

Dear Senators DARRINGTON, Jorgenson & Kelly, and
Representatives CLARK, Leon Smith & Boe:

The Legislative Services Office, Research and Legislation, has received the enclosed
rules of the Idaho State Policy:

IDAPA 11.11.01 – Rules of the Idaho Peace Officer Standards and Training Council
(Docket #11-1101-0901)

IDAPA 11.11.01 – Rules of the Idaho Peace Officer Standards and Training Council
(Docket #11-1101-0902)

IDAPA 11.11.04 – Rules of the Idaho Peace Officer Standards and Training Council for
Correction Officers and Adult Probation and Parole Officers
(Docket #11-1104-0901).

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
10-29-09. 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 11-27-09.

_____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 334-2475, or send a written request to the
address or FAX number indicated on the memorandum enclosed.

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Judiciary and Rules Committee and the House Judiciary, Rules and Admin. Committee

FROM: Brooke Murdoch, Research Analyst

DATE: October 9, 2009

SUBJECT: Idaho State Police

IDAPA 11.11.01 – Rules of the Idaho Peace Officer Standards and Training Council (Docket #11-1101-0901)

IDAPA 11.11.01 – Rules of the Idaho Peace Officer Standards and Training Council (Docket #11-1101-0902)

IDAPA 11.11.04 – Rules of the Idaho Peace Officer Standards and Training Council for Correction Officers and Adult Probation and Parole Officers (Docket #11-1104-0901)

1. IDAPA 11.11.01 – Rules of the Idaho Peace Officer Standards and Training Council (Docket #11-1101-0901)

The Idaho State Police submits notice of temporary and proposed rulemaking at IDAPA 11.11.01 – Rules of the Idaho Peace Officer Standards and Training Council. According to the Idaho State Police, the rule provides that the certification of a former officer will not lapse while he is under decertification investigation. This allows the POST Council to retain jurisdiction over the former officer while decertification proceedings are completed. In addition, the proposed rule requires applicants who seek to reactivate certification to disclose any prior decertification proceedings against them and the results of such proceedings.

The Idaho State Police states that if an officer's certification lapses, the POST Council will no longer have authority over that officer and cannot decertify the officer, even if the investigation confirms conduct that warrants decertification. According to the Idaho State Police, temporary adoption of the rule is thus necessary to protect the public health, safety and welfare. Negotiated rulemaking was not conducted because representatives of the affected parties were involved in the drafting and approval of the rule changes.

The temporary and proposed rule appears to be within the authority granted to the Idaho State Police in Section 19-5107, Idaho Code.

2. IDAPA 11.11.01 – Rules of the Idaho Peace Officer Standards and Training Council (Docket #11-1101-0902)

The Idaho State Police submits notice of proposed rulemaking at IDAPA 11.11.01 – Rules of the Idaho Peace Officer Standards and Training Council. According to the Idaho State Police, the proposed rule requires that an officer charged with a felony or non-traffic misdemeanor notify the POST Executive Director. The proposed rule further provides that a decertified officer is not eligible for POST certification of any kind in the future and an officer is not eligible for certification while under decertification investigation. In addition, the proposed rule requires applicants to disclose any decertification proceedings against them and the results of those proceedings. Finally, the proposed rule provides additional requirements for Conducted Energy Device certification.

The Idaho State Police states that negotiated rulemaking was not conducted because representatives of the affected parties were involved in the drafting and approval of the rule changes.

We note the following comments:

1. Subsection 091.02. of the proposed rule indicates that Section 19-5101, Idaho Code, defines the term “Idaho officer.” The referenced code section defines the terms “county detention officer” and “peace officer,” but it does not define “Idaho officer.”
2. Subsection 091.03.b. of the rule provides that “Any officer decertified by the Council *is not eligible* for POST certification of any kind in the future.” Yet, in Subsection 098.02., the proposed rule contains the following language, in relevant part: “Any peace officer...who...has been employed and certified or commissioned by another state or federal government as a peace officer or a student who has satisfactorily completed a Basic Police Academy equivalent to the Idaho POST Basic Patrol Academy...*will be eligible* for certification in the state of Idaho without attending the Basic Patrol Academy, provided the officer: discloses information regarding any decertification investigation or proceeding...and the results thereof.”

These two subsections appear to be contradictory. Read literally, the result of Subsection 098.02. may be that, so long as the officer makes the required disclosure, even if the investigation resulted in decertification in another jurisdiction, the officer is still eligible for POST certification in Idaho. We suggest a possible revision to Section 098. as follows: “Any peace officer...*may* be eligible for certification in the state of Idaho without attending the Basic Patrol Academy upon approval of the POST Council and provided the officer:....”

This potential issue is also present in Subsections 136.02.b., 150.02.b., 176.05.d. and 177.02.

Aside from these comments, the proposed rule appears to be within the authority granted to the Idaho State Police in Section 19-5107, Idaho Code.

3. IDAPA 11.11.04 – Rules of the Idaho Peace Officer Standards and Training Council for Correction Officers and Adult Probation and Parole Officers (Docket #11-1104-0901)

The Idaho State Police submits notice of proposed rulemaking at IDAPA 11.11.04 – Rules of the Idaho Peace Officer Standards and Training Council for Correction Officers and Adult Probation and Parole Officers. According to the Idaho State Police, the proposed rule allows the POST Executive Director to accept an applicant for certification who has a “General Under Honorable Conditions” or “Uncharacterized” military discharge. The proposed rule authorizes the POST Council to determine whether an applicant who has a “General” military discharge is certifiable as a correction officer. Additionally, the proposed rule provides that the certification of a former officer will not lapse while he is under decertification investigation. Finally, the proposed rule requires applicants who seek to reactivate certification disclose any decertification proceedings against them and the results of those proceedings.

The Idaho State Police states that negotiated rulemaking was not conducted because representatives of the affected parties were involved in the drafting and approval of the rule changes.

We have only one comment. Subsection 022.02. of the proposed rule indicates that Section 19-5101, Idaho Code, defines the term “Idaho officer.” The referenced code section defines the terms “county detention officer” and “peace officer,” but it does not define “Idaho officer.”

Aside from this comment, the proposed rule appears to be within the authority granted to the Idaho State Police in Section 19-5107, Idaho Code.

cc: Idaho State Police/Peace Officer Standards and Training
Jeffrey J. Black, Executive Director
Trish Christy

IDAPA 11 - IDAHO STATE POLICE

11.11.01 - RULES OF THE IDAHO PEACE OFFICER STANDARDS AND TRAINING COUNCIL (POST)

DOCKET NO. 11-1101-0901

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is June 11, 2009.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section(s) 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 21, 2009.

The hearing site(s) 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 the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The proposed rule establishes that the certification of a former officer who is under decertification investigation will not lapse while he is under decertification investigation. This allows POST Council to retain jurisdiction over the former officer while the decertification proceedings are being completed. Additionally, applicants will be required to disclose any prior decertification proceedings against them and the results thereof.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(a), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

If an officer's certification lapses, the POST Council no longer has authority over them, and cannot decertify them even though the decertification investigation confirms conduct that warrants decertification. This rulemaking is necessary to protect the public health, safety and welfare.

FEE SUMMARY: Pursuant to Section 67-5226(2), Idaho Code, the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: NA

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: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was not conducted because representatives of the affected parties were involved in the drafting and approval of the rule.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Trish Christy at (208) 884-7253.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 28, 2009.

DATED this 4th day of August, 2009.

Jeffrey J. Black
Executive Director
Idaho State Police/Peace Officer Standards and Training
700 S. Stratford Dr.
Meridian, ID 83642-6202
(208) 884-7251/(208) 884-7295

THE FOLLOWING IS THE TEMPORARY AND PROPOSED TEXT FOR DOCKET NO. 11-1101-0901

092. LAPSE OF PEACE OFFICER CERTIFICATION.

The certification of any peace officer will be considered lapsed if the officer does not serve as a peace officer in Idaho for three (3) consecutive years. Provided, however, that an Idaho POST-certified peace officer who remains in an administrative, jail, communications, or civil division duty assignment with a police or law enforcement agency that is a part of or administered by the state of Idaho or any political subdivision thereof or in a duty assignment as a tribal police officer with a federally recognized Indian tribe within Idaho and whose duties include and primarily consist of the prevention and detection of crime and the enforcement of penal, traffic or highway laws of this state or any political subdivision will retain their POST certification provided they satisfy the continuing training requirements of Sections 360 through 363 and work at least one hundred twenty (120) hours per year. The three-year period provided herein shall be tolled during any time period that a peace officer is the subject of a POST decertification investigation and is no longer employed in law enforcement. ~~(4-2-08)~~(6-11-09)T

01. Three to Five Years. A peace officer who has been out of full-time law enforcement status from three (3) to five (5) years and who wants to ~~be recertified~~ reactivate certification must meet the following POST requirements: ~~(4-6-05)~~(6-11-09)T

a. Submit a POST Certification Patrol Challenge Packet; (4-2-03)

~~b.~~ Disclose information regarding any decertification investigation or proceeding or the substantial equivalent from any other jurisdiction and the results thereof. (6-11-09)T

~~b.c.~~ Attend an approved course of study in Idaho law and pass the POST Idaho law exam; (4-2-03)

~~d.~~ Pass the following tests administered by a POST Training Specialist: (4-2-03)

i. The POST patrol certification examination approved by the Council, conducted in the manner set forth in Subsection 097.02.b.; (4-2-03)

ii. The POST Firearms Qualification Course; (4-2-03)

iii. The POST Physical Fitness Test Battery; and (4-2-03)

~~d.e.~~ Satisfy the probationary period requirement of Section 064. (4-2-08)

02. Over Five Years. A peace officer who has been out of full-time law enforcement status for over five (5) years must attend the POST Basic Patrol Academy to ~~be recertified~~ reactivate certification. The Council may waive this requirement on a showing of good cause by the officer supported by clear and convincing evidence that during a substantial part of the time out of full-time law enforcement, the officer was engaged in an occupation requiring law enforcement training, skill, and experience. This evidence must be submitted with a POST Certification Patrol Challenge Packet. Upon receiving a waiver, the officer must meet the following POST requirements: ~~(4-6-05)~~(6-11-09)T

~~a.~~ Disclose information regarding any decertification investigation or proceeding or the substantial equivalent from any other jurisdiction and the results thereof. (6-11-09)T

~~a.b.~~ Attend an approved course of study in Idaho law and pass the POST Idaho law exam; (4-2-03)

~~b.c.~~ Attend and pass Idaho POST-certified courses in Emergency Vehicle Operation, Arrest Techniques, Handgun Retention, and Practical Problems; (4-2-03)

~~d.~~ Pass the following tests administered by a POST Training Specialist: (4-2-03)

i. The POST patrol certification examination approved by the Council, conducted in the manner set forth in Subsection 097.02.b.; (4-2-03)

ii. The POST Firearms Qualification Course; (4-2-03)

iii. The POST Physical Fitness Test Battery; and (4-2-03)

~~de.~~ Satisfy the probationary period requirement of Section 064. (4-2-08)

03. Over Eight Years. A peace officer who has been out of full-time law enforcement status for over eight (8) years must attend the POST Basic Patrol Academy to be recertified. No waiver of this requirement will be granted by the Council. (4-6-05)

04. Exception. The provisions of Subsections 092.01 through 092.03 will not apply to officers holding a part-time basic certificate who satisfy the continuing training requirements of Sections 360 through 363 and work at least one hundred twenty (120) hours per year within the law enforcement profession. (4-6-05)

(BREAK IN CONTINUITY OF SECTIONS)

171. LAPSE OF DETENTION OFFICER CERTIFICATION.

The certification of any county detention officer will be considered lapsed if the officer does not serve as a county detention officer in Idaho for three (3) consecutive years. Provided, however, that an Idaho POST-certified county detention officer who remains in an administrative, patrol, communications, or civil division duty assignment with a police or law enforcement agency that is a part of or administered by the state of Idaho or any political subdivision thereof and whose duties include and primarily consist of the prevention and detection of crime and the enforcement of penal, traffic or highway laws of this state or any political subdivision will retain their POST certification provided they satisfy the continuing training requirements of Sections 360 through 363 and work at least one hundred twenty (120) hours per year. The three-year period provided herein shall be tolled during any time period that a county detention officer is the subject of a POST decertification investigation and is no longer employed in law enforcement. (~~4-2-08~~)(6-11-09)T

01. Three to Five Years. A county detention officer who has been out of full-time law enforcement status from three (3) to five (5) years and who wants to ~~be recertified~~ reactivate certification must meet the following POST requirements: (~~4-6-05~~)(6-11-09)T

a. Submit a POST Certification Detention Challenge Packet; (4-2-03)

~~b.~~ Disclose information regarding any decertification investigation or proceeding or the substantial equivalent from any other jurisdiction and the results thereof. (6-11-09)T

~~bc.~~ Attend an approved course of study in Idaho detention legal issues and pass the POST Idaho detention legal issues exam; (4-2-03)

~~ed.~~ Pass the following tests administered by a POST Training Specialist: (4-2-03)

i. The POST detention certification examination approved by the Council, conducted in the manner set forth in Subsection 176.02.c.; (4-2-08)

ii. The POST Firearms Qualification Course; (4-2-03)

iii. The POST Physical Fitness Test Battery; and (4-2-03)

~~de.~~ Satisfy the probationary period requirement of Section 064. (4-2-08)

02. Over Five Years. A county detention officer who has been out of full-time law enforcement status for over five (5) years must attend the POST Basic Detention Academy to ~~be recertified~~ reactivate certification. The Council may waive this requirement on a showing of good cause by the officer supported by clear and convincing evidence that during a substantial part of the time out of full-time law enforcement, the officer was engaged in an occupation requiring law enforcement training, skill, and experience. This evidence must be submitted with a POST Certification Detention Challenge Packet. Upon receiving a waiver, the officer must meet the following POST requirements: ~~(4-6-05)~~ (6-11-09)T

a. Disclose information regarding any decertification investigation or proceeding or the substantial equivalent from any other jurisdiction and the results thereof. (6-11-09)T

~~b.~~ Attend an approved course of study in Idaho detention legal issues and pass the POST Idaho detention legal issues exam; (4-2-03)

~~b.c.~~ Attend and pass Idaho POST-certified courses in Arrest Techniques, Handgun Retention, and Practical Problems; (4-2-03)

~~c.d.~~ Pass the following tests administered by a POST Training Specialist: (4-2-03)

i. The POST detention certification examination approved by the Council, conducted in the manner set forth in Subsection 176.02.c.; (4-2-08)

ii. The POST Firearms Qualification Course; (4-6-05)

iii. The POST Physical Fitness Test Battery; and (4-6-05)

~~d.e.~~ Satisfy the probationary period requirement of Section 064. (4-2-08)

03. Over Eight Years. A county detention officer who has been out of full-time law enforcement status for over eight (8) years must attend the POST Basic Detention Academy to be recertified. No waiver of this requirement will be granted by the Council. (4-6-05)

IDAPA 11 - IDAHO STATE POLICE

11.11.01 - RULES OF THE IDAHO PEACE OFFICER STANDARDS AND TRAINING COUNCIL (POST)

DOCKET NO. 11-1101-0902

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. This 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 21, 2009.

The hearing site(s) 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:

Updates contact information, as it has changed; establishes the requirements for Conducted Energy Device certification; updates the property language to encompass all disciplines POST Council certifies; adds requirement that an officer charged with a felony or non-traffic misdemeanor notify the POST Executive Director; establishes that a decertified officer is not eligible for POST certification of any kind in the future, and that an officer under decertification investigation is not eligible for certification while under investigation; and requires applicants to disclose any decertification proceedings against them and the results thereof.

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: NA

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was not conducted because representatives of the affected parties were involved in the drafting and approval of the rule.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Trish Christy at (208) 884-7253.

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 28, 2009.

DATED this 4th day of August, 2009.

Jeffrey J. Black
Executive Director
Idaho State Police/Peace Officer Standards and Training
700 S. Stratford Dr.
Meridian, ID 83642-6202
(208) 884-7251/(208) 884-7295

THE FOLLOWING IS THE PROPOSED TEXT FOR DOCKET NO. 11-1101-0902

005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS -- WEBSITE.

The principal place of business of the Idaho State Police, Peace Officer Standards and Training, is in Meridian, Idaho. The office is located at 700 South Stratford Drive, Meridian, Idaho and is open from 8 a.m. to 5 p.m., except Saturday, Sunday and legal holidays. The mailing address is: Peace Officer Standards and Training Academy, ~~P.O. Box 700 S. Stratford Dr.~~, Meridian, Idaho 83680-0700 ~~42-6202~~. The telephone number of ~~the office administration~~ is (208) 884-7250 and the telephone number of academy training is (208) 884-7337. The facsimile number of ~~the office administration~~ is (208) 884-7295 and the facsimile number of academy training is (208) 884-7398. The Peace Officer Standards and Training website is <http://www.idaho-post.org>. (4-11-06)()

(BREAK IN CONTINUITY OF SECTIONS)

091. INTRODUCTION.

01. Certificates and Awards. Certificates and awards may be presented by the Council for the purpose of recognizing or raising the level of competence of law enforcement and to foster cooperation among the Council, agencies, groups, organizations, jurisdictions, and individuals. (3-20-97)

02. Property. Certificates and awards remain the property of the Council and are only valid as long as the officer is appointed as an Idaho ~~peace, detention, juvenile detention, or juvenile probation~~ officer as defined by Section 19-5101, Idaho Code, and has not been decertified. (4-2-03)()

03. Decertification. (3-30-07)

a. The Council shall decertify any officer who is convicted, as defined in Idaho Code Section 19-5109, of any felony or offense which would be a felony if committed in this state. The Council may decertify any officer who is convicted, as defined in Section 19-5109, Idaho Code, of any misdemeanor; willfully or otherwise falsifies or omits any information to obtain any certified status; or violates any of the standards of conduct as established by the council's code of conduct or code of ethics, as adopted and amended by the council. Any officer charged with a felony, a non-traffic misdemeanor, or a misdemeanor that would be a felony if committed in this state, must notify the POST Executive Director within fourteen (14) business days. Failure to notify constitutes a violation of the Law Enforcement Code of Ethics and the Law Enforcement Code of Conduct. (3-30-07)()

b. Any officer decertified by the Council is not eligible for POST certification of any kind in the future ~~except as a correction officer with approval by the POST Council~~. Any officer who is the subject of a POST decertification investigation is not eligible for POST certification of any kind while under investigation. (3-30-07)()

04. Law Enforcement Code of Conduct. As a law enforcement officer, 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 recognize the badge 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 police service. In furtherance of these duties, I hereby adopt and accept the following code of conduct: (7-1-99)

a. I shall conduct myself at all times in a manner that does not damage or have the likely result of damaging or bringing the public image, integrity, or reputation of my department or myself into discredit or disrepute. (7-1-99)

b. I shall not possess or consume alcoholic beverages on duty or while in uniform on duty or off duty, except as expressly required for the lawful performance of my duties. Nor shall I unlawfully possess, sell, consume, use or assist in the use of any illegal or unauthorized drugs or medications on duty or off duty. (7-1-99)

c. I shall not engage in any illegal or unlawful harassment or intimidation of another, nor shall I permit personal prejudices, political beliefs, animosities, or friendships to influence my decisions. (7-1-99)

d. I shall not lie, give misleading information, or falsify written or verbal communications in official reports or in my actions with another person or organization when it is reasonable to expect that such information may be relied upon because of my position or affiliation with my department. (3-30-07)

e. I shall willfully observe and obey the lawful verbal and written rules, duties, policies, procedures, and practices of my department. I shall also subordinate my personal preferences and work priorities to the lawful verbal and written rules, duties, policies, procedures and practices of my department, as well as to the lawful orders and directives of supervisors and superior command personnel of my department. I shall willfully perform all lawful duties and tasks assigned by supervisory and/or superior-ranked personnel. Direct, tacit, or constructive refusal to do so is insubordination. (7-1-99)

f. I shall obey the constitutional, criminal and civil laws of the city, county, state, and federal government. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. (7-1-99)

05. Law Enforcement Code of Ethics. (3-30-07)

a. As a law enforcement officer, 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. (3-30-07)

b. 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 to 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. (3-30-07)

c. 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 with 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. (3-30-07)

d. I recognize the badge 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 police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice. (3-30-07)

e. 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 to my chosen profession...law enforcement. (3-30-07)

(BREAK IN CONTINUITY OF SECTIONS)

098. CHALLENGING THE BASIC PATROL ACADEMY.

Any peace officer presently appointed by a duly constituted Idaho law enforcement agency who, within the last five (5) years, has been employed and certified or commissioned by another state or the federal government as a peace officer or a student who has satisfactorily completed a Basic Police Academy equivalent to the Idaho POST Basic Patrol Academy within the last three (3) years will be eligible for certification in the state of Idaho without attending the Basic Patrol Academy, provided the officer: (4-6-05)

01. Submission of Challenge Packet. Submits a POST Certification Patrol Challenge Packet to POST Council, which must include copies of POST training records from other states to substantiate the officer's training;

and transcripts, certificates, diplomas, or other documents that substantiate the officer's education and experience;
(4-6-05)

02. **Discloses Decertification Information.** Discloses information regarding any decertification investigation or proceeding or the substantial equivalent from any other jurisdiction and the results thereof. ()

023. **Law Course Attendance.** Attends an approved course of study in Idaho law and passes the POST Idaho law exam;
(4-2-03)

034. **Passes Required Tests.** Passes the following tests administered by a POST Training Specialist:
(4-2-03)

a. The POST patrol certification examination approved by the Council, conducted in the manner set forth in Subsection 097.02.b.;
(4-2-03)

b. The POST Firearms Qualification Course; and
(4-2-03)

c. The POST Physical Fitness Test Battery.
(4-2-03)

045. **Completes Probationary Period.** Completes his probationary period as required by Subsection 097.01.
(4-2-03)

(BREAK IN CONTINUITY OF SECTIONS)

136. CHALLENGING THE LEVEL I RESERVE CORE CURRICULUM.

01. Certified in Idaho. A reserve peace officer who has within the last three (3) years served as a full-time certified Idaho peace officer shall be eligible for Level I Reserve certification without attending the Level I Reserve core curriculum, submitting a completed Level I Reserve Certification Packet, or passing the Level I Reserve certification examination provided he submits a completed Application for Certification form.
(4-2-03)

02. Certified in Another State, Commissioned by the Federal Government, or a Graduate of a Basic Police Academy. A reserve peace officer who has within the last three (3) years served as a full-time certified peace officer in another state or as a full-time commissioned peace officer of the federal government or a student who has satisfactorily completed a Basic Police Academy equivalent to the Idaho POST Basic Patrol Academy within the last three (3) years shall be eligible for Level I Reserve certification in the state of Idaho without attending the Level I Reserve core curriculum, provided he:
(4-2-03)

a. Submits a completed POST Level I Reserve Certification Packet to POST Council, which shall include copies of POST certifications and training records from other states, transcripts, certificates, diplomas, or other documents that substantiate the officer's training and experience;
(4-2-03)

b. Discloses information regarding any decertification investigation or proceeding or the substantial equivalent from any other jurisdiction and the results thereof. ()

b.c. Attends an approved course of study in Idaho law and passes the POST Idaho law exam; and
(4-2-03)

d. Passes the POST Level I Reserve certification examination conducted in the manner set forth in Section 135.
(4-2-03)

03. Out Over Three Years. A reserve peace officer who has been out of full-time law enforcement for over three (3) years shall complete all requirements as set forth in Sections 130 through 135 to be awarded a Level I Reserve certification.
(4-2-03)

(BREAK IN CONTINUITY OF SECTIONS)

150. CHALLENGING THE LEVEL I RESERVE MARINE DEPUTY CORE CURRICULUM.

01. Certified in Idaho. A reserve marine deputy who has within the last three (3) years served as a full-time certified Idaho peace officer shall be eligible for Level I Reserve Marine Deputy certification without attending the Level I Reserve Marine Deputy core curriculum or submitting a completed Level I Reserve Marine Deputy Certification Packet provided he passes the Level I Reserve Marine Deputy certification examination and submits a completed Application for Certification form. (4-2-03)

02. Certified in Another State, Commissioned by the Federal Government, or a Graduate of a Basic Police Academy. A reserve marine deputy who has within the last three (3) years served as a full-time certified peace officer in another state or as a full-time commissioned peace officer of the federal government or a student who has satisfactorily completed a Basic Police Academy equivalent to the Idaho POST Basic Patrol Academy within the last three (3) years shall be eligible for Level I Reserve Marine Deputy certification in the state of Idaho without attending the Level I Reserve Marine Deputy core curriculum, provided he: (4-2-03)

a. Submits a completed POST Level I Reserve Marine Deputy Certification Packet to POST Council, that shall include copies of POST certifications and training records from other states, transcripts, certificates, diplomas, or other documents that substantiate the officer's training and experience; (4-2-03)

b. Discloses information regarding any decertification investigation or proceeding or the substantial equivalent from any other jurisdiction and the results thereof. ()

~~b~~c. Attends an approved course of study in Idaho law and passes the POST Idaho law exam; and (4-2-03)

~~ed~~. Passes the POST Level I Reserve Marine Deputy certification examination conducted in the manner set forth in Section 149. (4-2-03)

03. Out Over Three Years. A reserve marine deputy who has been out of full-time law enforcement for over three (3) years shall complete all requirements as set forth in Sections 130 and 131 and 146 through 149 to be awarded a Level I Reserve Marine Deputy certification. (4-2-03)

(BREAK IN CONTINUITY OF SECTIONS)

176. THE LEVEL I CERTIFICATE.

In addition to the requirements set forth in Section 173 of these rules, the requirements in Section 176 are necessary for award of the Level I Certificate. (4-2-03)

01. Probation. The applicant shall have satisfactorily completed at least a six (6) month probationary period, which may include basic detention academy time. The probationary period may be extended by the appointing agency which could delay certification until the probationary period is satisfactorily completed. This six (6) months' time shall be continuous with the agency the officer is appointed to when applying for certification. The probationary period shall not extend over one (1) year for certification purposes. (4-2-03)

02. Basic Training. The applicant shall have satisfactorily completed: (4-2-03)

a. The POST Basic Detention Academy as required by the Council in Section 071; (4-2-03)

b. The POST Patrol-to-Detention Transition Academy; or (4-2-03)

c. Be a graduate of a law enforcement vo-tech program, the curriculum of which has been certified by the Council as being equivalent to the POST Basic Detention Academy, and shall have passed the POST detention certification examination approved by the Council. The applicant shall be allowed two (2) attempts to pass the examination. The attempts shall be no less than thirty (30) days apart and no more than six (6) months apart. If an officer fails both attempts or fails to retake the examination within six (6) months, he shall successfully complete the POST Basic Detention Academy to be certified. (4-2-03)

03. Jail Training. The applicant shall have satisfactorily completed forty (40) hours of POST-approved jail training. (4-2-03)

04. Vo-Tech Program Graduates. Graduates from Idaho POST-certified law enforcement vo-tech programs shall also comply with the requirements of Subsection 073.02. (4-2-03)

05. Patrol and Detention Vo-Tech Program Graduates. An applicant who is appointed to a detention officer position from three (3) to five (5) years after satisfactorily completing both the patrol and detention officer training through an Idaho POST-certified law enforcement vo-tech program, shall be eligible for detention officer certification in Idaho without attending the POST Basic Detention Academy, provided the officer: (4-2-08)

a. Was appointed to a peace officer position in Idaho within three (3) years from graduating from the vo-tech program; (4-2-08)

b. Possesses peace officer certification from Idaho; (4-2-08)

c. Submits a POST Certification Detention Challenge Packet; (4-2-08)

d. Discloses information regarding any decertification investigation or proceeding or the substantial equivalent from any other jurisdiction and the results thereof. ()

~~de.~~ Attends an approved course of study in Idaho detention legal issues and passes the POST Idaho detention legal issues exam; (4-2-08)

~~ef.~~ Passes the following tests administered by a POST Training Specialist: (4-2-08)

i. The POST detention certification examination approved by the Council, conducted in the manner set forth in Subsection 176.02.c.; (4-2-08)

ii. The POST Firearms Qualification Course; (4-2-08)

iii. The POST Physical Fitness Test Battery; and (4-2-08)

~~fg.~~ Satisfies the probationary period requirement of Section 064. (4-2-08)

177. CHALLENGING THE BASIC DETENTION ACADEMY.

Any county detention officer presently appointed by a duly constituted Idaho law enforcement agency who, within the last five (5) years, has been employed and certified or commissioned by another state or the federal government as a detention officer or a student who has satisfactorily completed a Basic Detention Academy equivalent to the Idaho POST Basic Detention Academy within the last three (3) years will be eligible for certification in the state of Idaho without attending the Basic Detention Academy, provided the officer: (4-6-05)

01. Submission of Challenge Packet. Submits a POST Certification Detention Challenge Packet to POST Council, which must include copies of POST training records from other states to substantiate the officer's training; and transcripts, certificates, diplomas, or other documents that substantiate the officer's education and experience; (4-6-05)

02. Discloses Decertification Information. Discloses information regarding any decertification investigation or proceeding or the substantial equivalent from any other jurisdiction and the results thereof. ()

023. Detention Legal Issues Course Attendance. Attends an approved course of study in Idaho detention legal issues and passes the POST Idaho detention legal issues exam; (4-6-05)

034. Passes Required Tests. Passes the following tests administered by a POST Training Specialist: (4-2-03)

a. The POST detention certification examination approved by the Council, conducted in the manner set forth in Subsection 176.02.c.; (4-2-08)

b. The POST Firearms Qualification Course; and (4-2-03)

c. The POST Physical Fitness Test Battery. (4-2-03)

045. Completes Probationary Period. Completes his probationary period as required by Subsection 176.01. (4-2-03)

(BREAK IN CONTINUITY OF SECTIONS)

197. GENERAL PROVISIONS.

01. Certificates and Awards. Certificates and awards may be presented by the Council for the purpose of recognizing or raising the level of competence of law enforcement and to foster cooperation among the Council, agencies, groups, organizations, jurisdictions, and individuals. Communications Specialist Certification is not statutorily mandated, but is voluntary. (4-2-03)

02. Property. Certificates and awards remain the property of the Council and are only valid as long as the communications specialist is appointed as an Idaho communications specialist by a duly constituted Idaho law enforcement agency and has not been decertified. (~~4-2-03~~)(____)

03. Eligibility. To be eligible for the award of a Level I, Level II, Level III, or Advanced certificate, each applicant shall be a full-time communications specialist appointed by a duly constituted Idaho law enforcement agency. (4-2-03)

04. Applications. All applications for award of the Level I, Level II, Level III, or Advanced Certificates shall be completed by the applicant on the prescribed form "Application for Certification" as provided by the POST Council. (4-2-03)

05. Submission. The Application for Certification form shall be submitted by the applicant to his agency head who shall review it for accuracy prior to signing it and forwarding it to the Council. Certificates shall be issued to the agency head for award to the applicant. (4-2-03)

06. Training. Training not listed on the applicant's Idaho POST training record shall be supported by copies of certificates, course outlines, or other verifying documents attached to the application. (4-2-03)

07. Minimum Standards. Each applicant shall meet the minimum standards for employment as provided in Sections 050 through 058. (4-2-08)

(BREAK IN CONTINUITY OF SECTIONS)

256. RENEWAL.

01. Notification. At the end of the certification period, the POST Council shall send notification to the instructor, provided the instructor still meets the qualifications for instructor certification. (4-2-03)

- 02. Requirements.** To renew the certification, the instructor shall submit the following to POST Council: (4-2-03)
- a.** A teaching log indicating the instruction of at least one (1) class during the last certification period; (4-2-03)
 - b.** An updated lesson plan, if any changes have been made since it was last submitted; and (4-2-03)
 - c.** A POST Short Course firearms qualification score sheet witnessed by a POST-certified firearms instructor other than the renewing instructor. This requirement applies only to POST-certified firearms instructors who are renewing their firearms instructor certification. (4-2-03)
 - d.** Instructors must meet recertification requirements in compliance with Council and applicable industry standards. ()

(BREAK IN CONTINUITY OF SECTIONS)

266. MASTER INSTRUCTOR CERTIFICATION.

Master Instructor Certificates are established for the purpose of recognizing competence as an instructor of instructors of law enforcement subjects and/or general subjects pertinent to law enforcement personnel, especially high liability subjects such as Arrest Techniques, Conducted Energy Devices, DUI, Emergency Vehicle Operation, Firearms, Impact Weapons, Instructor Development, and Weapons Retention. ~~(5-8-09)~~()

267. REQUIREMENTS.

In addition to the requirements set forth in Sections 250 and 251 of these rules, the requirements in Sections 266 through 269 are necessary for award of the master instructor certificate: (4-2-03)

01. Instructor Development Course. The applicant shall have satisfactorily completed an Instructor Development Course approved by the Council. (4-2-03)

02. POST-Certified Instructor. The applicant shall be a current POST-certified instructor in the subject he is applying for Master Instructor certification in, and shall have held that certification for a minimum of three (3) years prior to application. The Council may waive this requirement in exceptional cases reflecting outstanding education, experience, or achievement; or under unusual circumstances upon written application by the POST Executive Director. (4-2-03)

03. Instruction. The applicant shall have instructed a minimum of forty (40) hours of classes in the subject he is applying for Master Instructor certification in during each of the previous two (2) years. (4-2-03)

04. Additional Training or Education. The applicant shall have received additional training or education beyond basic training in the area of their instructor certification. In addition to this requirement, an applicant who is applying to become a Master Instructor in Conducted Energy Devices shall attend and successfully complete a "Master Instructor"-level Conducted Energy Device course offered by a reputable manufacturer as approved by the POST Council. ~~(4-2-03)~~()

05. Exceptional Ability. The applicant shall have demonstrated exceptional ability to develop and present training. (4-2-03)

06. Recommendation. The applicant shall be recommended for master instructor certification by a POST Regional Training Specialist or a current POST-certified master instructor. (4-2-03)

07. Maintain Certification. The applicant shall be willing to commit to teaching a minimum of one (1) instructor class during the certification period to maintain certification. (4-2-03)

IDAPA 11 - IDAHO STATE POLICE

11.11.04 - RULES OF THE IDAHO PEACE OFFICER STANDARDS AND TRAINING COUNCIL FOR CORRECTION OFFICERS AND ADULT PROBATION AND PAROLE OFFICERS

DOCKET NO. 11-1104-0901

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. This 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 21, 2009.

The hearing site(s) 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:

Updates contact information, as it has changed; allows the POST Executive Director to review "General Under Honorable Conditions" and "Uncharacterized" military discharges for possible waiver; and requires applicants to disclose any decertification proceedings against them and the results thereof.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

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: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was not conducted because representatives of the affected parties were involved in the drafting and approval of the rule.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Trish Christy at (208) 884-7253.

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 28, 2009.

DATED this 4th day of August, 2009.

Jeffrey J. Black
Executive Director
Idaho State Police/Peace Officer Standards and Training
700 S. Stratford Dr.
Meridian, ID 83642-6202
(208) 884-7251/(208) 884-7295

THE FOLLOWING IS THE PROPOSED TEXT FOR DOCKET NO. 11-1104-0901

005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.

01. Idaho State Police, Peace Officer Standards and Training. The principal place of business of the Idaho State Police, Peace Officer Standards and Training, is in Meridian, Idaho. The office is located at 700 South Stratford Drive, Meridian, Idaho and is open from 8 a.m. to 5 p.m., except Saturday, Sunday and legal holidays. The mailing address is: Peace Officer Standards and Training Academy, ~~P.O. Box 700 S. Stratford Dr.~~, Meridian, Idaho 83680-0700 42-6202. The telephone number of ~~the office~~ administration is (208) 884-7250 and the telephone number of academy training is (208) 884-7337. The facsimile number of ~~the office~~ administration is (208) 884-7295 and the facsimile number of academy training is (208) 884-7398. The Peace Officer Standards and Training website is <http://www.idaho-post.org>. (4-11-06)()

02. Idaho Department of Correction. The principal place of business of the Idaho Department of Correction is in Boise, Idaho. The office is located at 1299 North Orchard, Suite 110, Boise, Idaho and is open from 8 a.m. to 5 p.m., except Saturday, Sunday and legal holidays. The mailing address is: Idaho Department of Correction, P.O. Box 83720, Boise, Idaho 83720-0018. The telephone of the office is (208) 658-2000. The facsimile number of the office is (208) 327-7496. (4-11-06)

(BREAK IN CONTINUITY OF SECTIONS)

022. GENERAL PROVISIONS.

01. POST Basic Correction Academy Costs for Personnel of Private Prison Contractors. Pursuant to Section 20-241A(3)(c), Idaho Code, the Idaho Department of Correction may provide training to personnel of private prison contractors and charge a fee not to exceed the cost of training. Since the Basic Correction Academy is conducted by the Peace Officer Standards & Training Council, any fees collected by the Idaho Department of Correction for attendance at the POST Basic Correction Academy by personnel of private prison contractors must be submitted to the POST Council. (4-11-06)

02. Property. Certificates and awards remain the property of the Council and are only valid as long as the officer is appointed as an Idaho ~~correction or adult probation and parole~~ officer as defined by Section 19-5101, Idaho Code, and has not been decertified. (4-11-06)()

03. Eligibility. To be eligible for the award of a Basic Correction Officer certificate, each applicant must be a full-time correction officer or a professional member of the POST Council staff. To be eligible for the award of a Basic Adult Probation and Parole Officer certificate, each applicant must be a full-time adult probation and parole officer or a professional member of the POST Council staff. (4-11-06)

04. Applications. All applications for award of certification must be completed by the applicant on the prescribed form "Application for Certification" as provided by the POST Council. (4-11-06)

05. Submission. The Application for Certification form must be submitted by the applicant to his agency head who must review it for accuracy prior to signing it and forwarding it to the Council. Certificates will be issued to the agency head for award to the applicant. (4-11-06)

06. Decertification. The Council may decertify any correction or adult probation and parole officer in the same manner as provided in IDAPA 11.11.01, "Rules of the Idaho Peace Officer Standards and Training Council," Subsection 091.03. (4-11-06)

(BREAK IN CONTINUITY OF SECTIONS)

037. MILITARY RECORD.

A "dismissal," "bad conduct discharge" (BCD), "dishonorable discharge" (DD), or administrative discharge of other than honorable (OTH) from the military service will disqualify the applicant. The administrative discharge of

“general under honorable conditions” (GEN), a “general” discharge, or an “uncharacterized” discharge may be grounds for rejection. In the case of a “general under honorable conditions” or “uncharacterized” discharge, the applicant may be accepted upon approval of the POST Executive Director. The Executive Director will have the discretion to refer the application to the POST Council. In the case of a “general” discharge, the POST Council will review the application and determine whether the individual will be certifiable as a correction officer in the state of Idaho. (4-11-06)()

(BREAK IN CONTINUITY OF SECTIONS)

051. LAPSE OF CORRECTION OFFICER CERTIFICATION.

The certification of any correction officer will be considered lapsed if the officer does not serve as a correction officer in Idaho for three (3) consecutive years. The three-year period provided herein shall be tolled during any time period that a correction officer is the subject of a POST decertification investigation and is no longer employed in law enforcement. (4-11-06)()

01. Three to Five Years. A correction officer who has been out of full-time correction officer status from three (3) to five (5) years and who wants to ~~be recertified~~ reactivate certification must meet the following POST requirements: (4-11-06)()

a. Submit a POST Certification Correction Challenge Packet; (4-11-06)

b. Disclose information regarding any decertification investigation or proceeding or the substantial equivalent from any other jurisdiction and the results thereof. ()

~~b.c.~~ Pass the following tests administered by a POST Training Specialist: (4-11-06)

i. The POST correction certification examination approved by the Council, conducted in the manner set forth in Subsection 053.02.b. of these rules; and (4-11-06)

ii. The POST Correction Officer Physical Agility Test; and (4-11-06)

~~ed.~~ Satisfactorily complete a probationary period of not less than six (6) months. (4-11-06)

02. Over Five Years. A correction officer who has been out of full-time correction officer status for over five (5) years must attend the POST Basic Correction Academy or a POST-certified private prison contractor's correction officer training program to ~~be recertified~~ reactivate certification. The Council may waive this requirement on a showing of good cause by the officer supported by clear and convincing evidence that during a substantial part of the time out of full-time correction officer status, the officer was engaged in an occupation requiring correction officer training, skill, and experience. This evidence must be submitted with a POST Certification Correction Challenge Packet. Upon receiving a waiver, the officer must meet the following POST requirements: (4-11-06)()

a. Disclose information regarding any decertification investigation or proceeding or the substantial equivalent from any other jurisdiction and the results thereof. ()

~~ab.~~ Pass the following tests administered by a POST Training Specialist: (4-11-06)

i. The POST correction certification examination approved by the Council, conducted in the manner set forth in Subsection 053.02.b. of these rules; and (4-11-06)

ii. The POST Correction Officer Physical Agility Test; and (4-11-06)

~~bc.~~ Satisfactorily complete a probationary period of not less than six (6) months. (4-11-06)

03. Over Eight Years. A correction officer who has been out of full-time correction officer status for

over eight (8) years must attend the POST Basic Correction Academy or a POST-certified private prison contractor's correction officer training program to be recertified. No waiver of this requirement will be granted by the Council.
(4-11-06)

(BREAK IN CONTINUITY OF SECTIONS)

062. LAPSE OF ADULT PROBATION AND PAROLE OFFICER CERTIFICATION.

The certification of any adult probation and parole officer will be considered lapsed if the officer does not serve as an adult probation and parole officer in Idaho for three (3) consecutive years. The three-year period provided herein shall be tolled during any time period that an adult probation and parole officer is the subject of a POST decertification investigation and is no longer employed in law enforcement. (4-11-06)()

01. Three to Five Years. An adult probation and parole officer who has been out of full-time adult probation and parole officer status from three (3) to five (5) years and who wants to ~~be-recertified~~ reactivate certification must meet the following POST requirements: (4-11-06)()

a. Submit a POST Certification Adult Probation and Parole Challenge Packet; (4-11-06)

b. Disclose information regarding any decertification investigation or proceeding or the substantial equivalent from any other jurisdiction and the results thereof. ()

b.c. Pass the following tests administered by a POST Training Specialist: (4-11-06)

i. The POST adult probation and parole certification examination approved by the Council, conducted in the manner set forth in Subsection 053.02.b. of these rules; (4-2-08)

ii. The POST Firearms Qualification Course; (4-2-08)

iii. The POST Adult Probation and Parole Officer Physical Agility Test; and (4-11-06)

d. Satisfactorily complete a probationary period of not less than six (6) months. (4-11-06)

02. Over Five Years. An adult probation and parole officer who has been out of full-time adult probation and parole officer status for over five (5) years must attend the POST Basic Adult Probation and Parole Academy to ~~be-recertified~~ reactivate certification. The Council may waive this requirement on a showing of good cause by the officer supported by clear and convincing evidence that during a substantial part of the time out of full-time adult probation and parole officer status, the officer was engaged in an occupation requiring adult probation and parole officer training, skill, and experience. This evidence must be submitted with a POST Certification Adult Probation and Parole Challenge Packet. Upon receiving a waiver, the officer must meet the following POST requirements: (4-11-06)()

a. Disclose information regarding any decertification investigation or proceeding or the substantial equivalent from any other jurisdiction and the results thereof. ()

a.b. Attend and pass Idaho POST-certified courses in Arrest Techniques and Practical Problems; (4-11-06)

b.c. Pass the following tests administered by a POST Training Specialist: (4-11-06)

i. The POST adult probation and parole certification examination approved by the Council, conducted in the manner set forth in Subsection 053.02.b. of these rules; (4-2-08)

ii. The POST Firearms Qualification Course; (4-2-08)

iii. The POST Adult Probation and Parole Officer Physical Agility Test; and (4-11-06)

ed. Satisfactorily complete a probationary period of not less than six (6) months. (4-11-06)

03. Over Eight Years. An adult probation and parole officer who has been out of full-time adult probation and parole officer status for over eight (8) years must attend the POST Basic Adult Probation and Parole Academy to be recertified. No waiver of this requirement will be granted by the Council. (4-11-06)