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**CRIMINAL JUSTICE STANDARDS AND TRAINING COMMISSION
TECHNICAL MEMORANDUM 2011-06**

TO: Criminal Justice Training Schools

FROM: Program Director Michael D. Crews 
Criminal Justice Professionalism Program

SUBJECT: High-Liability Basic Training Remediation

Rule 11B-35.0024(2)(a), F.A.C., page 2, mandates that a basic recruit student shall be given the opportunity for one additional attempt at the required demonstration of proficiency skill(s), or one re-examination of required written end-of-course examination in DUI Traffic Stops and each of the four high-liability topics. This technical memorandum serves to clarify this rule section due to concerns of remediation not being conducted similarly and consistently amongst the training centers, leading to possible disparate treatment amongst basic recruit students.

The intent of the above-listed rule section is to allow a student to remediate in each skill of each high-liability topic area once per skill so long as the student has not failed the written examination in that high-liability topic area regardless of when a training school chooses to conduct remediation. Some schools choose to remediate after a skill or group of skills and some choose to remediate all failed skills at the end of the high-liability course. If a school chooses to remediate following a skill or group of skills, a student who failed a skill or group of skills and successfully remediates, should be allowed to remediate subsequent skills or group of skills if they fail one of these skills.

As an example: Student "A" fails to qualify with his or her handgun during the daylight qualification, and is given remediation and successfully qualifies. When Student "A" then moves on to night fire and fails to qualify on night fire, Student "A" should be allowed a remediation and second attempt to qualify on night fire. Any time a student fails the same skill or group of skills following remediation, he or she will be deemed to have failed the high-liability course.

A school may also choose when they administer the written examination for each high-liability course. If a school chooses to administer the written examination prior to the demonstration of proficiency skills, a student who has to retake the written examination is not allowed any remediation during the demonstration of proficiency skills, except under circumstances outlined in Rule 11B-35.0024(2)(b), F.A.C. Likewise, if a school chooses to administer the written examination at the end of the course, a student who required remediation during the demonstration of proficiency skills would not be eligible to retake the written examination should he or she fail.

Nothing in this technical memorandum or the above-listed rule section mandates what method a school will use to provide remediation for a student, nor does it prevent a school from requiring the student to pay for the remediation time required. It is recommended that a school have a clearly written policy to provide to the student outlining how and when remediation will occur.

If you have any questions please contact your assigned Field Representative or Terry Baker, Training and Research Manager in the Bureau of Standards at telephone number (850) 410-8688.

MC/tb/djh

cc: Criminal Justice Standards and Training Commission Members

SUPPORTING INFORMATION

11B-35.0024 Student Performance in Commission-approved High-Liability Basic Recruit Training Courses and Instructor Training Courses Requiring Proficiency Demonstration.

(1) Students enrolled in a Commission-approved Basic Recruit Training Program or Instructor Training Course, shall qualify through demonstration of proficiency skill(s) in the applicable course(s) and pass a written end-of-course examination.

(2)(a) A basic recruit student shall be given the opportunity for one additional attempt at the required demonstration of proficiency skill(s), or one re-examination of required written end-of-course examination in DUI Traffic Stops and each of the four high-liability topics of firearms, vehicle operations, defensive tactics, and first aid. A basic recruit student, who has failed to pass the written end-of-course examination or the required demonstration of the proficiency skill(s) after a second attempt, shall be deemed to have failed the training course.

(b) An instructor student shall pass a written end-of-course examination and demonstrate proficiency skill(s) during the first attempt. An instructor student, who has failed to pass the written end-of-course examination or successfully demonstrated the proficiency skill(s) during the first attempt, shall be deemed to have failed the instructor training course. An instructor student who has failed a written end-of-course examination or the proficiency skills(s) during the first attempt, shall be granted a reexamination by the training center director if:

1. There is technical difficulty in the administration of the test, such as a power failure or evacuation of the building; or

2. A condition of the student adversely impacts the student's ability to achieve a passing score on an end-of-course examination. A condition of the student that adversely impacts the student's ability could include illness or death of a family member; or

3. The end-of-course testing instrument is determined to be invalid by the training school.

Rulemaking Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.12, 943.17 FS. History—New 2-17-93, Amended 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 9-28-09, 6-3-10.