International Association of Directors of Law Enforcement Standards and Training

Model Minimum Standards

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Revised February 2020

IADLEST Model Minimum Standards

Preamble

The idea that those who perform the duties of law enforcement and criminal justice officers should do so with professionalism and a sense of ethics is not really new to western philosophical thinking. In fact, the origins of modern policing are commonly agreed to be found in the teachings of Sir Robert Peel over a century and a half ago. The formation of the International Association of Chiefs of Police in 1893 provided the first nationwide voice for reform and professionalization in policing. In this century, scholars generally agree that the most important early advocacy for professionalism can be found in the writing ant actions of Chief August Vollmer, who promoted the notion that the Berkeley Police Department should be composed of competent, trained, and ethical officers.

At the close of the era of prohibition, President Herbert Hoover empowered the Wickersham Commission to look into problems in American policing. This Commission concluded that law enforcement was far too often found to be corrupt, brutal, and composed of unethical and untrained personnel. These shocking conclusions were never manifested in significant public actions, however.

The next major report appears to have been published by the American Bar Association in 1952. In response to recognition that policing in this country required improved professionalism, the ABA published a "Model Police Council Act." The Act outlined eight broad functions that should ideally be performed by police regulatory agencies.

In 1967 the President's Commission on Law Enforcement and the Administration of Justice published "The Challenge of Crime in a Free Society," and the follow-up task report, "The Police." Contained in both reports were recommendations pertaining to the American system of criminal justice. Major emphasis was focused on the police, and recommendations were offered to affect such areas as community policing, community relations, personnel practices and procedures, organization and operational policies and structures, and the recommendation that each state establish a Peace Officers Standards and Training (POST) Commission. At that time, 17 states had already established POST bodies. All states had them by 1981, except Hawaii.

The National Advisory Commission on Criminal Justice Standards and Goals published its recommendations for improvements in 1973. Specific recommendations for upgrading the quality of police personnel ranged from proposals for improving recruitment and selection to encouraging the imposition of extensive recruit basic and in-service training requirements that would be made mandatory for all police personnel.

Montana, New York, Minnesota and California were the first to establish POST commissions in 1959. New Jersey, Oklahoma and Oregon created POST commissions shortly thereafter in 1961. The last states to create POST commissions were Tennessee, West Virginia, and Hawaii. The staffs of POST organizations first formed an association in 1970 upon the urging of IACP. In 1987, the name of this association was changed from the National Association of State Directors of Law Enforcement Training (NASDLET) To the International Association of Directors of Law Enforcement Standards and Training (IADLEST) thereby reflecting a more inclusive Mission and Focus.

No analysis of the development of professionalism in the criminal justice occupations would be complete without a reference to the positive impact of the Law Enforcement Assistance Administration's LEEP program. The Law Enforcement Education Program was the first significant infusion of federal funds designed to improve the education and management skills of police and criminal justice managers. A by-product of that great amount of funds was the establishment and creation of departments of criminal justice in practically every postsecondary institution in the nation. Thus was born the discipline of criminal justice and criminal justice studies that have done so much to advance the knowledge and practice of the criminal justice professions.

To be sure, the public horror and reaction to police brutality and unlawful tactics in response to the public disobedience of the 1960's led to demands that the quality of police improve. Likewise, a string of important Supreme Court cases recognized that the power of police must be regulated and misuses punished. The extension of the exclusionary rule to the states through Mapp v. Ohio (1961) was only the first of the contemporary major decisions to recognize the need to proscribe police unlawfulness. Mapp was followed shortly thereafter by Escobedo v. Illinois (1964), Miranda v. Arizona (1966), Terry v. Ohio (1968), and Chimel v. California (1989) just mention some of the more well-known cases. This has been paralleled by the rapid rise of civil liability recourse (42 USC 1983, 1987) against police misconduct. A police officer of the 50's would be confounded by what a professional officer of the 90's considers commonplace.

The POST organizations were created out of the crucible of conflict, change, and the demand for professionalism and ethics in public officers. POST programs exist to assure all citizens that peace officers meet minimum standards of competency and ethical behavior. POST organizations also have an obligation to the officers and agencies that they regulate, to adopt programs that are sensible, effective, and consistent with contemporary notions of what standards should be for all officers.

It is in this spirit of growth and responsiveness that the International Association of Directors of Law Enforcement Standards & Training have resolved to establish a set of MODEL MINIMUM STANDARDS to which all states may aspire.

"Great spirits have always encountered violent opposition from mediocre minds." - Albert Einstein

Table of Contents

Model Minimum State Standards for POST Administration

1.0 Concepts, Mission, and Organization

Each State shall have an organization at the state level with adequate authority to set standards for the hiring, training, ethical conduct and retention of police officers, through certification, licensing, or an equivalent methodology.

Commentary

Ever since 1967, when the President's Commission on Law Enforcement and the Administration of Justice issued its landmark report entitled "Task Force Report: The Police", it has been formally acknowledged that the law enforcement task is as great or greater than that of any other profession, and that the performance of this task requires more than physical prowess and common sense. Law enforcement officers engage in the difficult, important and complex business of helping to regulate human behavior, and their intellectual armament and ethical standards must be no less than their physical prowess. The Commission said in 1967, "the quality of police service will not significantly improve until higher educational requirements are established for its personnel" and that statement is equally true today.

As the Commission pointed out, while all departments are in need of upgraded recruiting efforts, higher minimum standards, better selection procedures and more training, the needs are more pronounced for the smaller police departments, many of whom without mandates at the state level would provide little or no training, use ineffectual selection and screening techniques, and have no organized recruiting programs, resulting in substantial variation in the quality of police service, not only in different areas of the nation, but within the same state.

Therefore, each state should have a commission, council or board on peace officer standards and training to establish, maintain, and update these standards.

1.0.1 Authority to Set Selection Standards

Such a commission should have the authority and responsibility to establish minimum statewide selection standards for all persons having authority to make arrests for violations of the criminal, motor vehicle, fish and game, boating and other laws of the state and for violations of local ordinances, and for all persons having custody of individuals who are incarcerated awaiting arraignment or trial, sentenced to terms in correctional institutions or released on probation or parole by the courts, and persons who hold other related public offices.

1.0.2 Authority to Set Education and Training Standards

Such a commission should have the authority and responsibility to establish minimum educational and training standards for pre-service, in-service and specialized training programs for law enforcement and corrections personnel, and persons who hold other related public offices; determine and approve the length and curricula for such programs; set minimum standards for instructors in such programs; and approve facilities as acceptable for law enforcement and corrections training.

1.0.3 Licensing or Certification

Such a commission should have the authority and responsibility to act as the certification or licensing authority for sworn personnel who perform the duties of law enforcement and corrections officers, and other related public officers, and determine the conditions they must meet for certification or licensing.

1.0.4 Decertification or License Revocation

Such a commission should have the authority and responsibility to decertify or suspend or revoke the licenses of sworn personnel who perform the duties of law enforcement and corrections officers, and other related public officers, for failure to observe training requirements, incompetence or egregious misconduct, and to determine the mechanics and conditions for such decertification.

1.0.5 Conducting Research

Such a commission should have the authority and responsibility to conduct and stimulate research by public and private agencies designed to improve the law enforcement and corrections services.

1.0.6 Compliance Enforcement

Such a commission should have the authority, responsibility and resources to make inspections to assure that its standards are being adhered to and to sanction persons and agencies who willfully or negligently fail to comply with these standards.

1.0.7 Financial Assistance

Such a commission should have the authority, responsibility and resources to provide financial aid to government units as an incentive to send their officers to training programs.

1.0.8 Representation on the Commission

The majority of the representatives on such a commission should be representatives of local and county law enforcement and correctional agencies, with additional representation from state law enforcement and correctional agencies, the courts, and other appropriate agencies or professions.

Commentary

In some states, standards commissions are separate from training commissions, to avoid any claims of a conflict of interest if the standards setting agency also provides the training. However, in instances where such responsibility is split between two commissions, the participants sometimes indicate that communications and coordination are more difficult and there can be duplication of effort. In some states, the responsibility for corrections training is vested in a separate commission, or some agencies such as State Police or Sheriffs are either exempt from training standards or set their own. However, there are many similarities between police and corrections work at all levels which make it quite logical that the responsibilities for setting standards and delivering training can be vested in a single commission, with adequate resources and division of duties.

1.0.9 Independent Agency

Such a commission should be a separate state agency rather than a division or branch of another agency.

Commentary

Since a standards and training commission should serve the interests of state, local and county criminal justice agencies equally, it is preferable that it maintain its autonomy and avoid any appearance that its actions are dominated by another criminal justice agency. Since the agency should ideally be funded from a dedicated revenue source, maintaining it as a separate entity will remove the temptation to divert funds to the parent agency.

1.1 Commission, How Constituted and Operated

1.1.1 Terms of Commissioners

The members of the commission should be appointed for staggered terms which are not all coterminous with the term of the appointing authority. The statute should provide that certain members serve by virtue of their office.

Commentary

The commission, while under the control of the politically elected officials of the state, should be set up in such a way as to provide some continuity and expertise in office, so that it will not be used solely as a source of political patronage, and so that it will not be unduly susceptible to political coercion.

1.1.2 Executive Direction

The day-to-day operations of the commission should be under the control of an executive director or other executive head, who is appointed by a majority vote of the commission, and who can only be removed for cause and after a public hearing.

Commentary

The executive director should be a competent professional, chosen because of ability rather than politics, and whose selection should be removed from the partisan political process. He or she should have adequate tenure to develop and implement the goals and objectives of the commission and enforce compliance with commission mandates without fear of political reprisal.

1.1.3 Qualifications of Director

A state statute should set forth minimum qualifications for the executive director, which should include a baccalaureate or graduate degree, considerable experience in the field of law enforcement or corrections, and familiarity with the development and management of training programs.

1.1.4 Funding Source

The commission's operations, including subsidizing the costs of statewide training programs, should be paid out of a dedicated, nonlapsing revenue source independent of the state's general fund and protected within the state constitution, such as a penalty assessment fund or other funding source.

Commentary

A penalty assessment fund, based on a percentage of court fines, has proven to be a worthwhile and constitutionally permissible mechanism for the funding of criminal justice training programs because it involves no tax monies, and because those who contribute to it have a vested interest in being dealt with by competent professionals with high ethical standards and community relations skills.

Where such a fund exists or is enacted, it is important for it to be established as a trust fund within the state constitution, to prevent it from being diverted to other purposes whenever the state experiences a general fund revenue shortfall. It is also important to resist having a variety of other programs funded out of this dedicated revenue source, as the end result is usually that court fines reach the point of diminishing returns, and police and corrections training programs are either inadequately funded or require additional general fund support.

1.1.5 Meetings

State statutes should require the commission to meet at least quarterly, and it should be provided with an adequate budget to employ sufficient full-time staff to carry out its mandated duties, with sufficient equipment, travel, and staff development funds to enable its staff to keep abreast of progressive training methods, maintain appropriate professional certifications, belong to professional organizations and monitor the compliance of criminal justice agencies with its standards.

1.1.6 Subsidies

The state should provide the commission with sufficient funds to enable it to reimburse or subsidize every law enforcement and corrections agency 100 percent of the salary, or underwrite the cost of training programs to be completed by the employees of state, county and local law enforcement and corrections agencies.

1.1.7 Reciprocity

Through reciprocity, the commission should recognize the licensing or certification standards of other states which maintain and enforce equivalent standards, to encourage lateral entry by officers from another state without having to undergo redundant training, either at the academy level or in various specialties.

Commentary

Such reciprocity can be provided through standardized licensing and certification examination programs, supplemented by attendance at programs designed to acquaint officers who move in from another state or whose license or certification has lapsed during a break in service, with updated state laws, tactics and procedures.

1.1.8 Accreditation

The commission should recognize the value of a law enforcement accreditation process in upgrading the police profession, and provide technical assistance and support to departments seeking accreditation.

Commentary

Such support can be provided through commission involvement with state or area-wide PAC's (accreditation coalitions) which provide voluntary assistance to one another in their efforts to achieve national accreditation, or through the establishment of a statewide accreditation program through the commission or another appropriate entity, tailored to the needs of the individual state.

Model Minimum State Standards Peace Officer Selection

2.0 Selection

Each state commission should prescribe minimum statewide standards that must be complied with by hiring authorities who employ law enforcement and corrections officers and other related public officers. These standards should comply with any applicable federal and state equal employment guidelines and relate to the skills and attributes necessary to perform the essential functions of a police or corrections officer.

2.0.1 Drug Screening

State law or regulation should require each candidate for an entry level or lateral entry sworn position, to submit to testing to determine if he or she is currently using an illegal controlled dangerous substance.

Commentary

Peace officers are expected to enforce the law related to the use of controlled dangerous substances, and to prevent prisoners from acquiring such substances. The effectiveness of these officers would be compromised if they were also illegally using these drugs. Therefore, they should receive a valid test to screen for the illegal use of controlled dangerous substances consistent with federal and state laws. The type of test to be utilized would be selected by the agency consistent with their needs and costs, and consistent with minimum requirements set by the commission.

2.0.2 Background Investigation

State law or commission regulation should require each candidate for an entry-level or lateral entry law enforcement or corrections officer position or other related public office, to submit to a thorough background investigation according to protocols developed by the commission, to determine that they have exhibited mature judgment and are of good moral character and reputation.

Commentary

Those called to serve in the criminal justice system are faced with many difficult occupational situations. A documented background investigation is necessary to ensure that all candidates possess the necessary attributes to perform their duties. It is also necessary to screen out undesirable personal characteristics that may adversely affect their performance as officers. This background investigation should include at a minimum~ interview with previous employers and coworkers, neighbors, past and present family members, character references, school authorities, academic and military records, and a credit record check. Polygraph examinations can be an effective tool to help validate written and oral information, and to detect possible deception by a candidate. They should be used to support, but not as the sole indicator for, employment status decisions.

2.0.3 Fingerprint Check

State law or commission regulation should require the hiring authority to conduct a state and national criminal history check, including fingerprinting, and should prohibit the hiring of any person as a sworn police or corrections officer who has been convicted of a felony, or any other crime or series of crimes which would indicate to a reasonable person that the applicant was potentially dangerous, violent, or had a propensity to break the law.

Commentary

All persons who are expected to enforce the law should be free of a criminal background which would compromise their effectiveness. A criminal history check should be made through the National Crime Information Center and the

appropriate local and state criminal history repositories in all communities where the applicant has lived or worked, confirmed by an applicant fingerprint card.

2.0.4 Age Requirements

Each state should set a minimum age requirement for employment as a police or corrections officer, or other related public office, verified by a birth certificate or other appropriate documentation.

Commentary

The minimum age requirement should be established to ensure that candidates will be legally able to perform their duties. This age requirement should be consistent with all federal and state laws, ordinances and regulations related to law enforcement activities, the possession of various types of evidence, and the use of firearms.

2.0.5 Oral Interviews

State law or commission regulation should require all candidates for police and corrections officer positions and other related public offices to be given a personal interview by representatives of the hiring authority to evaluate job-related behaviors, whether by an interview panel or another appropriate assessment process, and should provide guidance to the hiring authority as to any questions which should not be asked during such a process.

Commentary

Personal interviews are a valuable tool to verify and further expand on information provided by a candidate, in order to determine his or her fitness for the job, and to evaluate whether they possess adequate verbal and communications skills for the job.

2.0.6 Citizenship

State law or commission regulation should require all sworn police and corrections officers to be U.S. citizens. In order to encourage the cultural diversity which has enriched our nation over the years, foreign nationals who are becoming citizens should be encouraged to consider law enforcement careers if they can be employed by criminal justice agencies without exercising arrest powers until obtaining full citizenship.

Commentary

Police officers are expected to enforce the laws and constitution of the United States, and are among the few persons who can deprive a U.S. citizen of their freedom. This power should be vested in officers that are loyal citizens, committed to support the laws of the United States and of the state and locality of their employment. In addition, by being a citizen, an officer will be more familiar with the rights afforded to all citizens.

2.0.7 Driver's License

State law or commission regulation for police officers should require a driver history record that indicates that a candidate is a safe driver who has adequate respect for the traffic laws that they will be enforcing, and has a valid motor vehicle driver's license. A driver's license may not always be a requirement for correctional officers.

Commentary

All police officers will utilize motor vehicles in the performance of their duties at one time or another, and many will drive under emergency conditions. Their driving records should be screened prior to hiring, to determine that they are not poor or unsafe drivers.

2.0.8 Medical Qualifications

Once a conditional offer of employment has been issued, state law or commission regulation should require the hiring agency to provide a job-related pass/fail medical examination to each applicant for a sworn police or corrections officer position and mandate that they are medically fit to complete any necessary training and perform the duties of a police or corrections officer. The commission should provide for a medical review board to consider the cases of any applicant with a disability who feels that it will not prevent them from completing the training or performing the essential functions of the job without endangering others.

Commentary

Such an examination evaluates the candidate's physiological readiness to learn and determines the relative risk that their health will compromise their ability to perform the frequent and critical tasks assigned to them.

2.0.9 Education

State law or commission regulation should require immediately that all persons hired as police or corrections officers possess at a minimum a high school diploma, and should ultimately seek to phase in an entry-level requirement of a baccalaureate degree from a college or university accredited by a regional postsecondary accrediting body. Such college education should include a substantial core of courses in the humanities.

Commentary

Completion of high school insures that candidates will have obtained at least minimal skills in writing, comprehension and analysis required of an officer who must possess superior written and oral communications skills and an ability to read and interpret complex statutes, court decisions, and operational procedures. It will also be an indicator that the candidate can successfully complete a police or corrections academy or entrance-level training program. Although some states allow a G.E.D. in place of a high-school diploma, we are unaware of any other profession that permits entry at the G.E.D. level. As communities move toward community policing, a college education becomes increasingly desirable as an entrance standard.

2.0.10 Physical Fitness Assessment

A valid, job-related physical fitness or agility test based on data obtained from a written job description validated by a job task analysis should be required on a pass/fail basis for each police and corrections officer candidate, by state law or commission regulation.

Commentary

Each candidate should be tested for physical conditioning, fitness and agility. The results of these tests should be evaluated against established, validated criteria, to determine their ability to complete any necessary training and perform the essential job functions, and reduce the danger to coworkers. Physical fitness or agility standards (muscular strength, muscular endurance, cardiovascular endurance, coordination, flexibility, strength, etc.) must also be validated as job-related to the occupational needs of police and corrections officers. Without validation, such standards may not survive legal challenge, especially if they deny employment to a protected class of people. A decision must be made as to whether candidates must meet certain standards before they can enter an academy, or whether they must achieve certain standards as a requirement for successful completion of the academy. Agility testing, if employed, must be done across the board for all candidates.

2.0.11 Psychological Screening

State law or commission regulation should require hiring authorities to administer a psychological screening to all applicants for sworn police or corrections officer positions, and not to hire applicants who suffer from a current mental

illness that would affect their ability to function safely and effectively in the job, or display characteristics such as a tendency toward unnecessary violence or poor impulse control.

Commentary

A psychological assessment is necessary to screen out candidates who may not be able to carry out their responsibilities or endure the uniquely stressful working conditions, or who are not emotionally stable. Only qualified, licensed professionals should interpret these tests, using norm-referenced testing instruments to determine emotional and mental stability, recognizing that an appeal process or second opinion should be afforded to ensure fairness if a candidate is eliminated by this process.

2.1 Interstate Training Reciprocity

2.1.1 Reciprocity

Commissions should publish their requirements for reciprocity. They should be designed to notify other commissions as to reciprocity requirements for holding appointment as a police or corrections officer, and the training required or equivalency test needed for lateral entry. The published requirements should specifically address the areas enumerated below.

2.1.2 Prerequisites

Rules should state the prerequisites for holding the position requested by an applicant seeking employment in the state's criminal justice system, prerequisites for attending basic law enforcement training, and a description of the required minimum police or corrections recruit course, including hours of attendance.

2.1.3 Procedures

Rules should describe the procedure to obtain a waiver of basic training requirements, or state that a waiver is not allowed.

2.1.4 Matrix

The commission should develop a matrix to allow the staff to give a preliminary, non-binding opinion regarding the equivalency of training.

2.1.5 Documentation

Rules should prescribe the documentation and the certification of such documents from other educational institutions or training academies that are allowed as proof of completion of courses.

2.1.6 Decertification

Rules should prescribe the charging, hearings, and appeal process for decertification of an officer for infractions of laws, rules, or regulations, and the effect to be given to an out-of-state decertification action or conviction.

2.1.7 Licensing

The commission should publish a listing of any criminal justice position requiring a license or special license, a description of the licensing examination, and the name, address, telephone and FAX numbers of the licensing board or agency.

Model Minimum State Standards Recruit Basic Training

3.0 Basic Training

Commission regulations authorized by state law should establish minimum standards for the accreditation, administration, and delivery of basic training programs required for professional certification or licensing of entry-level police and corrections officers, regardless of whether such programs are delivered by state-run academies, individual law enforcement agencies, institutions of higher learning, or a combination thereof.

NOTE: Due to the difference in national and international police and corrections officer standards and training programs, the following standards may not be totally applicable to some training or educational plans. It is recognized that each commission must abide by its own state, provincial or national standards and regulations.

3.0.1 Purpose

The purpose of basic training should be to provide a supportive and nurturing environment that will encourage officers to be humanistic, compassionate, empathetic, culturally aware and career-oriented, skilled in the use of discretion, able to identify and solve problems in traditional and non-traditional but acceptable ways, and proficient in the use of weapons, the ethical and effective use of both deadly and non- deadly force, and respectful of constitutional limitations on their authority.

3.0.2 Core Competencies

Minimum curriculum requirements for basic training programs should identify a set of core competencies required for satisfactory performance of entry-level tasks. These competencies should include both knowledge and skills identified through job task analysis, and additional abilities in areas such as professional orientation, human relations and the ethical use of discretion that the commission deems consistent with the role of police and corrections officers in a free society.

3.0.3 Matriculation Requirements

Institutions, academies and agencies offering basic training courses should be encouraged to adopt entry standards for their programs that are designed to assure that graduates will meet as closely as possible the minimum professional standards adopted by the commission for occupational certification or licensing as a police or corrections officer.

3.0.4 Medical Examination

Students, as a condition of admission to basic programs, should be required to submit to a medical examination by a licensed physician familiar with the aspects of the curriculum that require physical strength, agility, flexibility and aerobic capacity and who, on a pass/fail basis, certifies that the prospective student can, in the physician's opinion, safely perform the course work required.

3.0.5 Transcripts

Students should be required to present transcripts of all prior education and training as a precondition of admission into a basic police or corrections training program.

3.0.6 Student Records

The items contained in standards 3.0.2 through 3.0.5 above should become a permanent part of the candidate's training records. This record should be available to the commission and on a need-to-know basis to the staff and management of the basic course provider. Medical records should be kept in separate files, or with restricted access. A student's files

should be released only to the student's employing or sponsoring law enforcement or corrections agency, if any, or to commission officials, unless the student has given written permission for others to access them, or a valid court order exists. Student records are protected under federal law by the Buckley Amendment. Records should be retained for at least the record retention period required by state law, either in the form of hard copy, computer files, or other court-acceptable media.

3.0.7 Training Course Records

The commission should promulgate standards for the documentation of curriculum and the keeping of historical records for a period of at least twenty years for each basic training class, to include lesson plans, copies of audiovisual aids, tests and examinations, attendance records, student and instructor evaluations, course schedules, and instructor resumes.

3.0.8 Forms and Procedures

Commission administrative regulations should require that each institution have a policy that prescribes the forms and procedures for documenting the candidate's pre-employment or pre-basic requirements. Forms for each requirement should be developed and made available to agencies that will use the services of the training institution. When the candidate arrives for training at the institution, his or her training records should be inclusive and in a manageable format.

3.0.9 Basic Course Administration

Institutions and agencies providing basic training should be required by commission regulation to have a policy manual or course management guide which outlines the procedures to be followed in conducting the basic course. The policies should be directed toward the behavior of employees and staff as well as the students.

3.1 Scope

Written policies should describe the rules of the institution as they apply to the students, and each student upon entry should be issued a copy of the rules and acknowledge receipt of them in writing.

3.1.1 Orientation

The commission should require that each agency, institution or academy offering a basic course set aside a block of time at the beginning of the course for verbal orientation of the students and an explanation of the relevant institution rules and the matriculation requirements.

3.1.2 Rules

Written policies should describe the rules of the institution as they apply to the students, and each student upon entry should be issued a copy of the rules and acknowledge receipt of them in writing.

3.1.3 Discipline

The rules should describe the process for charging a student for a rules violation, the penalty for such a violation, and the appeal process.

3.1.4 Records

The rules should describe the records to be maintained for every student who receives any training and the method used to provide a validated transcript of such training. Records maintenance rules should be compatible with state and federal laws concerning student records.

3.1.5 Facility

The rules should prescribe facility requirements commensurate to the curricula to be taught by the institution. Curricula activities such as driver training, firearms training, practical exercises and any other training program mandating special needs should have access to adequate facilities. The facilities should be designed to provide the specific training needed to meet the course objectives.

3.1.6 Grading

Student grading policies should be established in terms of pass/fail, re-testing in regards to a failure (if permitted), appeal of test results, and necessary repeating of a subject area if a failure is substantiated or in case of excessive absence from class. Remedial or re-training should be applied in an equitable manner.

3.1.7 Attendance

Attendance at courses should be mandated. If a percentage of time is allowed for excused absences (for any reason), the percentage of time a student is allowed to be absent and still pass the course should be set by the commission.

3.1.8 Tests

Methods of developing test questions conforming to the performance objectives stated in the course should be explained to each student. The test development process should be stated in procedural format, outlining exactly how the testing program is administered.

3.1.9 Counseling

Training staff advisors and/or counselors should be available to discuss personal or training matters with the students. Remedial study habits should be suggested, along with advice to provide the student with every opportunity to do well in the courses.

3.2 Failure

Students failing a training course should be evaluated in terms of attitude, adaptability and retention. Should it be determined that the student can be successfully trained, remedial training should be provided under the guidelines established by the grading policy in 3.1.6 above.

3.2.1 Library

A satisfactory learning resource center should be provided if the student is assigned studies outside of the training handouts or classroom notebook. A library indexed by an acceptable decimal system should be available. The use of interactive video or computer programs is advisable.

3.2.2 Curriculum

The commission should establish minimum curriculum requirements for the basic course, and all institutions and agencies delivering approved basic training should be required to comply with these requirements. Curricula should be based on a valid and reliable job task analysis which is updated at least every five years. Training techniques should be generally accepted as correct and legal. Curricula should be submitted on a standardized form detailing the performance objectives for the course and the training methodology. The curricula should be certified by the commission's executive director upon recommendation of a curricula committee, including legal experts, whose members have examined the content and

training methodology for the purpose of validating it. Instructors involved in the delivery of basic training should be credentialed as instructors by the commission.

3.2.3 Safety

Safety rules should be given to all trainees who enter the training facility. The rules, along with rules of conduct, should be discussed during orientation. A form attesting that the rules have been distributed and are understood should be signed by each student, collected by the instructor and filed. High-risk and high- liability curriculum areas should have safety rules posted in a conspicuous manner to remind the students of potential risks. Instructors should be periodically refreshed on the contents of these rules.

3.2.4 Graduation

Diplomas or notices of successful completion of basic courses should be awarded, and should identify the awarding institution, the name of the recipient, statutory mandate for the course (if any), precise name of the course, dates of attendance and graduation, and signature of the agency or institution head.

3.2.5 Insurance

Liability and comprehensive insurance should be provided in accordance with city, county or state laws or regulations. The chief legal counsel for the training agency should be consulted about indemnification.

3.2.6 Hiring

Employment of staff should be done through an established hiring process designed to ensure that they possess adequate education, experience, ethical standards and medical condition for the position. The use of guest lecturers should be controlled in a manner that assures their integrity and qualifications to teach.

3.2.7 First Aid

First aid and medical emergency plans should be included in instructor and student orientation materials. If courses include high-risk activities, emergency medical plans should be discussed with students. Every instructor who teaches firearms, driving or other high-risk subjects should be currently certified in first-aid and CPR. First-aid kits and a means of summoning emergency medical assistance should be available at all training sites.

3.2.8 Equipment

Equipment requirements and standards should be established and provided to all agencies or persons participating in the training courses. Standards for weapons and ammunition used on the firing range should be established, as well as vehicles used on the driving range. Other equipment such as uniforms, leather gear, footwear, radar sets, batons, cameras or any other equipment used in training courses should conform to acceptable standards. The standards should be set by the commission or a group of persons having the ability to set such standards in a reliable and expert manner.

Model Minimum State Standards In-Service Training

4.0 In-Service Training

IADLEST endorses the concept of additional, commission mandated annual in-service law enforcement training for sworn or commissioned law enforcement officers following basic certification or licensure. We would recommend leaving the number of training hours and the selection and/or approval of subjects to the discretion of local law enforcement administrators, subject to the guidance and minimums set by the commission.

Commentary

As with many professions, and more so than most, law enforcement is an ever-changing occupation. Laws, court decisions, techniques, technology, and indeed the society that we regulate and serve, is in a constant state of flux. For this reason, it is necessary that police and corrections officers keep abreast of their field, so that they can more effectively serve the citizens, help the agencies that employ them avoid civil liability, and develop necessary supervisory and management skills. Unfortunately, in some jurisdictions the continuing education requirement for law enforcement is either non-existent or less than that of some less complex occupations such as barbers or real estate salespersons. This situation must be rectified in order for the criminal justice system to achieve optimal quality and excellence in service.

4.1.1 Statutory Authority; Purpose

Each state legislature should provide its commission with the statutory authority to mandate continuing education requirements for police and corrections officers as a condition of certification or licensure. The purpose of such training should be to ensure continued proficiency in necessary skills, become familiar with new developments and techniques, and achieve a revitalized sense of compassion, professionalism and career interest.

4.1.2 Resources

Each state legislature should provide adequate funding to its commission to assist in the development, presentation and monitoring of in-service training requirements.

4.1.3 Criteria

The criteria for needs assessment, curriculum development, instructor qualifications, research, testing, and student safety should be no less stringent than that which is prescribed for recruit training programs.

Model Minimum State Standards Training and Instructor Standards

5.0 Task Analysis

Each state commission should conduct a task analysis of the entry level law enforcement position at least once every five years.

Commentary

A task analysis should be conducted statewide to determine the essential functions of the entry level position and the relevant tasks and task steps.

5.0.1 Task Analysis Committee

Each state commission should utilize a committee to assist with the job task analysis (JTA).

Commentary

The committee should be made up of personnel in the criminal justice profession, and assist with the development of the curriculum using results of the JTA. This will assure that the curriculum reflects the actual needs of the basic police officer. The Advisory committee can also be a useful resource to add/modify curriculum during years that the JTA is being upgraded or revised.

5.0.2 Core Curriculum

Each state should develop a minimum standard basic police and corrections training curriculum based upon the results of the job task analysis, plus additional areas such as professional orientation, human relations, and the ethical use of discretion, that the commission deems consistent with the role of police and corrections officers in a free society.

Commentary

Curriculum should be based upon a job task analysis, to assure that the goals and objectives of the course are based upon the current requirements of the position. The job task analysis will identify the most important, most difficult and most frequent tasks required by the essential functions, and further identify those tasks that should be learned at the academy, as opposed to at some other time and place.

5.0.3 Unit Goals

The state standard basic training "core curriculum" should contain a unit goal for each unit of instruction, and performance objectives that are measured by demonstrated performance (written or practical) examinations.

5.0.4 Performance Objective

The curriculum should assign each performance objective a unique alphanumeric identifier.

Commentary

The use of numbered goals and objectives for each unit of instruction assures that the course offers the same curriculum every time it is taught. The alphanumeric identifiers allow the easy tracking and reporting of objectives. This is essential for reports to student or administrators upon completion of a course.

5.0.5 Field Training

Each state commission should establish a field training officers' program of on-the-job training that is also based upon a job task analysis.

Commentary

The basic curriculum and the field training program must both be based upon a task analysis, and complement one another. The field training program should cover the following areas: (1) Knowledge and skills that are unique to the employing agency, but not relevant to the state as a whole. (2) Knowledge and skills that have been determined through a task analysis to be essential to the job, but the local employing agency is better suited as the primary trainer. (3) Demonstrating proficiency in performance objectives that were not met during the academy training process. The final report to the employing administrator should contain the performance objectives that the officer did not achieve while in training at the academy. This report should become a part of the field training program as a remedial loop. The performance objectives should be demonstrated satisfactorily during the field training experience before the officer can be certified. Field training should be an integral part of the "core curriculum" and quantified as to time to be credited.

5.0.6 Written Tests

Each state commission should develop a bank of questions that measure the knowledge required by performance objectives evaluated by written examination.

5.0.7 Performance Demonstration

Each commission should develop a "demonstrated performance" check-off matrix for each performance objective evaluated by demonstrated performance.

Commentary

It is essential that the examination process measure knowledge and skills identified through job task analysis. To do this, questions and demonstrated scenarios should be developed to measure knowledge and skills relative to the course performance objectives. The questions missed or skills not demonstrated are reported to the student so that he or she not only knows the questions they missed, but also the performance objectives not achieved.

5.0.8 Final Examination

Each commission should develop a comprehensive final examination to determine how much knowledge was gained during the basic course, or a basic certification examination to determine that the student has the requisite knowledge to perform the essential job tasks at the entry level.

Commentary

Post-test measurement need not be conducted if careful examination of performance objectives was conducted during the course.

5.0.9 Follow-Up

Each commission should establish a comprehensive post- graduation follow-up survey.

Commentary

The post-graduation follow-up is essential, and ensures that the course and course content remain relevant. The survey should be designed to determine the retention of basic knowledge and skills. Adjustments should be made to course and delivery systems to increase retention and relevancy of the curriculum.

5.0.10 Instructor Training

Each commission should establish an instructor training program for instructors involved in the "basic core" curriculum.

Commentary

A comprehensive instructor training course is essential to a standardized "basic core" curriculum. Unless the instructional staff knows the purpose of performance objectives, how they are measured, and how to write proper test questions and demonstration scenarios, the influence of the goals and objectives on learning and retention will be diminished. Additionally, the instructor should be required to demonstrate the instructional processes he or she will use, before actual use in a teaching role. This requirement may be waived in the case of instructors whose prior education or experience is deemed to be the equivalent of such a course, such as professors or instructors at accredited postsecondary institutions.

5.0.11 Instructor Evaluation

Each state commission should develop an instructor evaluation process. It is important to the instructor to receive feedback on how well he or she does in the classroom. A comprehensive program will not only use the students to evaluate the instructor, but will also utilize feedback from managers, commissioned members, and other designated personnel.

5.0.12 Standardized Lesson Plan Format

Each state commission should develop a standardized format for lesson plans.

Commentary

The lesson plan should meet the standard and contain reference(s) to each performance objective covered during the unit of instruction. The lesson plan should be approved by the course coordinator before the instructor teaches. The lesson plan should be a permanent part of the course record. All multimedia and handouts used during the presentation should be identified on the lesson plan.

5.0.13 Instructor Certification Levels

Each state commission should establish certification levels for persons wishing to be instructors.

Commentary

Different levels of certification should be established for instructors, valid for a set period of time, after which renewal can be requested. A basic level instructor should be required to demonstrate the knowledge and ability to conduct instruction from prepared material. More advanced instructors should also be required to demonstrate the knowledge and ability to determine course objectives, develop lesson plans, coordinate other instructors and utilize results of task analyses. Top-level instructors should be required to demonstrate the ability to develop tests, supervise instructors and support staff, organize goal-setting, assist in developing a budget for training programs and maintain positive public relations. Appropriate instructor designations should recognize certain high-liability areas, such as firearms, defensive tactics, physical fitness, and emergency driving.

5.0.14 Revocation of Certification

Each state commission should have the authority to revoke the certification of instructors.

Commentary

To assure the quality of instruction, the state commission should be authorized to revoke instructor certification of those persons failing to follow commission guidelines or performance objectives.

5.0.15 Annual Instructor Evaluation

Each state commission should conduct evaluations of instructors on a routine basis, at least annually.

Commentary

Commission staff should annually evaluate each instructor conducting mandated training programs. The evaluation will be a useful tool to the instructor and the commission, and ensures that all performance objectives are presented by the instructor, and that high-quality teaching is provided to students.

5.0.16 Instruction and Curriculum Management

Curricula should be carefully documented, validated and updated, as follows:

5.0.17 Documentation

Curricula should have dates of original writing and dates at which time it was updated or revised. A tickler file should trigger automatic review and update consideration. A competent curriculum committee with the appropriate education and background should review and recommend all curriculum. Whenever the commission director is the sole curriculum approving authority, he or she should have the background, education and credentials necessary to make such judgments. The committee or commission director should have statutory authority to approve or deny curricula.

5.0.18 Validation

Validation procedures for curricula should be job task- related, contain performance objectives based upon identified training needs, and test construction should be valid and reliable in testing the performance objectives.

5.0.19 Design

Curriculum design should include full research of the topic(s) or curriculum, source documents written from research, lesson plan(s) developed from the source document, and the source documents and lesson plan should be kept on file for reference.

5.0.20 Handouts

Handout materials or any reference materials should be serialized, and corresponding numbers placed on lesson plans and curricula to which the handout is related.

5.0.21 Staff Instructors

Staff instructors should be graduates of a recognized college or university with a degree in the appropriate field, or have at least a high school education with a documented background and experience to equate in ratio to years of college or university study.

5.0.22 Background

Instructors should successfully pass a background investigation documenting good moral character and integrity.

5.0.23 Physical Fitness

Instructors should be physically fit and in acceptable health to perform the essential functions of their jobs.

5.0.24 Communications

Instructors should have the ability to communicate with students in a supportive manner and yet be able to render objective judgments in reference to student efforts.

5.0.25 Motivation

Instructors should be able to instruct in a manner that motivates students to learn.

5.0.26 Research Skills

Instructors should be able to research and write training materials such as source documents, lesson plans, and tests.

5.0.27 Testing

Testing, whether pre-test or post-test, should be valid and reliable. If pre-testing is used, it should be done with a specific purpose in mind and result in the ability to measure the instructional results accurately. Otherwise, it will not provide a useable result, but will instead mislead and cause confusion.

5.0.28 Technology

Contemporary information with regard to the use and development of instructional technology should be researched in order to maximize training techniques. The goal should be to correctly apply training technology to enhance the ability of students to learn, and not solely to expedite the training process.

5.0.29 Skills Training

Critical skills areas (vehicle stops, use of deadly force, evidence collection and preservation, etc.) should be tested through the use of graded practical exercises. An acceptable pass/fail criterion should be established for each skills test.

5.0.30 Strategies

Instructional strategies should be utilized when it is determined that a particular strategy is the best technique that could be used to teach a particular attitude, knowledge, or skill.

Model Minimum State Standards Professional Conduct

6.0 Standards of Professional Conduct

Every state should establish by law a commission with the power to certify or license law enforcement and corrections officers pursuant to professional standards set forth in the law. The commission should also have the power to revoke the license or issue lesser discipline for officers who have been found to have violated standards of conduct set forth in the statute.

Commentary

Every state has the authority to regulate occupations and professions in order to protect the public. Typically, this power is exercised by a commission that issues a certificate or license indicating the person has met specified minimum standards. In addition, these commissions should be granted the authority to revoke the licenses of persons who have violated the standards of conduct set forth in the law.

6.0.1 Content

State law and commission regulations should set forth standards for initial certification, including selection, training and continuing education requirements. They should also specify the grounds for decertification and lesser discipline and provide for procedural protections including notice, hearing and appeal. The process for recertification should be set forth. The state should participate in the IADLEST National Decertification Index (NDI) of decertified officers.

6.0.2 Certification

Each commission should have the authority to certify that individuals have met the state selection and training standards required for employment as a law enforcement or corrections officer.

Commentary

The public should be made aware of the state selection, character and training standards required in order for a person to be employed as a law enforcement or corrections officer.

6.0.3 Uniformity

As is the case for other professions, the minimum state standards for certification should be uniform throughout the state.

6.0.4 Compliance

Prior to issuance of a certificate or license, the commission should ensure that the applicant has complied with minimum standards, by collecting, verifying and maintaining all documentation establishing compliance, and assuring that a proper background investigation (including a truth-verification test) and criminal history check have been completed and requiring the training institution or hiring authority to provide assurance of completion of all pre-hiring requirements, subject to verification by commission audit.

6.0.5 Ongoing Compliance

The commission should be authorized to monitor and enforce ongoing compliance with minimum standards of conduct.

Commentary

In order to ensure that certified officers who engage in serious misconduct do not continue to serve, each state should establish procedures for detecting such misconduct and issuing discipline, including decertification. Such a system is necessary for reasons of professionalism as well as protecting the public. Potential hiring agencies should be made aware of any discipline issued by the commission.

6.0.6 Application, Certification and Denial

Each commission should require a formal application for certification. If minimum selection and training standards are met, the applicant should be certified. If the applicant does not meet minimum standards, the commission should formally notify the applicant of its intention to reject the application and allow a hearing, pursuant to applicable state law, if the applicant files a timely request for such a hearing.

6.0.7 Reporting Misconduct to the Commission

Employing agencies should notify the commission when an officer leaves employment, whether the officer resigned, retired, was terminated or was laid off. The facts leading to the separation should be required to be disclosed where there is reason to believe the officer has committed decertifiable conduct. The employing agency should investigate the conduct and report its findings to the commission even in those cases where the officer has resigned. All law enforcement agencies in the state should be required to report to the commission the arrest of any person known or identified to them as a law enforcement or corrections officer.

6.0.7.1 Reporting Misconduct to Law Enforcement Agencies

On request of a law enforcement agency conducting a background investigation of an applicant for the position of a law enforcement or corrections officer, another law enforcement agency employing, previously employing or having conducted a complete or partial background investigation on the applicant should advise the requesting agency of any known misconduct.

6.0.7.2 Good Faith Reporting

State law should provide that civil liability may not be imposed on either a law enforcement agency or the commission for providing information required to be provided if there exists a good faith belief that the information is accurate.

Commentary

When the public becomes aware of serious misconduct by law enforcement and corrections officers, its confidence is shaken and all criminal justice professionals and agencies suffer a loss of public respect and cooperation. It is imperative that agencies share information with the commission and sister agencies concerning known officer misconduct.

6.0.8 Investigation of Misconduct

The commission should investigate all allegations from hiring agencies or other sources that certified officers have violated commission standards. The investigation should be completed even if the officer has resigned. If the investigation indicates that an officer is in violation of the standards, the matter should be presented to the commission or executive director as appropriate for determination. If the investigation results in a conclusion that no cause exists, the employing agency and officer should be notified. If cause is found, the commission should issue a formal complaint, specifying the conduct for which sanctions may be imposed.

6.0.9 Grounds for Discipline

Grounds for commission discipline of certified officers should be specified in state law and should include at least the following: conviction of a felony or serious misdemeanor (including a plea of guilty or nolo contendere regardless of

whether there is a suspended imposition or execution of sentence; the commission may also consider convictions that have been annulled); regardless of whether there is conviction, acts of dishonesty, such as perjury and filing false reports; acts showing an intentional or reckless disregard for the rights of others; unlawful sale, use or possession of a controlled dangerous substance; and violation of the code of conduct as established by the commission. The commission shall have the authority to revoke any certificate that has been obtained through misrepresentation or fraud or that was issued as the result of an administrative error on the part of the commission or the employing agency. When permitted by statute or regulation, a certificate may be immediately suspended where the officer is under indictment for, is charged with, or has been convicted of the commission of any felony or where the officer's certificate has been suspended or revoked by another state.

6.1.0 Range of Sanctions

Depending on the type of violation, the facts and circumstances of the case, and any prior commission discipline, the commission should impose the most appropriate administrative sanction, to include suspension or revocation of the license or certificate, probation, which may include remedial retraining, or formal reprimand or censure. An officer may voluntarily surrender his license, temporarily or permanently.

6.1.1 Sanction Procedure

In accordance with the state administrative procedure act or other applicable law, the officer should be given notice of the commission proceeding, be provided with an opportunity to be heard, and be permitted to be represented by counsel at his own expense. If the hearing results in a finding that the standard of professional conduct was not violated or a conclusion that the conduct in question does not warrant administrative discipline, the case should be dismissed. In the event a violation of professional standards is found, the commission should impose sanctions as appropriate. The standard of proof for a finding that the standards have been violated is preponderance of the evidence.

6.1.2 Effect of Decisions by Employee Agencies

Action by a law enforcement agency or a decision resulting from an appeal of that action does not preclude action by the commission to deny, cancel, suspend, or revoke the certified status of an officer.

6.1.3 IADLEST National Decertification Index (NDI)

Each commission that has the power to decertify law enforcement and corrections officers should submit information that an officer has been decertified or given a lengthy suspension. In addition, each commission should query the NDI as part of the background check for initial certification. The commission should also grant permission for hiring agencies to query the NDI.

Commentary

The number of law enforcement and corrections officers who have been decertified continues to grow. Some of these officers have sought to be certified in other states without disclosing the fact they have been decertified. To protect criminal justice agencies from employing a person who has been decertified in one state, each state should have the authority to provide information on decertified officers to the NDI.

6.1.4 Dissemination

The commission should be empowered to provide to the NDI information regarding the decertification or lengthy suspension of officers for misconduct. NDI policies set forth the process for submitting information as well as querying the NDI.

6.1.5 Recertification

Each commission should develop a process whereby an officer may apply for restoration of a license that has been revoked. The policy should include the number of years an officer must wait to reapply. Prior to recertification, the officer must comply with minimum certification requirements. If recertification is denied, the officer should be given the reasons for the denial and the procedure for filing an appeal.

6.1.6 Failure to Comply

State law should provide that willful failure by the head of the law enforcement or corrections agency to comply with the provisions to report misconduct may be grounds for commission discipline.

Appendix: Summary of Minimum Standards from Arizona, Florida, Idaho, Missouri and Oregon

ARIZONA

SELECTED STATUTES: ARIZONA PEACE OFFICER STANDARDS AND CERTIFICATION

41-1822. Powers and duties of board; definition

A. With respect to peace officer training and certification, the board shall:

3. Prescribe reasonable minimum qualifications for officers to be appointed to enforce the laws of this state and the political subdivisions of this state and certify officers in compliance with these qualifications. Notwithstanding any other law, the qualifications shall require United States citizenship, shall relate to physical, mental and moral fitness and shall govern the recruitment, appointment and retention of all agents, peace officers and police officers of every political subdivision of this state. The board shall constantly review the qualifications established by this section and may amend the qualifications at any time, subject to the requirements of section 41-1823.

6. Make inquiries to determine whether this state or political subdivisions of this state are adhering to the standards for recruitment, appointment, retention and training established pursuant to this article. The failure of this state or any political subdivision to adhere to the standards shall be reported at the next regularly scheduled meeting of the board for action deemed appropriate by that body.

B. With respect to peace officer misconduct, the board may:

1. Receive complaints of peace officer misconduct from any person, request law enforcement agencies to conduct investigations and conduct independent investigations into whether an officer is in compliance with the qualifications established pursuant to subsection A, paragraph 3 of this section.

2. Deny, suspend, revoke, or cancel the certification of an officer who is not in compliance with the qualifications established pursuant to subsection A, paragraph 3 of this section.

3. Receive a complaint of peace officer misconduct from the president or chief executive officer of a board recognized law enforcement association that represents the interests of certified law enforcement officers if the association believes that a law enforcement agency refused to investigate or made findings that are contradictory to prima facie evidence of a violation of the qualifications established pursuant to subsection A, paragraph 3 of this section. If the board finds that the law enforcement agency refused to investigate or made findings that contradicted prima facie evidence of a violation of the qualifications established pursuant to subsection A, paragraph 3 of this section, the board shall conduct an independent investigation to determine whether the officer is in compliance with the qualifications established pursuant to subsection A, paragraph 3 of this section and provide a letter of the findings based on the investigation conducted by the board to the president or chief executive officer of the board recognized law enforcement association who made the complaint.

D. The board may:

1. Deny, suspend, revoke or cancel the certification of an officer who is not in compliance with the qualifications established pursuant to subsection A, paragraph 3 of this section.

41-1823. Adoption of minimum qualifications; certification required

A. No minimum qualifications for law enforcement officers adopted pursuant to this article shall be effective until six months after they have been filed with the secretary of state pursuant to section 41-1031.

B. Except for agency heads duly elected as required by the constitution and persons given the authority of a peace officer pursuant to section 8-205, 11-572, 12-253, 13-916 or 22-131, no person may exercise the authority or perform the duties of a peace officer unless he is certified by the board pursuant to section 41-1822, subsection A, paragraph 3.

41-1828.01. Required law enforcement agency reporting

A. A law enforcement agency may report to the board any peace officer misconduct in violation of the rules for retention established pursuant to section 41-1822, subsection A, paragraph 3 at any time and shall report this misconduct on the peace officer's termination, resignation or separation from the agency.

B. On request of a law enforcement agency conducting a background investigation of an applicant for the position of a peace officer, another law enforcement agency employing, previously employing or having conducted a complete or partial background investigation on the applicant shall advise the requesting agency of any known misconduct in violation of the rules for retention established pursuant to section 41-1822, subsection A, paragraph 3.

C. Civil liability may not be imposed on either a law enforcement agency or the board for providing information specified in subsections A and B of this section if there exists a good faith belief that the information is accurate.

SELECTED ADMINISTRATIVE RULES

R13-4-103. Certification of Peace Officers

A. Certified status mandatory. A person who is not certified by the Board or whose certified status is inactive shall not function as a peace officer or be assigned the duties of a peace officer by an agency, except as provided in subsection (B).

B. Sheriffs are exempt from the requirement of certified status.

C. A person shall satisfy the minimum qualifications and training requirements to receive certified status.

D. Peace officer categories. The categories for which certified status may be granted are:

1. Full-authority peace officer,

2. Specialty peace officer,

3. Limited-authority peace officer, and

4. Limited correctional peace officer.

E. Application for certification. A person who seeks to be certified as a peace officer shall make application as follows:

1. Submit to an agency an application that contains all documents required by R13-4-105, R13-4-106(A) and (B), and R13-4-107;

2. Obtain an appointment from an agency; and

3. Obtain either a certificate of graduation from a Board-prescribed Peace Officer Basic Course or a certificate of successful completion of the waiver of training process prescribed by R13-4-110(D).

F. Establishment or enforcement of qualifications, standards, or training requirements. The Board may waive in whole or in part any provision of this Article upon a finding that the best interests of the law enforcement profession are served and the public welfare and safety is not jeopardized by the waiver. The Board may place restrictions or requirements on a peace officer as a condition of certified status.

G. This Section is effective six months after filing with the Secretary of State as required by A.R.S. § 41-1823(A).

R13-4-105. Minimum Qualifications for Appointment

A. Except as provided in subsection (C) or (D), a person shall meet the following minimum qualifications before being appointed to or attending an academy:

1. Be a United States citizen;

2. Be at least 21 years of age; except that a person may attend an academy if the person will be 21 before graduating;

3. Be a high school graduate or have successfully completed a General Education Development (G.E.D.) examination;

4. Undergo a complete background investigation that meets the standards of R13-4-106. A person may begin an academy before the results of the fingerprint check are returned. However, the academy shall not graduate the person and the Board shall not reimburse the academy for the person's training expenses until a qualifying fingerprint check return is obtained;

5. Undergo a medical examination that meets the standards of R13-4-107 within one year before appointment. An agency may make a conditional offer of appointment before the medical examination. If the medical examination is conducted more than 180 days before appointment, the person shall submit a written statement indicating that the person's medical condition has not changed since the examination;

6. Not have been convicted of a felony or any offense that would be a felony if committed in Arizona;

7. Not have been dishonorably discharged from the United States Armed Forces;

8. Not have been previously denied certified status, have certified status revoked, or have current certified status suspended;

9. Not have illegally sold, produced, cultivated, or transported for sale marijuana;

10. Not have illegally used marijuana for any purpose within the past three years;

11. Not have ever illegally used marijuana other than for experimentation;

12. Not have ever illegally used marijuana while employed or appointed as a peace officer;

13. Not have illegally sold, produced, cultivated, or transported for sale a dangerous drug or narcotic;

14. Not have illegally used a dangerous drug or narcotic, other than marijuana, for any purpose within the past seven years;

15. Not have ever illegally used a dangerous drug or narcotic other than for experimentation;

16. Not have ever illegally used a dangerous drug or narcotic while employed or appointed as a peace officer;

17. Not have a pattern of abuse of prescription medication;

18. Undergo a polygraph examination that meets the requirements of R13-4-106, unless prohibited by law;

19. Not have been convicted of or adjudged to have violated traffic regulations governing the movement of vehicles with a frequency within the past three years that indicates a disrespect for traffic laws or a disregard for the safety of other persons on the highway;

20. Read the code of ethics in subsection (F) and affirm by signature the person's understanding of and agreement to abide by the code.

D. An agency head who wishes to appoint a person whose conduct is grounds to deny certification under R13-4-109 may petition the Board for a determination that the otherwise disqualifying conduct constitutes juvenile indiscretion. The petition shall:

1. Specify the nature of the conduct, the number of times the conduct occurred, the method by which information regarding the conduct came to the agency's attention, and any attempt by the agency head to verify the accuracy of the information; and

2. Include sufficient information for the Board to determine that all of the following are true:

a. The conduct occurred when the person was less than age 18;

b. The conduct occurred more than 10 years before application for appointment;

c. The person has consistently exhibited responsible, law-abiding behavior between the time of the conduct and application for appointment;

d. There is reason to believe that the person's immaturity at the time of the conduct contributed substantially to the conduct;

e. There is evidence that the person's maturity at the time of application makes reoccurrence of the conduct unlikely; and

f. The conduct was not so egregious that public trust in the law enforcement profession would be jeopardized if the person is certified.

3. If the Board finds that the information submitted is sufficient for the Board to determine that the factors listed in subsection (D)(2) are true, the Board shall determine that the conduct constituted juvenile indiscretion and grant appointment.

E. For a limited correctional peace officer, previous completion of a background investigation conducted under R13-4-203 and a physical examination conducted under R13-4-202(A)(6) satisfies the requirements of this Section when there has been no interruption of employment by the agency, except that:

1. The limited correctional peace officer shall submit to a polygraph examination as required by subsection (A) (18); and

2. The agency shall query the National Crime Information Center/Interstate Identification Index (NCIC/III), and the Arizona Criminal Information Center/Arizona Computerized Criminal History (ACIC/ACCH) and review the returns to determine that the person meets the requirements of this Section.

F. Code of Ethics. Because the people of the state of Arizona confer upon all peace officers the authority and responsibility to safeguard lives and property within constitutional parameters, a peace officer shall commit to the following Code of Ethics and shall affirm the peace officer's commitment by signing the Code.

"I will exercise self-restraint and be constantly mindful of the welfare of others. I will be exemplary in obeying the laws of the land and loyal to the state of Arizona and my agency and its objectives and regulations. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept secure unless revelation is necessary in the performance of my duty.

I will never take selfish advantage of my position and will not allow my personal feelings, animosities, or friendships to influence my actions or decisions. I will exercise the authority of my office to the best of my ability, with courtesy and vigilance, and without favor, malice, ill will, or compromise. I am a servant of the people and I recognize my position as a symbol of public faith. I accept it as a public trust to be held so long as I am true to the law and serve the people of Arizona."

G. This Section is effective six months after filing with the Secretary of State as required by A.R.S. § 41-1823(A).

R13-4-106. Background Investigation Requirements

A. Personal history statement. A person who seeks to be appointed shall complete and submit to the appointing agency a personal history statement on a form prescribed by the Board before the start of a background investigation. The history statement shall contain answers to questions that aid in determining whether the person is eligible for certified status as a peace officer. The questions shall concern whether the person meets the minimum requirements for appointment, has engaged in conduct or a pattern of conduct that would jeopardize the public trust in the law enforcement profession, and is of good moral character.

B. Investigative requirements for the applicant. To assist with the background investigation, a person who seeks to be appointed shall provide the following:

1. Proof of United States citizenship. A copy of a birth certificate, United States passport, or United States naturalization papers is acceptable proof.

2. Proof of education. A copy of a diploma, certificate, or transcript is acceptable proof.

3. Record of any military discharge. A copy of the Military Service Record (DD Form 214, Member 4) is acceptable proof.

4. Personal references. The names and addresses of at least three people who can provide information as personal references.

5. Previous employers or schools attended. The names and addresses of all employers and schools attended within the previous five years.

6. Residence history. A listing of the complete address for every location that the person has lived in the last five years.

C. Investigative requirements for the agency. A complete background investigation includes the following inquiries and a review of the returns to determine that the person seeking appointment meets the requirements of R13-4-105, and that the person's personal history statement is accurate and truthful. For each person seeking to be appointed, the appointing agency shall:

1. Query all the law enforcement agency records in jurisdictions listed in subsections (B)(5) and (B)(6);

2. Query the motor vehicle division driving record from any state listed in subsections (B)(5) and (B)(6);

3. Complete and submit a Fingerprint Card Inventory Sheet to the Federal Bureau of Investigation and Arizona Department of Public Safety for query;

4. Query the National Crime Information Center/Interstate Identification Index (NCIC/III), and the Arizona Criminal Information Center/Arizona Computerized Criminal History (ACIC/ACCH), or the equivalent for each state listed in subsections (B)(5) and (B)(6);

5. Contact all personal references and employers listed in subsections (B)(4) and (B)(5) and document the answers to inquiries concerning whether the person meets the standards of this Section;

6. Administer a polygraph examination, unless prohibited by law. The results shall include a detailed report of the pre-test interview and any post-test interview and shall cover responses to all questions that concern minimum standards for appointment as required by R13-4-105, truthfulness on the personal history statement, and the commission of any crimes; and

7. If the results of the background investigation show that the person meets minimum qualifications for appointment, has not engaged in conduct or a pattern of conduct that would jeopardize public trust in the law enforcement profession, and is of good moral character, complete a report that attests to those findings.

R13-4-109. Denial, Revocation, Suspension, or Cancellation of Peace Officer Certified Status

A. Causes for denial, suspension, or revocation. The Board may deny certified status or suspend or revoke the certified status of a peace officer for:

1. Failure to satisfy a minimum qualification for appointment listed in R13-4-105;

2. Willfully providing false information in connection with obtaining or reactivating certified status;

3. A medical, physical, or mental disability that substantially limits the person's ability to perform the duties of a peace officer effectively, or may create a reasonable probability of substantial harm to the person or others, for which a reasonable accommodation cannot be made;

4. Violation of a restriction or requirement for certified status imposed under R13-4-109.01, or R13-4-103(F);

5. The illegal use of marijuana, a dangerous drug, or a narcotic;

6. Unauthorized use of or being under the influence of spirituous liquor on duty;

7. The commission of a felony, an offense that would be a felony if committed in this state, or an offense involving dishonesty, unlawful sexual conduct, or physical violence;

8. Malfeasance, misfeasance, or nonfeasance in office; or

9. Any conduct or pattern of conduct that tends to disrupt, diminish, or otherwise jeopardize public trust in the law enforcement profession.

B. Cause for cancellation. The Board shall cancel the certified status of a peace officer if the Board determines that the person was not qualified when certified status was granted, and revocation is not warranted under subsection (A).

C. Cause for mandatory revocation. Upon the receipt of a certified copy of a judgment of a felony conviction of a peace officer, the Board shall revoke certified status of the peace officer.

D. Action by the Board. Upon receipt of information that cause exists to deny certification, or to cancel, suspend, or revoke the certified status of a peace officer, the Board shall determine whether action is to be initiated regarding the retention of certified status. The Board may conduct additional inquiries or investigations to obtain sufficient information to make a fair determination.

E. Notice of action. The Board shall notify the affected person of Board action to initiate proceedings regarding certified status for a cause listed under subsection (A) or (B). The notice shall be served as required by A.R. S. § 41-1092.04, and specify the cause for the action. Within 30 days of delivery, the person named in the notice shall advise the Board or its staff in writing whether a hearing is requested. Failure to file a written request for hearing at the Board offices within 30 days of service of the notice constitutes a waiver of the right to a hearing.

F. Effect of agency action. Action by an agency or a decision resulting from an appeal of that action does not preclude action by the Board to deny, cancel, suspend, or revoke the certified status of a peace officer.

R13-4-118. Hearings; Rehearings

A. If a respondent makes a proper request for hearing under R13-4-109(E), the hearing shall be held in accordance with A.R.S. Title 41, Chapter 6, Article 10.

B. If a respondent fails to comply with the requirements under R13-4-109(E) within 30 days of the notice of action sent under R13-4-109(E), the Board may consider the case based on the information available.

C. If a respondent requests a hearing, but fails to appear at the hearing, the Board or administrative law judge may vacate the hearing. If a hearing is vacated, the Board may deem the acts and violations charged in the notice of action admitted, and impose any of the sanctions provided by A.R.S. § 41-1822(C)(1).

D. The Board shall render a decision in writing. The Board shall serve notice of the decision upon each party as required by A.R.S. § 41-1092.04.

E. A party may file a motion for rehearing or reconsideration of the decision with the Board not later than 30 days after service of the Board's decision, specifying the particular grounds for the motion.

F. The Board may grant a rehearing or reconsideration of a decision for any of the following reasons materially affecting the moving party's rights:

1. Irregularity in the administrative proceedings, or any abuse of discretion that deprives the moving party was deprived of a fair hearing;

2. Misconduct of the Board, the administrative law judge, or the prevailing party;

3. Mistake or surprise that could not have been prevented by ordinary prudence;

4. Newly discovered material evidence that could not with reasonable diligence have been discovered and produced at the hearing;

5. Error in the admission or rejection of evidence or other errors of law occurring at the hearing; or

6. The decision was not justified by the evidence or the decision was contrary to law.

G. The Board may affirm or modify the decision or grant a rehearing to any or all of the parties, on part or all of the issues, for any of the reasons in subsection (F). An order granting a rehearing shall specify the particular issues in the rehearing and the rehearing shall concern only the matters specified.

FLORIDA

WHY A DISCIPLINARY PROCESS?

The State of Florida, through the Criminal Justice Standards and Training Commission (the Commission), oversees the certification, employment, training, and conduct of its law enforcement, correctional and correctional probation officers. The vast majority of these officers are professionals who take pride in ensuring the safety and welfare of the citizens of this state. Officers are entrusted with certain powers and responsibilities which enable them to fulfill their important role in society. Unfortunately, a small number of officers misuse this power, and/or abuse the public's trust. Through the Professional Compliance process the Commission works to achieve increased professionalism by disciplining individual officers who tarnish the criminal justice profession through their misconduct. The Commission recognizes that officer misconduct is a serious threat to the safety of Florida's citizens. The Commission's efforts are focused to ensure that the citizens of the State of Florida are served by the most qualified, well trained, and ethical officers in the Nation.

STANDARDS FOR CERTIFICATION

The State of Florida, through the Florida Legislature (Section 943.13, Florida Statutes), has set minimum requirements/standards which a person must meet before becoming certified as an officer.

An officer must:

- be at least 19 years of age;

- be a citizen of the United States;
- be a high school graduate or its equivalent;
- not have been convicted of any felony, or of a misdemeanor which involves perjury or a false statement, regardless of withholding of adjudication or suspended sentence; not have pled guilty or nolo contendere to or found guilty of any felony or misdemeanor involving perjury or a false statement;
- not have received a dishonorable discharge from any of the Armed Forces of the United States;
- have processed fingerprints on file with the employing agency;
- have passed a physical examination by a licensed physician based on specifications established by the Commission;
- have good moral character, as determined by a background investigation under procedures established by the Commission;
- submit an affidavit attesting to compliance;
- satisfactorily complete a Commission-approved course of basic recruit training;
- satisfactorily pass the state examination in the respective discipline;
- comply with the continuing training or education requirements.

COMMISSION AUTHORITY TO DISCIPLINE

Florida Statutes grant the Commission authority to certify criminal justice officers, and once a Certificate is issued, grants the Commission the authority to discipline the officer's certification if the officer fails to maintain the standards of certification listed above.

The Commission disciplines an officer's certification if the officer:

- pleads nolo contendere, pleads guilty, or is convicted of any felony;
- pleads nolo contendere, pleads guilty, or is convicted of a misdemeanor involving perjury or false statement;
- fails to maintain good moral character as defined by Rule 11B-27.0011 (4), Florida Administrative Code.

Discipline of an officer's certification is separate and distinct from any disciplinary action taken by the officer's employing agency for violations of agency policy and procedure. The Commission's decision in no way reflects upon the investigation, findings, conclusions, and/or disciplinary action of the employing agency.

EMPLOYING AGENCY INVESTIGATION AND REPORTING

According to Florida Statute and Florida Administrative Code, if an officer commits an act of misconduct, and the officer's employing agency has cause to believe that the officer has not maintained the minimum standards to be certified and/or has committed a violation of good moral character, then the employing agency must conduct an internal investigation concluding with an official disposition (e.g., sustained, not sustained, exonerated, unfounded). If the internal investigation sustains the allegation, then the agency shall submit the investigative findings and all supporting documentation to the Commission through the Commission's Staff at the Florida Department of Law Enforcement (FDLE).

Note: An investigation must be conducted and concluded, and shall contain an official disposition, even though the officer resigns, retires or is terminated while under investigation.

COMMISSION CASE INITIATION AND DEVELOPMENT

Commission disciplinary cases are opened and processed by Commission Staff (Staff) located in the Professional Compliance Section, within the Criminal Justice Professionalism Program at the FDLE. Cases are opened based on:

- information received from the employing agency in the form of a **sustained** violation of the officer's minimum standards to be certified, or a **sustained** violation of good moral character;
- notification of an officer's termination under undesirable circumstances involving a violation of the officer's minimum standards to be certified, or a violation of good moral character;
- notification of an officer's arrest;
- FDLE Staff documentation of a violation of the minimum standards to be certified, or a violation of good moral character;
- verifiable complaints received from citizens alleging a violation of the officer's minimum standards to be certified, or a violation of good moral character;
- by order of the Governor;
- whether or not a Letter of Acknowledgment is authorized.

Once a case has been initiated; all documentation from the incident is requested from the appropriate investigative sources. Upon receipt, the documentation is analyzed by Staff and Staff Legal Counsel. In accordance with Commission rules, regardless of the agency characterization of the misconduct, Staff's characterization of the misconduct controls the processing of the disciplinary case.

If staff determines that a Commission probable cause review is warranted, the case is then scheduled for the next available Commission Probable Cause Determination Hearing, and both the officer and the employing agency are noticed. If no probable cause review is initiated, then the case is closed and the employing agency is notified.

PROBABLE CAUSE HEARING AND THE DISCIPLINARY PROCESS

At the Commission Probable Cause Determination Hearing, the facts of the disciplinary case are presented to a panel composed of three Commission members. The probable cause panel determines whether probable cause exists to charge that the officer violated his/her minimum standards to be certified, or committed a moral character violation. If the probable cause panel determines that probable cause exists after evaluating the case facts, then an administrative complaint is filed and issued to the officer. From that point, the procedure follows the administrative processes set forth in Chapter 120, Florida Statutes, and Chapter 28-106, Florida Administrative Code.

FELONY CONVICTIONS OR PLEAS AND REVOCATION

Under Florida law, the Commission **must revoke** an officer's certification if he/she pleads guilty, nolo contendere, or is found guilty of any **felony offense**, regardless of withholding of adjudication or suspension of sentence. **In this case the Commission has no discretion: The Commission penalty will be revocation.**

**** When an officer's certification is revoked by the Commission, that officer can no longer work as a certified officer in the State of Florida.**

MISDEMEANOR CONVICTIONS OR PLEAS AND REVOCATION

Under Florida law, the Commission **must revoke** an officer's certification if he/she pleads guilty, nolo contendere, or is found guilty of any **misdemeanor involving perjury or false statement**, regardless of withholding of adjudication. **In this case, the Commission has no discretion: The Commission penalty will be revocation.**

FAILURE TO MAINTAIN "GOOD MORAL CHARACTER"

According to Section 943.13(7), Florida Statutes, a criminal justice officer must, "Have good moral character as determined by a background investigation under procedures established by the Commission." Once certified, a criminal justice officer is subject to discipline by the Commission if he/she fails to maintain good moral character.

The Commission defines failure to maintain good moral character as:

a) Any act constituting a felony offense *regardless of criminal prosecution*;
b) A plea of guilty or a verdict of guilty after a criminal trial for any enumerated misdemeanor offense or any act constituting any of a specified group of serious misdemeanor offenses *regardless of criminal prosecution*;
c) Any principal, accessory, attempt, solicitation, or conspiracy, pursuant to Chapter 777, Florida Statutes, where there would have been a felony offense had the crime been committed or completed;
d) Any act in any jurisdiction other than the State of Florida, which if committed in the State of Florida, would constitute any offense listed in Rule 11B-27.0011 (4), Florida Administrative Code.
e) The following non-criminal acts or conduct:
    - Excessive use of force;
    - Sexual harassment involving physical contact or misuse of official position;
    - Misuse of official position, as defined in Section 112.313(6), Florida Statutes;
    - Engaging in sex while on duty;
    - Unprofessional relationship with an inmate, detainee, probationer or parolee, or community controlee: having written or oral communication that is intended to facilitate conduct which is prohibited by Commission Rule; or engaging in physical contact not required in the performance of official duties, **defined as** kissing, fondling of the genital area, buttocks, and/or breasts, massaging or similar touching, holding hands, any other physical contact normally associated with the demonstration of affection, or sexual misconduct as applied to all certifications and defined in Section 944.35(3), Florida Statutes;
    - Engaging in a romantic association with an inmate, detainee, probationer, parolee, or community controlee. "Romantic association" is defined as the exchange of telephone calls, pictures, letters, greeting cards, or any other form of oral or written communication which expresses feelings or thoughts of affection or the desire to engage in a romantic relationship whether emotional or physical. This subsection shall not apply to an officer who is legally married to a inmate, detainee, probationer or parolee, or community controlee in the community, nor does it apply to any officer who has no knowledge, or reason to believe, that the person with whom the officer has engaged in a romantic association is an inmate, detainee, probationer or parolee, or community controlee;
    - False statements during the employment application process; Conduct that subverts or attempts to subvert the State Officer Certification Examination process pursuant to Rule 11B-30.009(1), F.A.C.;
    - Conduct that subverts or attempts to subvert the Criminal Justice Standards and Training Commission approved training examination process, **or** an employing agency promotional examination process;
    - Conduct that subverts or attempts to subvert the Basic Abilities Test process pursuant to subsections 11B-35.0011(1), F.A.C.;
    - Any overt, conspicuous, or public act of a sexual or simulated sexual nature which is likely to be observed by others.
    - Willful failure of the agency administrator to comply with Chapter 943, F.S., as it pertains to the Criminal Justice Standards and Training Commission or Commission rules.
    - Intentional abuse of a Temporary Employment Authorization, per 943.131(1), F.S.
f) Testing positive for controlled substances by a urine or blood test, in accordance with the requirements for testing reliability and integrity set forth in Rule 11B-27.00225, F.A.C.

(For additional information refer to Rule 11B-27.0011(4) (a-d), F.A.C.)

THE PENALTIES FOR MISCONDUCT

At the conclusion of the Commission disciplinary process **the Commission imposes discipline on an officer's certification in keeping with an established set of penalty guidelines**. The penalties include written reprimand, probation up to two years (with or without mandatory re-training or counseling, if applicable), suspension up to two years (with or without mandatory re-training or counseling, if applicable), and revocation.

IDAHO

BASIC CERTIFICATION OF LAW ENFORCEMENT OFFICERS

055 INELIGIBILITY BASED UPON PAST CONDUCT

An applicant shall be ineligible to attend a basic training academy and for certification under the following circumstances.

1. Criminal Conviction. An applicant is ineligible if he was convicted of:
    a. A felony, if the applicant was eighteen (18) years old or older at the time of the conviction.
    b. A misdemeanor Driving Under the Influence offense(s) within two (2) years immediately proceeding application, or two or more (2) misdemeanor Driving Under the Influence offenses within five (5) years immediately preceding application;
    c. A misdemeanor crime involving domestic violence, if the relevant law enforcement discipline requires the applicant to possess a firearm in the course of their duty, or if the conviction occurred within 5 years immediately preceding application;
    d. A misdemeanor crime of deceit, as defined in these rules, or a misdemeanor sex offense, if the conviction occurred within five (5) years immediately preceding application;
    e. A misdemeanor drug-related offense, if the conviction occurred within one (1) year immediately preceding application.
2. Driver's License. An applicant is ineligible if he does not possess a valid driving license from the applicant's state of residence and is unable to qualify for an Idaho driver's license, except for the following disciplines:
    a. Correction Officers;
    b. Emergency Communications Officers.
3. Marijuana. An applicant is ineligible if he used marijuana, cannabis, hashish, hash oil, or THC in synthetic and natural forms, whether charged or not, if such use occurred:
    a. Within one (1) year immediately preceding application;
    b. While employed as a law enforcement officer, in a prosecutorial position, or in a position of public safety, regardless of when the use occurred.
4. Violations of Idaho Controlled Substances Act. An applicant is ineligible if he, while eighteen(18) years old or older, violated any provision of the Idaho Uniform Controlled Substances Act, Section 37-2701

et seq., Idaho Code, whether charged or not, that constitutes a felony, or of a comparable statute of another state or country, if the violation occurred:

a. Within three (3) years immediately preceding application;

b. While employed as a law enforcement officer, in a prosecutorial position, or in a position of public safety, regardless of when the illegal use occurred.

5. Use of Prescription or Other Legally Obtainable Controlled Substance. An applicant is ineligible if he unlawfully used any prescription drug or a legally obtainable controlled substance within the past three (3) years, unless:

a. The applicant was under the age of eighteen (18) at the time of using the controlled substance; or

b. An immediate, pressing, or emergency medical circumstance existed to justify the use of a prescription-controlled substance not specifically prescribed to the person.

6. Military Discharge. An applicant is ineligible if he received a "dismissal," "bad conduct discharge" (BCD), "dishonorable discharge" (DD), or administrative discharge of other than honorable (OTH) from military service.

7. Decertification or Denial of Certification. An applicant is ineligible if he has been denied certification or his basic certificate has been revoked by the Council in this state or the responsible licensing agency in any other issuing jurisdiction, unless the denial or revocation has been rescinded by the Council or by the responsible licensing agency of the issuing jurisdiction.

056 DOCUMENTATION OF CRIMINAL, TRAFFIC, AND MILITARY DISCHARGE RECORDS.

With a POST application, an applicant shall submit the following to verify criminal, traffic or military records.

1. Criminal or Traffic Matters. Charging documents, including citations, complaints, information or indictments; judgements of convictions, orders of restitution; orders involving probation, parole, or revocation of probation or parole; orders of dismissal or release; records of payments to the court.

2. Military Discharge. Copies of a DD214 for active military service, NGB Form 22 for National Guard Service, or Official Military Discharge Documentation for Reserve military service.

057 REQUIREMENTS FOR BASIC CERTIFICATION.

In addition to complying with the foregoing standards, each applicant for certification must also comply with the following requirements.

1. Agency Employment. Each applicant must be an employee of an agency, as defined in these rules, in a position requiring POST certification, or be a member of POST professional staff.

2. Background Investigation. The employing agency must conduct a comprehensive background investigation of each applicant to ensure that he meets requirements for POST certification and employment in the law enforcement profession.

a. The applicant must complete a comprehensive application and personal history statement prior to a background investigation in aid of determining he is eligible for certification.

b. The applicant must be fingerprinted on a standard FBI Applicant fingerprint card and a search of local, state, and national fingerprint data bases must be made to disclose any criminal record. The employing agency must retain originals of all records check results.

c. The employing agency must investigate the applicant's traffic records in each state in which here sided.

d. The background investigation must include information from personal references, schools, the applicant's last three (3) previous employers, and law enforcement agency or PSAP records in jurisdictions where the applicant has lived or worked.

e. The employing agency must interview each applicant to ascertain his suitability for the law enforcement profession. Interview topics must include use of intoxicants, controlled substances, physical, mental, and emotional history, family problems, moral outlook and habits, and the applicant's financial history.

f. An experienced investigator must conduct a thorough investigation into the applicant's reputation, integrity, honesty, dependability, qualifications, experience, associations, emotional stability, and respect for the law.

3. Physical Readiness Assessment. The employing agency shall require an assessment of an applicant's physical readiness to ensure he can perform physically demanding tasks and tests while attending a basic training academy or equivalent program. An applicant who fails a required physical test during an academy may be dismissed, but may attend a future academy and must pass a physical readiness test prior to certification.

4. Mental Readiness Assessment. Where there is a question as to whether the applicant may be subject to a mental or emotional disorder that calls his suitability for the law enforcement profession into question, the employing agency shall have a psychiatrist or clinical psychologist conduct a thorough evaluation to ensure he is capable of performing law enforcement duties.

5. Application. Each applicant must fill out a POST Application and submit it to the employing agency, which shall submit it to POST with all required documentation.

a. Upon review of an application, POST may inspect an agency's background investigation file to ensure it is accurate and complete. If a review indicates that information submitted to POST may be inaccurate, incomplete or falsified, the Division Administrator must inspect the agency's background investigation file.

b. If the application contains inaccuracies or omissions, the Division Administrator may require the agency to supplement the application, and may approve the application.

c. If the application contains falsifications, the Division Administrator shall reject the application.

6. Aptitude Test. An applicant shall complete an aptitude test to ensure he is capable of performing law enforcement duties.

7. Code of Ethics/Standards of Conduct. Each applicant shall attest that he will abide by the following Law Enforcement Code of Ethics, and that he understands violations thereof constitute grounds for decertification:

As a member of the law enforcement profession, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all to liberty, equality and justice.

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or my agency. I will maintain courageous calm in the face of danger, scorn, or ridicule; develop

self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret, unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and the relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge or position of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of law enforcement/public service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other law enforcement or emergency communications officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence. I will constantly strive to achieve these objectives and ideals, dedicating myself before God or have a sincere and unfaltering commitment to my chosen profession...law enforcement.

8. Time for Completing Basic Training Academy or Alternative Training, Field Training and Probationary Period.

a. Except as otherwise provided in these rules, every person attending a basic training academy must complete that academy, a minimum of 40 hours of field training and six consecutive months of probation in that discipline with that hiring agency within twelve months of beginning employment in order to be certified.

b. Emergency communications officers attending a basic training academy must complete that academy, and six consecutive months of probation in that discipline with that hiring agency within eighteen (18) months of beginning employment in order to be certified.

c. Any person who does not become certified in the relevant discipline within three (3) years of graduating from a basic training academy or POST certified equivalent program must repeat that entire academy or program in order to become certified.

d. Every person seeking certification through the POST challenge process must complete that process within one year of beginning employment with an agency.

058 STANDARDS OF CONDUCT FOR BASIC TRAINING ACADEMY STUDENTS.

1. Required Behavior. All students shall conduct themselves in a manner which will bring credit to the law enforcement profession. Student behavior must reflect courtesy, consideration and respect for others.

2. Prohibited Conduct. Any conduct detrimental to the efficiency or discipline of the academy, whether or not stated in the instructions, is prohibited and can be cause for disciplinary action or expulsion. A student's agency head will be informed of any such infraction.

3. Notice. POST shall inform students of requirements relating to residency, equipment, supplies, and conduct at the academy at the time of their acceptance into an academy

DECERTIFICATION

1. Mandatory Decertification. The Council shall decertify any person for:

    a. A conviction of any felony or offense which would be a felony if committed in Idaho;

    b. A conviction for a misdemeanor offense involving domestic violence;

    c. Willfully falsifying or omitting any material information to obtain certification.

2. Discretionary Decertification. The Council may decertify any person for:

    a. A conviction of any misdemeanor;

    b. A violation of the Council's Code of Ethics;

    c. Criminal conduct whether charged or not;

    d. Consuming alcoholic beverages on duty, except as necessary for the lawful performance of duties;

    e. Harassment or intimidation;

    f. Lying or falsifying official written or verbal communications;

    g. Inappropriate sexual conduct while on duty;

    h. An inappropriate relationship, sexual or otherwise, with a person who the officer knows or should have known is a victim, witness, defendant, or informant in an ongoing investigation or adjudication;

    i. Unauthorized use or unlawful conversion of the employing agency's property, equipment, or funds;

    j. Intentional and unauthorized disclosure of confidential information or information that may compromise an official investigation;

    k. Failure to report being charged with a felony or misdemeanor within five (5) business days;

    l. Failure to respond or to respond truthfully to questions related to an investigation or legal proceeding.

3. Required Notifications by Officers and Agencies.

    a. An officer charged with a felony or a misdemeanor shall notify his agency head within five (5) business days.

    b. The agency head of an officer charged with a felony or misdemeanor shall notify the Division Administrator within fourteen (14) days of learning of the charge.

    c. A person who is not currently employed by a law enforcement agency but is certified by POST shall notify POST of a misdemeanor or felony charge within fourteen (14) business days.

4. Effect of Decertification.

    a. A person decertified by the Council shall be ineligible for POST certification of any kind for ten (10) years following the date of decertification. After the expiration of ten (10) years an agency head may petition the Council to allow a decertified officer to attend a basic academy and become certified.

b. No decertified person shall exercise any law enforcement authority until recertified. Any officer who is the subject of a decertification investigation shall be ineligible for any additional POST certification while under investigation.

111 DUE PROCESS PROCEDURES IN DECERTIFICATION PROCEEDINGS.

1. Legal Authority. In accordance with the Idaho Rules of Administrative Procedure of the Attorney General, IDAPA 04.11.01.050, the Council declines to adopt the procedures established in IDAPA 04.11.01 for contested cases. The procedures provided within these rules meet the unique requirements of the law enforcement profession for expeditious resolution of contested cases in order to assure public safety and to secure a just, speedy and economical determination of all matters presented to the Council. These procedures meet or exceed minimum Constitutional requirements for due process while allowing the Council to fulfill its obligations to protect the safety of the public and the integrity of the law enforcement profession.

2. Overview. The Division Administrator shall investigate all trustworthy allegations of misconduct by a person holding POST certification and determine whether decertification proceedings shall be commenced.

3. Decertification Investigations. A person who is the subject of a decertification investigation shall receive an administrative warning requiring that he respond to questions, to answer such questions truthfully, and to acknowledge his understanding that no statements provided shall be used against him in criminal proceedings, as based on Garrity v. New Jersey, 385 U.S. 493 (1967).

112 DECERTIFICATION PROCEEDINGS.

If the Division Administrator determines that the allegations of misconduct by an officer, if proven, are cause for decertification, the officer shall be provided with notice and an opportunity to respond before a decision regarding decertification is made.

1. Notice of Intent to Decertify. The Division Administrator shall provide the person who is the subject of the proceeding with a notice of the intent to decertify, which shall include:

    a. The basis for the contemplated decertification and an explanation of the evidence supporting the intended action.

    b. That the person shall have the opportunity to respond and present the Division Administrator, in writing or in person, any reasons why the intended action should not be taken.

    c. That the officer person has a right to be represented by a person of their own choosing.

    d. That the person may waive a response by submitting a written waiver to the Division Administrator.

    e. That, if the person waives a response or fails to respond within the designated time, the Division Administrator will enter an order of decertification.

2. Decision – Request for Hearing. After the person who is the subject of the decertification proceeding has responded or waived a response, or the period to respond has expired, the Division Administrator shall, within twenty-eight (28) days, issue a decision on decertification.

    a. The decision shall include findings of fact and conclusions of law and shall be final unless the person files a request for a hearing on the decision with the Council within fourteen (14) days of the date of the Division Administrator's decision.

b. A request for hearing shall include a brief statement of the issues on which the person contends a hearing is required.

3. Hearing and Order. Upon receipt of a request for hearing, the Council shall assign the matter to a hearing officer for hearing.

a. The hearing officer shall have the power to subpoena witnesses, administer oaths, examine evidence and witnesses and request additional information from the parties.

b. The person who is the subject of the proceeding shall have the right to be represented at the hearing by a person of their own choosing and the right to conduct discovery.

c. Prior to submitting testimonial evidence, the person shall receive an administrative warning requiring that he provide testimony truthfully, and to acknowledge his understanding that no statements provided shall be used against him in criminal proceedings, based on Garrity v. New Jersey, 385 U.S. 493 (1967).

d. The hearing shall be recorded at the Council's expense. The recording shall be the official record of the hearing. Any party to the action may, at their expense, request that a transcript of the hearing be prepared or that additional recordings be made. Such a request shall be approved if the additional recording does not distract from or disrupt the hearing.

e. Pursuant to Idaho Code Section 19-5113, the Division Administrator shall have the authority to compel the attendance and testimony of witnesses and production and examination of books, papers, and records.

f. At the conclusion of proceedings, the hearing officer shall issue a decision in writing consisting of findings of fact, conclusions of law and an order that the person be decertified or that POST failed to show grounds for decertification and reinstating the officer. The decision and the record of the proceedings, shall be filed with the Council.

g. The decision shall be final, unless a petition for review by the full Council is filed with the Council within twenty-eight (28) days of the date of the decision. A petition for review shall include a brief statement of the basis upon which review is requested.

h. Where the decision directs the reinstatement of the person's certification, the Division Administrator shall reinstate certification upon the expiration of the time for filing a petition for review.

4. Petition for Review.

a. Upon receipt of a petition for review, the Council shall issue a briefing schedule allowing the petitioner an opening brief, the respondent a response brief and the petition a reply brief. The Council shall review the record, briefs submitted and may allow oral argument. The petitioner may be represented by a person of their own choosing.

b. The Council may affirm, reverse, or modify the decision of the hearing officer, or may remand the matter. The Council's decision shall be final and may be appealed to district court by filing a notice of appeal within twenty-eight (28) days of the date of service of the decision.

5. Service. Service of all notices to be given, orders or other documents under Section 092 shall be by personal service, facsimile, other electronic means, or by U.S. mail, with postage prepaid, addressed to a party's last known address.

MISSOURI

Peace Officer License Disciplinary Process

In accordance with Section 590.080.1, of the Revised Statutes of Missouri, the Director shall have cause to discipline any peace officer licensee who:

1. Is unable to perform the functions of a peace officer with reasonable competency or reasonable safety as a result of a mental condition, including alcohol or substance abuse;

2. Has committed any criminal offense, whether or not a criminal charge has been filed;

3. Has committed any act while on active duty or under color of law that involves moral turpitude or a reckless disregard for the safety of the public or any person;

4. Has caused a material fact to be misrepresented for the purpose of obtaining or retaining a peace officer commission or any license issued pursuant to this chapter;

5. Has violated a condition of any order of probation lawfully issued by the director; or

6. Has violated a provision of this chapter or a rule promulgated pursuant to this chapter.

Immediate Suspension

In accordance with Section 590.090.1, of the Revised Statutes of Missouri, the Director shall have cause to immediately suspend the peace officer license of any licensee who:

1. Is under indictment for, is charged with, or has been convicted of the commission of any felony;

2. Is subject to an order of another state, territory, the federal government, or any peace officer licensing authority suspending or revoking a peace officer license or certification; or

3. Presents a clear and present danger to the public health or safety if commissioned as a peace officer.

Disciplinary Process

The following is an overview of the steps that are followed in disciplining a peace officer's license:

1. A complaint is received from any source that a licensed peace officer is subject to disciplinary action, as outlined in Section 590.080.1(1-6), RSMo.

2. All available information is gathered to determine if a licensed peace officer has committed a violation.

3. If it is determined that a licensed peace officer is subject to disciplinary action, a complaint is filed with the Administrative Hearing Commission (AHC) detailing the violation. Once filed, notice of the complaint is served to the licensed peace officer. Note: In accordance with Section 590.030.5(2), RSMo, all licensed peace officers shall maintain a current address of record on file with the Director of the Department of Public Safety.

4. The AHC shall conduct a hearing to determine whether the Director has cause to discipline and will issue a Findings of Fact and Conclusions of Law on the matter.

5. If the AHC determines that a licensed peace officer is subject to disciplinary action, the Director of the Department of Public Safety shall, within thirty days, hold a hearing to determine the form of discipline to be imposed.

6. After the disciplinary hearing, the Director may probate, suspend, or permanently revoke the peace officer's license.

7. The licensed peace officer may appeal the AHC decision to the Circuit Court of Cole County.

Note: Nothing throughout the disciplinary process shall prevent a licensee from informally disposing of a cause for discipline, with the consent of the Director, by voluntarily surrendering a license or by voluntarily submitting to discipline.

Disciplinary Definitions

The following are the definitions of "moral turpitude" and "reckless disregard" as outlined in Section 590.080.1(3), RSMo, and the definition of "clear and present danger" as outlined in Section 590.090.1(3):

1. "Moral turpitude," is defined as the wrongful quality shared by acts of fraud, theft, bribery, illegal drug use, sexual misconduct, and other similar acts, as defined by the common law of the state of Missouri.

2. "Reckless disregard," is defined as a conscious disregard for a substantial risk that circumstances exist or a result will follow, and such failure constitutes a gross deviation from the standard of care that a reasonable peace officer would exercise in the situation.

3. "Clear and present danger," is defined as a grave and immediate danger, not merely a probable or likely danger.

OREGON

MINIMUM QUALIFICATIONS & BACKGROUND INVESTIGATION:

Minimum Standards for Employment as a Law Enforcement Officer

(1) Citizenship.

A person may not be employed as a police, corrections, or parole and probation officer for more than one year unless the person is a citizen of the United States.

(2) Age

No law enforcement unit in this state shall employ as a police officer, corrections officer or parole and probation officer, any person who has not yet attained the age of 21 years.

(3) Fingerprints.

On or before the date of employment, each police, corrections, or parole and probation officer shall be fingerprinted on standard applicant fingerprint cards. The hiring agency is responsible for fingerprinting and shall forward two (2) cards to the Oregon State Police Identification Services Section for processing and assignment of identification number.

(a) Applicant's fingerprints will be retained and kept on file with the Oregon State Police Identification Services Section.

(b) The Oregon State Police Identification Services Section will notify the Department and the employing agency of any criminal record disclosed through processing the applicant's fingerprint card.

(c) If any procedural change is made by either the Federal Bureau of Investigation or the Oregon State Police Identification Services Section the Department shall comply with the most current requirements.

(d) If the fingerprint clearance has not been obtained prior to submission of the application for certification, a criminal history affidavit provided by the Department shall be completed and returned to the Department by the applicant pending fingerprint clearance.

(4) Criminal Records.

No police, corrections, or parole and probation officer shall have been convicted:

(a) In this state or any other jurisdiction, of a crime designated under the law where the conviction occurred as being punishable as a felony or as a crime for which a maximum term of imprisonment of more than one (1) year may be imposed;

(b) Of violating any law involving the unlawful use, possession, delivery, or manufacture of a controlled substance, narcotic, or dangerous drug;

(c) In this state of violating any law subject to denial or revocation as identified in OAR 259-008-0070 or has been convicted of violating the statutory counterpart of any of those offenses in any other jurisdiction.

(5) Moral Fitness (Moral Character.

All law enforcement officers must be of good moral fitness as determined by a thorough background investigation.

(a) For purposes of this standard, lack of good moral fitness means conduct not restricted to those acts that reflect moral turpitude but rather extending to acts and conduct which would cause a reasonable person to have substantial doubts about the individual's honesty, fairness, respect for the rights of others, or for the laws of the state and/or the nation.

(b) The following are indicators of a lack of good moral fitness:
(1) Illegal conduct involving moral turpitude;
(2) Conduct involving dishonesty, fraud, deceit, or misrepresentation;

(C) Intentional deception or fraud or attempted deception or fraud in any application, examination, or other document for securing certification or eligibility for certification;

(D) Conduct that is prejudicial to the administration of justice;

(E) Conduct that adversely reflects on his or her fitness to perform as a law enforcement officer. Examples include but are not limited to: Intoxication while on duty, untruthfulness, unauthorized absences from duty

not involving extenuating circumstances, or a history of personal habits off the job which would affect the officer's performance on the job which makes the officer both inefficient and otherwise unfit to render effective service because of the agency's and/or public's loss of confidence in the officer's ability to perform competently.

(F) If reliable evidence is received by the Board or Department that a law enforcement officer lacks good moral fitness, a rebuttable presumption will be raised that the law enforcement officer does not possess the requisite moral fitness to be a law enforcement officer. The *burden shall be upon the law enforcement officer to prove good moral fitness.*

(6) Education:

(1) Applicants for the position of a law enforcement officer will be required to furnish documentary evidence of one of the following:

(a) Graduation from an accredited high school;

(b) Successful completion of the General Educational Development (GED) Test.

(i) For the purpose of determining high school graduation level as required by these rules, the applicant must have achieved a score no less than that required by the Oregon Board of Education before issuing an Oregon GED certificate.

(ii) Applicants holding a GED from another state may be required to obtain an Oregon certificate at the discretion of the Department.

(2) Evidence of the above shall consist of official transcripts, diplomas, or GED test report forms. Other documentation may be accepted, at the discretion of the Department.

(3) Reading and Writing Standard. Before beginning basic police training, challenging basic police training, or beginning the police career officer development course, each applicant shall provide evidence to DPSST that the applicant has attained a minimum of a 12th grade reading and writing level in the English language. The hiring agency is responsible for administering a reading and writing instrument, approved by DPSST, and shall forward the results to DPSST on an application for training (Form F-5) prior to the applicant being admitted to basic police training. Implementation of this rule will take effect within one year from September 1, 2001.

(7) Physical Examination.

All law enforcement officers and applicants shall be examined by a licensed physician or surgeon. The medical examination shall be completed not more than 180 days prior to initial offer of employment, nor more than 90 days after initial offer of employment, and shall conform to applicable standards of the Americans with Disabilities Act (ADA). Title 42 USC 12101. Individuals who have had a successfully completed physical examination (while at the same employer) that is less than two years old at the time of DPSST's receipt of a properly completed DPSST Form F-4 are not required by DPSST to be re-examined. If two years or more have passed since the date of the last successfully completed physical examination (while at the same employer), an individual who is selected for a certifiable position in a discipline in which the individual is not yet certified shall complete and pass a new physical examination.

(a) For police and corrections applicants, the applicant must meet the following [minimum physical criteria].

Or. Admin. R. 259-008-0015 (2002). Background Investigation.

(1) A personal history investigation shall be conducted by the *employing agency* on each law enforcement officer being considered for employment to determine if applicant is of good moral fitness.

(2) Results of the personal history investigation on all officers shall be retained by the employing agency and shall be available for review at any reasonable time by representatives of the Department.

(3) All applicants for law enforcement officer shall be interviewed personally, prior to employment, by the department head or an authorized representative.

GROUNDS FOR REVOCATION:

(1) The Department of Public Safety Standards and Training may deny or **revoke** the certification of any instructor or public safety officer, except a youth correction officer or fire service professional, after written notice and hearing consistent with the provisions of ORS 181.661, based upon a finding that:

(a) The public safety officer or instructor falsified any information submitted on the application for certification or on any documents submitted to the Board on Public Safety Standards and Training or the department.

(b) The public safety officer or instructor has been convicted of a crime in this state or any other jurisdiction.

(c) The public safety officer or instructor does not meet the applicable minimum standards, minimum training or the terms and conditions established under ORS 181.640 (1)(a) to (d) [SEE ABOVE].

(3) The department shall deny or revoke the certification of any public safety officer or instructor, except a youth correction officer or fire service professional, after written notice and **hearing** consistent with the provisions of ORS 181.661, based upon a finding that the public safety officer or instructor has been discharged for cause from employment as a public safety officer.

(4) The department, in consultation with the board, shall adopt rules specifying those crimes for which a conviction requires the denial or revocation of the certification of a public safety officer or instructor.

Or. Admin. R. 259-008-0070 (2002). Denial/Revocation.

(1) The Department shall deny or revoke the certification of any police officer, corrections officer, parole and probation officer, telecommunicator, emergency medical dispatcher or instructor after written notice and hearing, based upon a finding that:

(A) The officer, telecommunicator, or emergency medical dispatcher has been **discharged for cause** from employment as a police officer, corrections officer, parole and probation officer, telecommunicator, or emergency medical dispatcher;

(B) For purposes of this rule, "discharged for cause", means an employer initiated termination of employment for any of the following reasons:

(i) **Gross Negligence**: means where the public safety professional's act or failure to act creates a danger or risk to persons, property, or to the efficient operation of the department, recognizable as a gross deviation from the standard of care that a reasonable public safety professional would observe in a similar circumstance;

(ii) **Insubordination**: means a refusal by a public safety professional to comply with a rule or order where the rule or order was reasonably related to the orderly, efficient, or safe operation of the public or private safety agency and where the public safety professional's

refusal to comply with the rule or order constitutes a substantial breach of that person's duties; or

(iii) **Incompetence or Gross Misconduct**: in determining what constitutes "incompetence or gross misconduct," sources the Department may take into account include but are not limited to practices generally followed in the profession, current teaching at public safety training facilities, and technical reports and literature relevant to the fields of law enforcement, telecommunications, fire, or emergency medical dispatch.

(C) The officer, telecommunicator, emergency medical dispatcher or instructor has been convicted in this state or any other jurisdiction of a crime designated under the law where the conviction occurred as being punishable as a felony or as a crime for which a maximum term of imprisonment of more than one year may be imposed;

(D) The officer, telecommunicator, emergency medical dispatcher, or instructor has been convicted of violating any law of this state or any other jurisdiction involving the unlawful use, possession, delivery or manufacture of a controlled substance, narcotic or dangerous drug except the Department may deny certification for a conviction of possession of less than one ounce of marijuana, which occurred prior to certification; or

(E) The officer, telecommunicator, emergency medical dispatcher, or instructor has been convicted in this state of violating [specified misdemeanors].

(2) Grounds for Denying or Revoking Certification of a Public Safety Professional:

(A) The Department may deny or revoke the certification of any public safety professional or instructor after written notice, and a hearing, if requested, based upon a finding that:

(a) The public safety professional or instructor falsified any information submitted on the application for certification or on any documents submitted to the Board or Department;

(b) The officer, telecommunicator, emergency medical dispatcher or instructor has been convicted of a crime, other than a mandatory denial or revocation as listed above, in this state or any other jurisdiction; or

(3) Scope of Revocation. Whenever the Department revokes the certification of any public safety professional, the revocation shall embrace all certificates the Department has issued to that person.

DUE PROCESS:

Notice, hearing and record in contested case; informal disposition; hearing officer; ex parte communications.

(1) In a contested case, all parties shall be afforded an opportunity for hearing after reasonable notice, served personally or by registered or certified mail.

(2) Unless precluded by law, informal disposition may be made of any contested case by stipulation, agreed settlement, consent order or default.

(3) At the commencement of the hearing, the officer presiding shall explain the issues involved in the hearing and the matters that the parties must either prove or disprove.

(4) Testimony shall be taken upon oath or affirmation of the witness from whom received. The officer presiding at the hearing shall administer oaths or affirmations to witnesses.

Or. Rev. Stat. § 181.664 (2001). Judicial review of department's final order; reapplication for certification.

(1) An instructor or a public safety officer, except a youth correction officer, aggrieved by the findings and order of the Department of Public Safety Standards and Training may, as provided in ORS 183.480, file an appeal with the Court of Appeals from the final order of the department.

(2) Any public safety officer or instructor who has had certification revoked pursuant to ORS 181.661, 181.662 and subsection (1) of this section may reapply for certification but not sooner than four years after the date on which the order of the department revoking certification became final.

OR. ADMIN. R. 259-008-0070 (2002). Denial/Revocation.

(1) Revocation and Denial Procedure.

(a) **Agency Request**: When the hiring authority having employed the public safety professional requests that the person's certification be revoked or denied, it shall submit in writing to the Department the reason for the requested revocation or denial and all factual information supporting the request.

(b) **DPSST Initiated Request**: Upon receipt of factual information from any source, and pursuant to ORS 181.662, the Department may request that the person's certification be revoked or denied.

(c) **Department Staff Review**: The Department shall review the request and the supporting factual information to determine if the request for revocation or denial meets statutory and administrative rule requirements. If the reason for the request does not meet the statutory and administrative rule requirements for revocation or denial the Department shall so notify the requestor. If the reason for the revocation or denial meets statutory and administrative rule requirements but is not supported by adequate factual information, the Department shall request further information from the requesting hiring authority or conduct its own investigation of the matter.

(d) **Initiation of Proceedings**: Upon determination that the reason for revocation or denial is supported by factual data meeting the statutory and administrative rule requirements, a contested case notice shall be prepared.

(e) **Default Order**: In the absence of a timely request for a hearing, the Contested Case Notice will become a final order revoking or denying certification pursuant to OAR 137-003-0075(5).

(f) **Hearing Request**: When a request for a hearing is received in a timely manner, the Department shall refer the matter to the Hearings Officer Panel in accordance with OAR 137-003-0515