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Joe M. Allbaugh, Director Oklahoma Department of Corrections		Signature on File	

Peace Officer Commissioning

In accordance with 57 O.S. § 510 and 515, the director of the Oklahoma Department of Corrections (ODOC) will commission as peace officers, Probation and Parole Officers, Deputy Directors, Assistant Regional Supervisors, Fugitive Apprehension and Investigations (FAI) director, Security Threats Intelligence (STI) director, deputy director of STI, chief agents and fugitive apprehension 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. D. item 2. of [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 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 Commissions will be withdrawn by the agency director or designee when the officer separates from the agency or transfers to another position not requiring certification within ODOC and may be withdrawn any time at the sole discretion of the agency director.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 director shall designate as correctional peace officers, correctional officers, correctional security manager and correctional chief of security upon satisfactory completion of a basic course of instruction for correctional officers.

I. Commissioning Oath

- A. Active status CLEET certified staff in those groups identified in Oklahoma Statute 57 O.S. § 510 and 515 will be commissioned by the 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 will be prepared by Probation and Parole Services.
- B. Commission Cards for the Office of Fugitive Apprehension and Investigations and Security Threats Intelligence will be prepared by the security staff assigned to the Chief of Operations.
- C. Commission cards for Correctional Peace Officers will be prepared by the assigned facility. Correctional Peace officer cards will indicate said commissioning is limited to departmental 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 any 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 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 scope of employment for CLEET certified staff

Examples of acts within the scope of employment include but are not limited to those listed below, provided such acts are affected 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 director of FAI, director of STI/ director of Probation and Parole Services, regional director and facility head, commissioned staff may assist local law enforcement authorities in accordance with ODOC policies and procedures;
- f. Upon approval of the director of FAI or director of STI Fugitive Apprehension Agents may assist probation and parole officers in accordance with ODOC policies and procedures; and/or
- 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 FAI and STI:
 - 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 FAI 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 FAI and STI 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 is authorized to use agency and privately owned handguns in accordance with [OP-040106](#) entitled "Purchase, Use and Control of Firearms and Security Equipment."

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 his/her ODOC commissioning card. In addition, those with CLEET commission will require the affected unit head to ensure a "[Notification of Termination](#)" 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"

P-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. § 510 and 515

59 O.S. § 1750.5J

XI. Action

The director of Fugitive Apprehension and Investigations/director of Security Threats Intelligence/director of Probation and Parole Services/regional directors/facility/unit heads are responsible for compliance with this procedure.

The director of Fugitive Apprehension and Investigations is responsible for the annual review and revisions.

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

This procedure is effective as indicated.

Replaced: Operations Memorandum No. OP-110801 entitled "Peace Officer Commissioning" dated February 3, 2017

Distribution: Policy and Operations Manual
Agency Website