

Dear Senators LAKEY, Ricks, Burgoyne, and
Representatives CHANEY, Hartgen, Gannon:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the
Idaho State Police - Idaho State Police - POST:
IDAPA 11.11.01 - Rules of the Idaho Peace Officer Standards and Training Council - Proposed
Rule (Docket No. 11-1101-2201).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research
and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative
Services. The final date to call a meeting on the enclosed rules is no later than 10/31/2022. If a meeting is
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis
from Legislative Services. The final date to hold a meeting on the enclosed rules is 11/28/2022.

The germane joint subcommittee may request a statement of economic impact with respect to a
proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement,
and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has
been held.

To notify Research and Legislation, call 334-4854, or send a written request to the address on the
memorandum attached below.



Terri Kondeff
Director

Legislative Services Office

Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Judiciary & Rules Committee and the House Judiciary, Rules & Administration Committee
FROM: Principal Legislative Drafting Attorney - Ryan Bush
DATE: October 12, 2022
SUBJECT: Idaho State Police - Idaho State Police - POST

IDAPA 11.11.01 - Rules of the Idaho Peace Officer Standards and Training Council - Proposed Rule (Docket No. 11-1101-2201)

Summary and Stated Reasons for the Rule

The Idaho State Police Peace Officer Standards and Training Council submits notice of proposed rule-making at IDAPA 11.11.01 - Rules of the Idaho Peace Officer Standards and Training Council. The proposed rule clarifies that misdemeanor probation experience is required for intermediate and advanced certification and provides for a continuing law enforcement training requirement for county detention officers.

Negotiated Rulemaking / Fiscal Impact

The Council states that negotiated rulemaking was not conducted because the rule is simple in nature. There is no fiscal impact anticipated with this rulemaking.

Statutory Authority

The proposed rule appears to be within the statutory authority granted to the Council in Section 19-5107, Idaho Code.

cc: Idaho State Police - Idaho State Police - POST
Tecia Ferguson

***** PLEASE NOTE *****

Per the Idaho Constitution, all administrative rules may be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.

Paul Headlee, Deputy Director Kristin Ford, Manager Keith Bybee, Manager April Renfro, Manager Glenn Harris, Manager
Legislative Services Office Research & Legislation Budget & Policy Analysis Legislative Audits Information Technology

Statehouse, P.O. Box 83720
Boise, Idaho 83720-0054

Tel: 208-334-2475
legislature.idaho.gov

**IDAPA 11 – IDAHO STATE POLICE
PEACE OFFICER STANDARDS AND TRAINING COUNCIL**

11.11.01 – RULES OF THE IDAHO PEACE OFFICER STANDARDS AND TRAINING COUNCIL

DOCKET NO. 11-1101-2201

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given this agency has initiated proposed rulemaking. The action is authorized pursuant to Section 19-5107, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 19, 2022.

In the event a hearing is scheduled, the hearing site will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

When adding mandatory topic training for Patrol certified officers as approved by the Council, the in-service training requirement for certified Detention officers was inadvertently deleted. This change adds the in-service training requirement for certified Detention officers back to the rule, as under previous versions.

Secondly, the charts added to the rule addressing qualifying experience for advanced certifications for Misdemeanor Probation Officers incorrectly allow for any Law Enforcement experience rather than Misdemeanor Probation experience. This change corrects that to require Misdemeanor Probation experience as qualifying for advanced certifications.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: None.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking:

There is no fiscal impact associated with this rulemaking.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, a Notice of Intent to Promulgate Rules – Negotiated Rulemaking was not published due to the simple nature of the rulemaking.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: Not Applicable.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions about the proposed rules, contact POST Division Administrator, Brad Johnson, via phone (208) 884-7251, fax (208) 884-7295, or email brad.johnson@POST.idaho.gov.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 26, 2022.

DATED this 21st day of September, 2022.

Lt. Colonel Bill Gardiner
Chief of Staff
Idaho State Police
700 S. Stratford Dr.
Meridian, Idaho 83642
(208) 884-7004
Bill.Gardiner@isp.idaho.gov

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 11-1101-2201
(Only Those Sections With Amendments Are Shown.)**

072. INTERMEDIATE AND ADVANCED CERTIFICATION.

POST Intermediate and Advanced certification recognizes the additional training and experience of patrol, detention, emergency communications officers, juvenile probation officers and juvenile detention officers already possessing a basic POST certification. In addition to the requirements otherwise set forth in these Rules, the following are required for an Intermediate or Advanced Certificate. (3-31-22)

01. Intermediate Certification. An applicant shall hold a current POST basic certification, and have acquired either the combination of college credits and/or POST training hours, combined with the prescribed years of law enforcement experience, or an associate or baccalaureate degree from a college recognized by a regional accreditation agency, combined with the prescribed years of law enforcement experience, as set forth in the following subsections: (3-31-22)

a. Peace officers.

POST Training Hours Including POST Basic Patrol Academy	600 hours	800 hours	1,200 hours	1,600 hours	1,800 hours	POST Basic Patrol Academy	
One College Credit Equals Twenty (20) POST Training Hours	The above may be a combination of College Credits and POST Training Hours					Associate Degree	Baccalaureate Degree
Years of Law Enforcement Experience	8 or more	7	6	5	4	4	2

(3-31-22)

b. Detention officers.

POST Training Hours Including POST Basic Detention Academy	600 hours	800 hours	1,200 hours	1,600 hours	1,800 hours	POST Basic Detention Academy	
One College Credit Equals Twenty (20) POST Training Hours	The above may be a combination of College Credits and POST Training Hours					Associate Degree	Baccalaureate Degree
Years of Law Enforcement Experience	8 or more	7	6	5	4	4	2

(3-31-22)

c. Emergency communications officers. The applicant shall: (3-31-22)

i. Have completed a minimum of one hundred twenty (120) hours of POST certified training, which must include Emergency Communications basic training. (3-31-22)

- ii. A minimum of three (3) years of emergency communications officer experience. (3-31-22)
- d. Juvenile detention officers.

POST Training Hours Including POST Basic Juvenile Detention Academy	200 hours	400 hours	600 hours	800 hours	1,000 hours	POST Basic Juvenile Detention Academy	
One College Credit Equals Twenty (20) POST Training Hours	The above may be a combination of College Credits and POST Training Hours					Associate Degree	Baccalaureate Degree
Years of Juvenile Justice Experience	8 or more	7	6	5	4	4	2

(3-31-22)

- e. Juvenile probation officers.

POST Training Hours Including POST Basic Juvenile Probation Academy	200 hours	400 hours	600 hours	800 hours	1,000 hours	POST Basic Juvenile Probation Academy	
One College Credit Equals Twenty (20) POST Training Hours	The above may be a combination of College Credits and POST Training Hours					Associate Degree	Baccalaureate Degree
Years of Juvenile Justice Experience	8 or more	7	6	5	4	4	2

(3-31-22)

- f. Misdemeanor probation officers.

POST Training Hours Including POST Basic MPO Academy	600 hours	800 hours	1,200 hours	1,600 hours	1,800 hours	POST MPO Basic Academy	
One College Credit Equals Twenty (20) POST Training Hours	The above may be a combination of College Credits and POST Training Hours					Associate Degree	Baccalaureate Degree
Years of Law Enforcement <u>Misdemeanor Probation</u> Experience	8 or more	7	6	5	4	4	2

~~(3-31-22)~~ ()

02. Advanced Certification. An applicant shall hold a current POST basic certification, possess or be eligible to possess an intermediate certificate, and have acquired either the combination of college credits and POST training hours, combined with the prescribed years of law enforcement experience, or an associate, baccalaureate, master's or doctoral degree from a college recognized by a regional accreditation agency, combined with the prescribed years of law enforcement experience, as set forth in the following subsections: (3-31-22)

a. Peace officers.

POST Training Hours Including POST Basic Patrol Academy	500 hours	600 hours	700 hours	800 hours	900 hours	1,200 hours	POST Basic Patrol Academy		
College Credits	15	20	30	40	45	60	Associate Degree	Baccalaureate Degree	Master's Degree or PhD
Years of Law Enforcement Experience	13 or more	12	11	10	9	8	8	6	4

Graduation from the Drug Enforcement Administration School in Washington, D.C., the Northwestern University Traffic Institute School of Police Staff and Command, the FBI National Academy or Southern Police Institute's Administrative Officers Course/Command Officers Development Course shall be accepted in lieu of the fifteen (15) college credits required for the Advanced Certificate with thirteen (13) years or more of experience. (3-31-22)

b. Detention officers.

POST Training Hours Including POST Basic Detention Academy	500 hours	600 hours	700 hours	800 hours	900 hours	1,200 hours	POST Basic Detention Academy		
College Credits	15	20	30	40	45	60	Associate Degree	Baccalaureate Degree	Master's Degree or PhD
Years of Law Enforcement Experience	13 or more	12	11	10	9	8	8	6	4

Graduation from the Drug Enforcement Administration School in Washington, D.C., the Northwestern University Traffic Institute School of Police Staff and Command, the FBI National Academy or Southern Police Institute's Administrative Officers Course/Command Officers Development Course shall be accepted in lieu of the fifteen (15) college credits required for the Advanced Certificate with thirteen (13) years or more of experience. (3-31-22)

c. Emergency communications officers. (3-31-22)

i. Have completed a minimum of five hundred (500) hours of POST certified training, which must include POST approved Emergency Communications basic training. (3-31-22)

ii. Have at least ten (10) years of communications specialist experience. (3-31-22)

d. Misdemeanor probation officers.

POST Training Hours Including POST Basic MPO Academy	500 hours	600 hours	700 hours	800 hours	900 hours	1,200 hours	POST Basic MPO Academy		
--	-----------	-----------	-----------	-----------	-----------	-------------	------------------------	--	--

College Credits	15	20	30	40	45	60	Associate Degree	Baccalaureate Degree	Master's Degree or PhD
Years of Law Enforcement Misdemeanor Probation Experience	13 or more	12	11	10	9	8	8	6	4

(3-31-22)()

03. Probationary Period. An applicant shall have completed a probationary period of at least six (6) consecutive months with the employing agency prior to applying for intermediate or advanced certificates. Agencies may require a longer probationary period prior to application. (3-31-22)

(BREAK IN CONTINUITY OF SECTIONS)

131. IN-SERVICE TRAINING REQUIREMENTS FOR RETAINING BASIC CERTIFICATION.

01. Peace Officers. To retain POST certification, a peace officer must complete a minimum of forty (40) hours of continuing law enforcement training as directed by the POST Council every two (2) calendar years beginning January 1 following the date the officer was certified. This training must include a combined minimum twenty-four (24) hours of continuing law enforcement training in the following topics: (3-31-22)

- a. Firearms: Eight (8) hours and an annual proficiency test (qualification); (3-31-22)
- b. Arrest Techniques/Defensive Tactics (ARCON): Eight (8) hours; (3-31-22)
- c. Emergency Vehicle Operation: Four (4) hours; (3-31-22)
- d. Legal Update(s): Four (4) hours. (3-31-22)

02. County Detention Officers. To retain POST certification, a county detention officer must complete a minimum of forty (40) hours of continuing law enforcement training related to law enforcement every two (2) calendar years beginning January 1 following the date the officer was certified. ()

023. Emergency Communications Officers. To retain POST certification, an emergency communications officer must complete a minimum of forty (40) hours of continuing training related to public safety emergency communications every two (2) calendar years beginning January 1 following the date the officer was certified. (3-31-22)

034. Tolling of Two-Year Period. The two (2) year continuing training period shall be tolled while an officer is on active military duty, and recommence upon the officer's return to duty with his agency. The agency shall submit a Notice of Separation/Change in Status form upon the officer's departure from and return to the agency. (3-31-22)