure detention officers. The objective of this proposal is to make LES 3.01 consistent with statutory changes made by 2013 Wisconsin Act 214 (“Act 214”). While the rule will be revised and updated for this purpose, its scope will remain unchanged. 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 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.

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 is developing this rule proposal for the LESB’s consideration.

Prior to Act 214, Wis. Stat. § 165.85 required LESB to promulgate administrative rules establishing preparatory training programs that included at least 400 hours of training for law enforcement and tribal law enforcement officers, and 120 hours of training for jail and juvenile detention officers. Pursuant to those statutory provisions, LESB promulgated Wis. Admin. Code LES § 3.01(1)(a) and (2)(a), which likewise required a minimum of 400 hours of preparatory training for law enforcement and tribal law enforcement officers, and 120 hours of training for jail and juvenile detention officers.

Act 214 increased the statutory minimum hour levels to 600 hours for law enforcement and tribal law enforcement officers and 160 hours for jail and juvenile detention officers. In addition, LESB was expressly authorized to establish these training programs through written policies that were no longer required to be promulgated as administrative rules under Wis. Stat. ch. 227. *See* Wis. Stat. § 165.85(4)(a)1., (b)1., and (c)1.

Pursuant to the statutory changes made by Act 214, LESB subsequently established policies—not promulgated as rules—setting a minimum of 720 hours of preparatory training for law enforcement and tribal law enforcement officers, and a minimum of 200 hours for jail and juvenile detention officers. The minimum hour requirements in LES 3.01(1)(a) and (2)(a) have been superseded by those newer policies.

This proposal will update Wis. Admin. Code LES § 3.01(1)(a) and (2)(a) to conform to the Act 214 and subsequent LESB policies. The alternative of not making this revision would result in the continued existence of rules that do not reflect current statutes and corresponding policies.

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 20 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 rule provisions at issue here affect criminal justice agencies that employ certified law enforcement, tribal law enforcement, jail, or secure detention officers; academies and schools using LESB-approved curricula for preparatory training; and individuals seeking to become certified law enforcement, tribal law enforcement, jail, or secure detention officers. LESB training programs administered by the Bureau annually impact approximately 590 law enforcement agencies; 16,320 law enforcement, tribal 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.

7. Statement on anticipated economic impact (see 2011 Exec. Order 50, § II.2.):

The LESB anticipates that the proposed rule will have minimal or no economic impact.

Contact Person: Assistant Attorney General Thomas C. Bellavia,
(608) 266-8690, bellaviatc@doj.state.wi.us