

Open Session Minutes

**IOWA LAW ENFORCEMENT ACADEMY COUNCIL MEETING**

September 28, 2021, at 10:30am

ILEA, Room 201

Camp Dodge

7105 NW 70<sup>th</sup> Avenue

Johnston, Iowa 50131

A meeting of the Iowa Law Enforcement Academy Council was held as a hybrid of in-person and online attendance.

- Members Present: Tim Carmody, Chair and Chief, Council Bluffs Police Department  
Jana Abens, Vice Chair and Captain, Polk County Sheriff's Office  
Ricardo Martinez II, Public Safety Director, Chief, Nevada Police Department  
Nathan Fulk, Colonel, Iowa State Patrol  
David Lorenzen, Iowa DOT Motor Vehicle Enforcement  
Melissa Henderson, Officer, Cedar Rapids Police Department  
Diane Venenga, Chief, North Liberty Police Department  
Vicky Long Hill, Citizen  
Jim Steinkuehler, Sheriff, Crawford County Sheriff's Office  
Chad Leonard, Sheriff, Dallas County Sheriff's Office
- Members Absent: Sadie Weekley, Lieutenant, Marshalltown Police Department  
Tiffany Creekmur, Lieutenant, Mason City Police Department  
Gene Beinke, Citizen Member, Clinton, Iowa  
Senator Chris Cournoyer, Iowa Senate, District 49  
Representative Henry Stone, Iowa House of Representatives  
Senator Kevin Kinney, Iowa Senate, District 39  
Representative Wes Breckenridge, Iowa House of Representatives  
Brian Hunt – current RAC (resident agent in charge)  
Robert M. DeWitt, Senior Supervisory Resident Agent, Federal Bureau of Investigation
- Legal Counsel Present: Kristi Traynor, Assistant Iowa Attorney General
- Staff Present: Judy Bradshaw, Director, ILEA  
Rachael Krier, Assistant Director, ILEA  
Wes Breckenridge, Assistant Director, ILEA  
Laurie Bolsenga, Executive Assistant, ILEA  
Nicole Stevens, Admin; ILEA  
Jennifer Rico, Admin; ILEA  
Russ Rigdon, Legal Instructor, ILEA
- Guests Present: Evan Johnson, LSA

Tim Carmody called the meeting to order.

Tim Carmody stated the proceedings are being recorded and reminded Council members that they are to abstain from participating in and/or voting on any action items involving a potential conflict of interest.

Tim Carmody began with the welcome and introductions of the Academy Council and ILEA Staff. This included the acknowledgement of Kristi Traynor, Assistant Attorney General who has been assigned to represent the ILEA Council.

Tim Carmody determined there was a quorum.

The first item (#1\*) on the agenda was the Code Clean Up discussion.

1. **Agency Bill Requests-2022 (Iowa Law Enforcement Academy Training and Standards)**

Proposed changes to code:

**80B.3 Definitions. When used in this chapter:**

1. "Academy" means the Iowa law enforcement academy.
2. "Council" means the Iowa law enforcement academy council.
3. "Law enforcement officer" means an officer appointed by the director of the department of natural resources, a member of a police force or other agency or department of the state, county, city, or tribal government 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.
4. "Long course" is a certified course of instruction provided by the academy or by a regional agency academy pursuant to section 80B.11
5. "Regional agency academies" are those law enforcement agencies that have been authorized to provide a certified course of instruction pursuant to section 80B.11.
6. "Regional college academies" are those colleges that have been authorized to provide a certified course of instruction pursuant to section 80B.11D.
7. "Reserve peace officer" means the same as defined in section 80D.1A
8. "Short course" is a certified course of instruction pursuant to 80B.11D.

**80B.11 Rules.**

1. The director of the academy, subject to the approval of the council, shall promulgate rules in accordance with the provisions of this chapter and chapter 17A, giving due consideration to varying factors and special requirements of law enforcement agencies relative to the following:

- a. Minimum entrance requirements, course of study, attendance requirements, and equipment and facilities required at approved law enforcement training schools by the Iowa Law Enforcement Academy.

**80B.11D Training.**

1. An individual who is not a certified law enforcement officer may apply for attendance at a short course of study ~~at an approved law enforcement training program~~ if such individual is sponsored by a law enforcement agency.

4. ~~An A sponsored~~ individual shall not be granted permission to attend ~~an approved law enforcement training program~~ a certifying academy pursuant to subsection 1 if such acceptance would result in the nonacceptance of another qualifying applicant who is a law enforcement officer.

**80B.13 Authority of council. The council may:**

5. Cooperate with federal, state, and local enforcement agencies in establishing and conducting local or area schools, or regional training centers regional agency or regional college academies for instruction and training of law enforcement officers and jailers.

Council had consensus to approve the proposed changes.

There was a discussion in regards to the Regional Academies only instructing to their agency and not outside agencies and what the process was for submitting a waiver to the Council in order for an outside agency to attend a Regional Academy.

Tim Carmody entertained a motion. Chad Leonard made a motion to accept the proposed changes as presented. Ric Martinez seconded the motion. There was no further discussion. An individual voice vote was taken. **Jana Abens-Aye, Tim Carmody-Aye, Vicky Long Hill-Aye, Ric Martinez-Aye, Dave Lorenzen-Aye, Nathan Fulk-Aye, Chad Leonard-Aye, James Steinkuehler-Aye, Melissa Henderson-Aye, Diane Venenga-Aye. Motion carried. 10-0**

**80B Iowa Law Enforcement Academy- Confidentiality and Immunities, (code update)**

Section 1. Section 80B.13, subsection 8, Code 2021, is amended by adding the following new paragraph:

**NEW PARAGRAPH.** *d.* Notwithstanding chapter 17A, a determination by the council that an investigation is not warranted or that a matter relating to the revocation or suspension of certification should be closed without initiating revocation or suspension proceedings is not subject to judicial review pursuant to section 17A.19.

(Kristi Traynor advised that this new paragraph would need to be amended and be placed in 80B.13(a).3

**Sec.2. NEW SECTION. 80B.20 Confidentiality**

In order to assure a free flow of information for accomplishing the purposes of this section, all files related to revocation or suspension of certification, investigation files, other investigation reports, and other investigative information in the possession of the council or its employees or agents, which relate to revocation or suspension, are privileged and confidential, and are not subject to discovery, subpoena, or other means of legal compulsion for their release to a person other than the subject law enforcement officer or reserve peace officer and the council and its employees and agents involved in revocation or suspension, and are not admissible in evidence in a judicial or administrative proceeding other than the proceeding involving revocation or suspension of certification. The investigation file shall be provided to the subject law enforcement officer or reserve peace officer upon request following the council's determination of probable cause to revoke or suspend. Investigative information in the possession of the council or its employees or agents which relates to revocation or suspension may be disclosed to any law enforcement agencies considering hiring the subject law enforcement officer or reserve peace officer, the appropriate certifying authority in another state, the District of Columbia, or a territory or country in which the subject law enforcement officer or reserve peace officer is certified or has applied for certification. All pleadings, motions, intermediate rulings, and final written decisions and findings of fact of the council in a contested case proceeding involving revocation or suspension of certification are public records.

There was discussion regarding the new section on "Confidentiality". Vicky Long-Hill had concerns about the Council being transparent when releasing records. Kristi Traynor advised that the final decision of the case is public record but the investigative reports are kept confidential.

**Sec. 3. NEW SECTION. 80B.21 Immunities**

1. A person shall not be civilly liable as a result of the person's acts, omissions, or decisions that are reasonable and in good faith as a member of the council or as an employee or agent of the council in connection with the person's duties.

2. A person shall not be civilly liable as a result of filing a recommendation for suspension or revocation or other complaint regarding a law enforcement officer or reserve peace officer with the council or for the disclosure to the council or its agents or employees, whether or not pursuant to a subpoena of records, documents, testimony, or other forms of information in connection with

proceedings of the council. However, such immunity from civil liability shall not apply if such an act is done with malice.

3. A person shall not be dismissed from employment or discriminated against by an employer for doing any of the following:

- a. Filing a recommendation for suspension or revocation or other complaint regarding a law enforcement officer or reserve peace officer with the council.
- b. Participating as a member, agent, or employee of the council.
- c. Presenting testimony or other evidence to the council.

4. An employer who violates this section shall be liable to a person aggrieved by such violation for actual damages plus reasonable attorney fees.

**Sec. 4. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.**

#### EXPLANATION

**The inclusion of this explanation does not constitute agreement with the explanation's substance by the members of the general assembly.**

This bill relates to the certification of law enforcement officers and reserve peace officers in Iowa. The bill provides that the law enforcement academy council has the authority to determine when further investigation of an officer may be considered unwarranted and that this determination is not subject to judicial review. The bill provides that investigative materials in possession of the law enforcement academy are privileged and confidential. The bill provides immunity from civil liability for council members and individuals who provide information in connection with a revocation or suspension investigation or proceeding.

The bill takes effect upon enactment.

Tim Carmody entertained a motion. Chad Leonard made a motion to accept the proposed changes along with the amendment presented. Diane Venenga seconded the motion. There was no further discussion. An individual voice vote was taken. **Jana Abens-Aye, Tim Carmody-Aye, Vicky Long Hill-Nay, Ric Martinez-Aye, Nathan Fulk-Aye, Chad Leonard-Aye, James Steinkuehler-Aye, Melissa Henderson-Aye, Diane Venenga-Aye.**  
**Motion carried. 8-Aye 1-Nay** (It should be noted that Dave Lorenzen left the meeting)

**80D Reserve Peace Officer - Retirement Age, (code clarification)**

**New proposed Code Section:**

80D.16 Retirement

The maximum age for a person to be employed as a reserve peace officer is sixty-five years of age.

Tim Carmody entertained a motion. Jana Abens made a motion to accept the proposed changes as presented. Vicky Long-Hill seconded the motion. There was no further discussion. An individual voice vote was taken. **Jana Abens-Aye, Tim Carmody-Aye, Vicky Long Hill-Aye, Ric Martinez-Aye, Nathan Fulk-Aye, Chad Leonard-Aye, James Steinkuehler-Aye, Melissa Henderson-Aye, Diane Venenga-Aye.**

**Motion carried. 9-0**

**80B.11 (1) I. Rules – Certification through examination, (code cleanup)**

**Proposed changes to code:**

**Code cleanup for a section no longer needed.**

**80B.11 Rules. 1.** The director of the academy, subject to the approval of the council, shall promulgate rules in accordance with the provisions of this chapter and chapter 17A, giving due consideration to varying factors and special requirements of law enforcement agencies relative to the following:

~~/ Certification through examination for individuals who have successfully completed the federal bureau of investigation national academy, have corrected Snellen vision in both eyes of 20/20 or better, and were employed on or before January 1, 1996, as chief of police of a city in this state with a population of twenty thousand or more.—~~

Tim Carmody entertained a motion. James Steinkuehler made a motion to accept the proposed changes as presented. Jana Abens seconded the motion. There was no further discussion. An individual voice vote was taken. **Jana Abens-Aye, Tim Carmody-Aye, Vicky Long Hill-Aye, Ric Martinez-Aye, Nathan Fulk-Aye, Chad Leonard-Aye, James Steinkuehler-Aye, Melissa Henderson-Aye, Diane Venenga-Aye.**

**Motion carried. 9-0**

**80B.15 Library and media resource center – code cleanup**

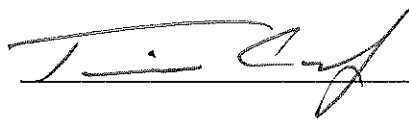
Proposed elimination of code. Not needed

~~80B.15 Library and media resource center. 1. The academy shall be the principal law enforcement library and media resource center and shall coordinate the use of law enforcement media resources with training centers and educational institutions offering a two-year program in law enforcement to insure for the efficient use of state law enforcement media resources.~~

There was some discussion on this. Director Bradshaw advised the Council that with the remodel of the Academy building, the physical “library” was removed and that ILEA records are kept electronically and available if/when requested.

Tim Carmody entertained a motion. Ric Martinez made a motion to accept the proposed changes as presented. Melissa Henderson seconded the motion. There was no further discussion. An individual voice vote was taken. **Jana Abens-Aye, Tim Carmody-Aye, Ric Martinez-Aye, Nathan Fulk-Aye, Chad Leonard-Aye, James Steinkuehler-Aye, Melissa Henderson-Aye, Diane Venenga-Aye. Motion carried. 8-0**  
(It should be noted that Vicky Long-Hill had technical difficulties and was not online to vote)

The Council adjourned at 11:41am.



Tim Carmody, Chair  
Iowa Law Enforcement Academy

10/7/2021

Date