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Peace Officer Commissioning	ACA Standards: 2-CO-1C-18		
Scott Crow, Director Oklahoma Department of Corrections		Signature on File	

Peace Officer Commissioning

In accordance with 57 O.S. § 510 and 57 O.S. § 515, the director of the Oklahoma Department of Corrections (ODOC) will commission as peace officers; probation and parole officers, administrators of community corrections, assistant regional supervisors, and office of the Inspector General (OIG) agents. The agency director may commission other staff with an active status CLEET certification as required by the agency. Employees in either an inactive CLEET status or a suspended CLEET status are not eligible for commissioning by the agency director in accordance with Section II. C. b. item 2. and c. item 2. of [OP-100202](#) entitled “Standards for Basic Peace Officer Training, Certification and Commissioning.”

Probation and parole officers awaiting placement in CLEET may be authorized for a limited commissioning upon completion of the requirements outlined in [OP-100202](#) entitled “Standards for Basic Peace Officer Training, Certification and Commissioning.”

Peace officer commissioning by the agency director is entirely dependent upon the officer’s employment remaining in good standing. Commissions will be withdrawn by the agency director or designee when the officer separates from the agency or transfers to another position not requiring certification within ODOC and may be withdrawn any time at the sole discretion of the agency director.

In accordance with 57 O.S. § 510, the agency director shall designate as correctional

peace officers, correctional officers, correctional security managers and correctional chiefs of security upon satisfactory completion of a basic course of instruction for correctional officers.

I. Commissioning Oath

A. Active Status CLEET Certified Staff

Active status CLEET certified staff in those groups identified in Oklahoma Statute 57 O.S. § 510 and 57 O.S. § 515 will be commissioned by the agency director or designee of the ODOC through administration of the following oath:

“I, (officer states name), do solemnly swear to support the Constitution and the laws of the United States of America and the Constitution and the laws of the state of Oklahoma, and that I will faithfully discharge, according to the best of my abilities, the duties of my office for the Oklahoma Department of Corrections.”

II. Commission Cards

A. Commission Cards for Probation and Parole Officers

Commission Cards for probation and parole officers will be prepared by Community Corrections and Contract Services.

B. Commission Cards for OIG

Commission Cards for the OIG will be prepared by the security staff assigned to the chief of Operations.

C. Commission Cards for Correctional Peace Officers

Commission cards for correctional peace officers will be prepared by the assigned facility. Correctional peace officer cards will indicate said commissioning is limited to agency owned firearms.

III. Scope of Employment

Peace officer commissioning by the agency director does not authorize any actions that fall outside the scope of employment.

A. Definition

Scope of employment is defined for the purposes of this procedure as any actions of an employee who is on duty and such activity is directly related to the duties assigned by ODOC.

Actions while off duty or not directly related to assigned duties are considered to be outside the scope of employment.

B. Penalty

Any employee who engages in law enforcement activity that is not directly related to the employee's assigned duties, occurring while not on official duty, or which is generally outside of the scope of employment, excluding a peace officer responding to a witnessed emergency involving the immediate threat to human life or property, will not be considered acting under the commissioned authority of ODOC and will be subject to disciplinary action.

C. Acts Within Scope of Employment

This peace officer authority will be exercised within the scope of employment as active status CLEET certified staff with ODOC and in accordance with this procedure.

1. Examples of acts considered within the scope of employment for CLEET certified staff include but are not limited to those listed below, provided such acts are performed safely, lawfully and with the appropriate equipment and support:
 - a. Maintaining the care, custody or community supervision of inmates/offenders;
 - b. Preventing attempted escapes;
 - c. Pursuing, recapturing, arresting, and incarcerating inmates/offenders, escapees or absconders;
 - d. Arresting or detaining any person committing a felony within a correctional facility or any person found bringing illegal contraband into a correctional facility;
 - e. Upon approval of the inspector general/chief administrator of Community Corrections and Contract Services, regional supervisors and facility head, commissioned staff may assist local law enforcement authorities in accordance with ODOC policies and procedures;
 - f. Upon approval of the inspector general, agents may assist probation and parole officers in accordance with ODOC policies and procedures;
 - g. Performing any acts specifically required and necessary to perform assigned job duties while on duty status and acting in their capacity as an employee of ODOC;

- h. Arresting any offender who has a confirmed outstanding felony or misdemeanor warrant;
 - i. Arresting without warrant any offender committing a felony or misdemeanor in the presence of the officer/agent;
 - j. Upon witnessing the commission of a crime that is not traffic-related by a non-offender third party, an agent/probation and parole officer who is on duty may arrest the third party for said violation; and
 - k. Providing temporary protective custody of a minor who is present when an offender is arrested and no person is present to assume their care until proper authorities are notified and assume custody.
- 2. Additional examples of acts considered within the scope of employment for OIG:
 - a. Conducting assignments issued as described in the inter-agency agreement between ODOC and the United States Marshall's Service, the Federal Bureau of Investigations and/or the Oklahoma State Bureau of Investigation; and
 - b. Arresting any person, during the course of an approved OIG investigation, when probable cause was found indicating the person committed a felony.
- 3. Examples of acts considered within scope of employment for correctional peace officers:
 - a. Maintaining care and custody of inmates;
 - b. Preventing attempted escapes;
 - c. Pursuing, recapturing and arresting escapees;
 - d. Preventing contraband from entering penal institutions; and
 - e. Performing other duties specifically required under job duties.

D. Examples of Acts Considered Outside Scope of Employment

- 1. Examples of acts outside scope of authority of active status CLEET certified staff commissioned as peace officers and correctional peace officers under this procedure include, but are not limited to, those listed below:
 - a. Pursuing, arresting, or detaining any person for a violation of

traffic laws;

- b. Arresting or detaining any person for a violation of fish and game laws or municipal laws and regulations;
- c. Pursuing, arresting, or detaining drunk drivers; and
- d. Intervening in an investigation conducted by another law enforcement agency, unless approval through the chain of command has been obtained and the intervention is in accordance with ODOC policies and procedures.

IV. Use of Force

All staff commissioned by the agency will make arrests in accordance with [OP-050108](#) entitled "Use of Force Standards and Reportable Incidents."

V. Secondary Employment

Commissioned staff who obtain secondary employment will follow the guidelines specified in [OP-110215](#) entitled "Rules Concerning the Individual Conduct of Employees."

VI. Dual Office Holding and Dual Commissioning

Dual office holding and dual commissioning will be in accordance with [OP-110215](#) entitled "Rules Concerning the Individual Conduct of Employees."

VII. Weapons in Employment

Correctional peace officers commissioned by ODOC are authorized to use agency owned firearms only.

Commissioned OIG staff are authorized to use agency and privately owned handguns, rifles and/or shotguns in accordance with [OP-040106](#) entitled "Purchase, Use and Control of Firearms and Security Equipment."

Commissioned probation and parole staff are authorized to use agency and privately owned handguns in accordance with [OP-040106](#) entitled "Purchase, Use and Control of Firearms and Security Equipment." If utilizing privately owned firearms in accordance with [OP-040106](#) entitled "Purchase, Use and Control of Firearms and Security Equipment," state owned firearms of the same capacity (handgun, rifle, shotgun) will not be issued.

VIII. Criminal Records Check (2-CO-1C-18)

Criminal record checks will be conducted in accordance with [OP-110210](#) entitled "Employee Background Investigations and Post Conditional Offer of Employment Testing."

IX. Decommissioning

A commissioned employee resigning from the agency, or who no longer holds a designated commissioned position as stated in 57 O.S. § 510 will be notified of the removal in writing by the affected unit head and directed to surrender their ODOC commissioning card. In addition, those with CLEET commission will require the affected unit head to ensure an "[Employment or Termination Form](#)" is completed and forwarded to the ODOC/CLEET liaison within five working days. The liaison will immediately forward documentation to CLEET.

X. References

Policy Statement No. P-110100 entitled "Uniform Personnel Standards"

OP-040106 entitled "Purchase, Use and Control of Firearms and Security Equipment"

OP-050108 entitled "Use of Force Standards and Reportable Incidents"

OP-100202 entitled "Standards for Basic Peace Officer Training, Certification and Commissioning"

OP-110210 entitled "Employee Background Investigations and Post Conditional Offer of Employment Testing"

OP-110215 entitled "Rules Concerning the Individual Conduct of Employees"

Oklahoma Constitution, Art. II, Section 12

51 O.S. § 6

57 O.S. § 510

57 O.S. § 510(A)(3)

57 O.S. § 515

59 O.S. § 1750.5J

XI. Action

The inspector general and chief administrator of Community Corrections and Contract Services are responsible for compliance with this procedure.

The inspector general is responsible for the annual review and revisions.

Any exception to this procedure will require written approval of the agency director.

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This procedure is effective as indicated.

Replaced: OP-110801 entitled "Peace Officer Commissioning" dated August 4, 2020

Distribution: Policy and Operations Manual
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<u>Referenced Form</u>	<u>Title</u>	<u>Location</u>
CLEET FORM	"Employment or Termination Form"	CLEET