

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 Police (POST Council):

**IDAPA 11.11.01 - Rules of the Idaho Peace Officer Standards & Training Council
(Docket #11-1101-1002)**

**11.11.02 - Rules of the Idaho Peace Officer Standards & Training Council For
Juvenile Detention Officers (Docket #11-1102-1001)**

**11.11.03 - Rules of the Idaho Peace Officer Standards & Training Council For
Juvenile Probation Officers (Docket #11-1103-1001)**

**11.11.04 - Rules of the Idaho Peace Officer Standards & Training Council For
Correction Officers & Adult Probation & Parole Officers
(Docket #11-1104-1001)**

**11.11.05 - Rules of the Idaho Peace Officer Standards & Training Council
For Idaho Dept. Of Juvenile Corrections Direct Care Staff
(Docket #11-1105-1001)**

**11.11.06 - Rules of the Idaho Peace Officer Standards & Training Council For
Misdemeanor Probation Officers - New Chapter
(Docket #11-1106-1001).**

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the co-chairmen 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 10-29-10. 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 11-30-10.

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 334-4845, or send a written request to the address or FAX number indicated on the memorandum attached.



Legislative Services Office Idaho State Legislature

Serving Idaho's Citizen Legislature

Jeff Youtz
Director

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Judiciary & Rules Committee and the House Judiciary, Rules & Administration Committee

FROM: Brooke Murdoch, Legislative Research Analyst *BDM*

DATE: October 12, 2010

SUBJECT: Idaho State Police – POST Council

IDAPA 11.11.01 – Rules of the Idaho Peace Officer Standards and Training Council – (Docket No. 11-1101-1002)

IDAPA 11.11.02 – Rules of the Idaho Peace Officer Standards and Training Council for Juvenile Detention Officers – (Docket No. 11-1102-1001)

IDAPA 11.11.03 – Rules of the Idaho Peace Officer Standards and Training Council for Juvenile Probation Officers – (Docket No. 11-1103-1001)

IDAPA 11.11.04 – Rules of the Idaho Peace Officer Standards and Training Council for Correction Officers and Adult Probation and Parole Officers (Docket No. 11-1104-1001)

IDAPA 11.11.05– Rules of the Idaho Peace Officer Standards and Training Council for Idaho Department of Juvenile Corrections Direct Care Staff (Docket No. 11-1105-1001)

IDAPA 11.11.06 – Rules of the Idaho Peace Officer Standards and Training Council for Misdemeanor Probation Officers (Docket No. 11-1106-1001 – New Chapter)

1. IDAPA 11.11.01 – Rules of the Idaho Peace Officer Standards and Training Council (Docket No. 11-1101-1002)

The POST Council submits notice of proposed rulemaking at IDAPA 11.11.01 – Rules of the Idaho Peace Officer Standards and Training Council. The proposed rule: (1) eliminates

Mike Nugent, Manager
Research & Legislation

Cathy Holland-Smith, Manager
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Don H. Berg, Manager
Legislative Audits

Glenn Harris, Manager
Information Technology

restrictions on Hearing Board appointments; (2) revises the minimum standards for employment for peace, county detention, juvenile detention and juvenile probation officers; (3) revises the closed campus exemption; (4) removes specific training curriculum; (5) allows certain POST Academy graduates to become eligible for peace officer and detention officer certification without attending the POST Basic Patrol Academy; (6) revises requirements for obtaining supervisor, management and executive certificates; (7) revises certification requirements for canine teams and eligibility requirements for canine handlers; (8) specifies that certain professionals are exempt from the instructor certification requirements; (9) sets forth the requirements for conducted energy device instructor and conducted energy device master instructor certifications; (10) grants the POST Division Administrator the authority to approve a certified instructor packet and issue an instructor certificate; (11) grants the POST Council the authority to suspend an officer's certification for non-compliance with continuing training requirements; and (12) provides that the continuing training period shall be tolled during active duty military service.

Negotiated rulemaking was not conducted because representatives of the affected parties were involved in the drafting and approval of the proposed rule. There is no negative fiscal impact to the state general fund resulting from this rulemaking.

The proposed rule is within the authority granted to the POST Council in Section 19-5107, Idaho Code.

2. IDAPA 11.11.02 – Rules of the Idaho Peace Officer Standards and Training Council for Juvenile Detention Officers – (Docket No. 11-1102-1001)

The POST Council submits notice of proposed rulemaking at IDAPA 11.11.02 – Rules of the Idaho Peace Officer Standards and Training Council for Juvenile Detention Officers. The proposed rule establishes a timeline for the lapse of a juvenile detention officer certification and sets forth the requirements for reactivating certification.

Negotiated rulemaking was not conducted because representatives of the affected parties were involved in the drafting and approval of the proposed rule. There is no negative fiscal impact to the state general fund resulting from this rulemaking.

We note that in Section 000.02 of IDAPA 11.11.02, which is not included in the proposed rule, the legal authority cited as Section 19-5109(f), Idaho Code, does not exist.

The proposed rule is within the authority granted to the POST Council in Section 19-5107, Idaho Code.

3. IDAPA 11.11.03 – Rules of the Idaho Peace Officer Standards and Training Council for Juvenile Probation Officers – (Docket No. 11-1103-1001)

The POST Council submits notice of proposed rulemaking at IDAPA 11.11.03 – Rules of the Idaho Peace Officer Standards and Training Council for Juvenile Probation Officers. The

proposed rule clarifies that the term “juvenile probation officer” includes both full and part-time employees, establishes a certification process for part-time juvenile probation officers, sets forth requirements for retaining juvenile probation officer certification, establishes a timeline for the lapse of a juvenile probation officer certification and sets forth the requirements for reactivating certification.

Negotiated rulemaking was not conducted because representatives of the affected parties were involved in the drafting and approval of the proposed rule. There is no negative fiscal impact to the state general fund resulting from this rulemaking.

We note that in Section 000.02 of IDAPA 11.11.03, which is not included in the proposed rule, the legal authority cited as Section 19-5109(f), Idaho Code, does not exist.

The proposed rule is within the authority granted to the POST Council in Section 19-5107, Idaho Code.

4. IDAPA 11.11.04 – Rules of the Idaho Peace Officer Standards and Training Council for Correction Officers and Adult Probation and Parole Officers (Docket No. 11-1104-1001)

The POST Council 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. The proposed rule revises the minimum standards for employment for correction officers and for adult probation and parole officers and grants the POST Division Administrator the authority to consider requests for hearing and vision waivers.

Negotiated rulemaking was not conducted because representatives of the affected parties were involved in the drafting and approval of the proposed rule. There is no negative fiscal impact to the state general fund resulting from this rulemaking.

We note that in Section 000.02 of IDAPA 11.11.04, which is not included in the proposed rule, the legal authority cited as Section 19-5109(g), Idaho Code, does not exist.

The proposed rule is within the authority granted to the POST Council in Section 19-5107, Idaho Code.

5. IDAPA 11.11.05– Rules of the Idaho Peace Officer Standards and Training Council for Idaho Department of Juvenile Corrections Direct Care Staff (Docket No. 11-1105-1001)

The POST Council submits notice of proposed rulemaking at IDAPA 11.11.05 – Rules of the Idaho Peace Officer Standards and Training Council for Idaho Department of Juvenile Corrections Direct Care Staff. The proposed rule revises the timeline for the lapse of a juvenile corrections direct care staff certification and revises the requirements for reactivating certification.

Negotiated rulemaking was not conducted because representatives of the affected parties were involved in the drafting and approval of the proposed rule. There is no negative fiscal impact to the state general fund resulting from this rulemaking.

The proposed rule is within the authority granted to the POST Council in Section 19-5107, Idaho Code.

6. IDAPA 11.11.06 – Rules of the Idaho Peace Officer Standards and Training Council for Misdemeanor Probation Officers – (Docket No. 11-1106-1001 – New Chapter)

The POST Council submits notice of proposed rulemaking at IDAPA 11.11.06 – Rules of the Idaho Peace Officer Standards and Training Council for Misdemeanor Probation Officers. The Council’s proposed rulemaking constitutes a new chapter that establishes the minimum standards of training, education, employment and certification for misdemeanor probation officers in Idaho.

Negotiated rulemaking was not conducted because representatives of the affected parties were involved in the drafting and approval of the proposed rule. There is no negative fiscal impact to the state general fund resulting from this rulemaking.

The proposed rule is within the authority granted to the POST Council in Section 19-5107, Idaho Code

cc: Idaho State Police – POST Council
William L. Flink, POST Division Administrator
Trish Christy

IDAPA 11 - IDAHO STATE POLICE

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

DOCKET NO. 11-1101-1002

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. 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 20, 2010.

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:

Eliminates restriction on Hearing Board appointments; clarifies minimum standards and documentation requirements; changes hardship requirement for closed campus exemption; removes specific curricula; provides POST graduates same challenge opportunities as vo-tech graduates; removes grace period for canine team certification; clarifies and updates instructor certification requirements and streamlines the process; establishes suspension of certification for non-compliance with continuing training requirement.

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(2), Idaho Code, negotiated rulemaking was not conducted because representatives of the affected parties were involved in the drafting and approval of the rule.

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: N/A

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 27, 2010.

DATED this 25th day of August, 2010.

William L. Flink
POST Division Administrator
Idaho State Police
Peace Officer Standards & Training Council
700 S. Stratford Dr.
Meridian, ID 83642-6202
Phone: (208) 884-7251
Facsimile: (208) 884-7295

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 11-1101-1002

033. HEARING BOARD.

The POST Council may appoint a Hearing Board to hear all matters appropriately brought before the POST Council for decision, pursuant to Chapter 51, Title 19, Idaho Code. (3-30-07)

01. Appointment of Members. The chairman of the POST Council shall appoint three members of the POST Council to serve on the Hearing Board. ~~The Hearing Board shall consist of a city chief of police, a county sheriff, and an attorney.~~ (3-30-07)(____)

02. Recommended and Final Orders. Orders issued by the Hearing Board at the conclusion of proceedings shall be considered recommended orders and ~~will~~ shall become final orders only after POST Council's review pursuant to Section 67-5244, Idaho Code, and IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General," Subsection 720.01. (3-30-07)(____)

03. Discovery. Pursuant to Section 19-5107, Idaho Code, and IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General," Sections 520 through 532, discovery may be conducted in contested cases before the Hearing Board and POST Council. (3-30-07)

(BREAK IN CONTINUITY OF SECTIONS)

052. EDUCATION.

The applicant shall be a high school graduate or have earned a GED certificate. (4-2-08)

01. Documentation. Proof of education shall not have been mutilated, altered, or damaged, and shall be in the form of a photocopy of one (1) of the following: (4-2-08)(____)

a. High school diploma; (4-2-08)

b. GED certificate; (4-2-08)

c. High school transcript that indicates the date of graduation; (4-2-08)(____)

d. GED test report form; ~~or~~ (4-2-08)(____)

e. High school equivalency certificate; or (____)

f. Official ~~C~~college transcript indicating the successful completion of a minimum of fifteen (15) academic credits. (4-2-08)(____)

053. EXPERIENCE AGE.

The applicant shall ~~have be~~ a minimum of ~~two (2) years of any combination of responsible work experience, military service, education, or any other productive activity~~ twenty-one (21) years of age. (4-2-08)(____)

(BREAK IN CONTINUITY OF SECTIONS)

056. MILITARY RECORD.

01. Military Discharge. A "dismissal," "bad conduct discharge" (BCD), "dishonorable discharge" (DD), or administrative discharge of other than honorable (OTH) from the military service ~~will~~ shall 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~~ Division

Administrator. The ~~Executive Director will~~ Division Administrator shall have the discretion to refer the application to the POST Council. In the case of a "general" discharge, the POST Council ~~will~~ shall review the application and determine whether the individual ~~will~~ shall be certifiable as a peace, detention, juvenile detention, ~~or~~ juvenile probation, adult probation and parole, or adult misdemeanor probation officer or as a direct care staff member of the Idaho Department of Juvenile Corrections in the state of Idaho. (~~3-30-07~~)()

02. Documentation. Proof of military record shall not have been mutilated, altered, or damaged; shall indicate character of service; and shall be in the form of a photocopy of the following: ()

- a. DD-214 for any active military service. ()
- b. NGB Form 22 for any National Guard service, and ()
- c. AF-216 for any Air Force service. ()

(BREAK IN CONTINUITY OF SECTIONS)

059. PHYSICAL - MEDICAL.

01. Requirements. (7-1-93)

a. Hearing. The applicant ~~must~~ shall have unaided or aided hearing between zero (0) and twenty-five (25) decibels for each ear at the frequencies of five-hundred (500) Hz, one thousand (1000) Hz, two thousand (2000) Hz, and three thousand (3000) Hz. Waiver of the above may be considered by the POST Division Administrator if accompanied by the certificate of an audiologist or ear, nose, and throat physician that the applicant's condition will not jeopardize or impair the applicant's ability to perform the duties of a peace, detention, juvenile detention, ~~or~~ juvenile probation, or adult misdemeanor probation officer, or a direct care staff member of the Idaho Department of Juvenile Corrections. ~~If the applicant's unaided or aided hearing is between twenty-six (26) and forty (40) decibels, the applicant may be accepted upon approval of the POST Executive Director.~~ The ~~Executive Director will~~ POST Division Administrator shall have the discretion to refer the application to the POST Council. ~~If the applicant's unaided or aided hearing is over forty (40) decibels, the POST Council will review the application and determine whether the individual will be certifiable as a peace, detention, juvenile detention, or juvenile probation officer in the state of Idaho.~~ (~~4-2-08~~)()

b. Vision. (7-1-93)

i. The applicant ~~must~~ shall possess binocular coordination that does not manifest diplopia; depth of proficiency of a minimum of one (1) minute of arc at twenty (20) feet; peripheral vision ~~must~~ shall be binocularly two hundred (200) degrees laterally with sixty (60) degrees upward and seventy (70) degrees downward. There ~~must~~ shall be no pathology of the eye; applicant ~~must~~ shall possess a minimum seventy percent (70%) proficiency on a color discrimination test. Waiver of the above may be considered by the ~~Council~~ POST Division Administrator if accompanied by the certificate of a vision specialist that the applicant's condition will not jeopardize or impair the applicant's ability to perform the duties of a peace, detention, juvenile detention, ~~or~~ juvenile probation, or adult misdemeanor probation officer, or a direct care staff member of the Idaho Department of Juvenile Corrections. The POST Division Administrator shall have the discretion to refer the application to the POST Council. (~~4-2-08~~)()

ii. The applicant ~~must~~ shall have uncorrected vision in each eye of no weaker than twenty/two hundred (20/200) with the strong eye corrected to twenty/twenty (20/20) and the weaker eye corrected to twenty/sixty (20/60). An applicant who wears contact lenses is exempt from the uncorrected vision of twenty/two hundred (20/200), but ~~must~~ shall have the strong eye corrected to twenty/twenty (20/20) and the weaker eye corrected to twenty/sixty (20/60). A full eye examination ~~must~~ shall be administered by an optometrist or ophthalmologist to any applicant who wears glasses whose uncorrected vision in either eye is twenty/one hundred fifty (20/150) or weaker. Waiver of the above may be considered by the ~~Council~~ POST Division Administrator if accompanied by the certificate of a vision specialist that the applicant's condition will not jeopardize or impair the applicant's ability to perform the duties of a peace, detention, juvenile detention, ~~or~~ juvenile probation, or adult misdemeanor probation

officer, or a direct care staff member of the Idaho Department of Juvenile Corrections. The POST Division Administrator shall have the discretion to refer the application to the POST Council. (4-2-08)(____)

c. Disease/Condition. The applicant ~~must~~ shall be free from any impediments of the senses of sight, hearing, taste, smell, and touch; physically sound; well developed physically and in possession of his extremities; free from any physical defects, chronic or organic diseases, organic or functional conditions, or emotional or mental instabilities which may tend to impair efficient performance of duty or which might endanger the lives of others or the life of the officer. Waiver of the above may be considered by the Council upon the applicant's demonstration that the deficiency does not jeopardize or impair his ability to perform the duties of a peace, detention, juvenile detention, ~~or juvenile probation, or adult misdemeanor probation~~ officer, or a direct care staff member of the Idaho Department of Juvenile Corrections. (4-2-08)(____)

d. Agency Physical ~~Agility/Fitness~~ Readiness Test. To determine the applicant's physical capability, a physical ~~agility or fitness~~ readiness test based upon the job requirements of the appointing agency ~~must~~ shall be administered by the appointing agency to each applicant. (3-20-04)(____)

02. Procedures. (7-1-93)

a. A POST Council-approved medical history form ~~must~~ shall be supplied by each applicant to the examining physician. The medical history ~~must~~ shall include information on past and present diseases, injuries and operations. (3-20-04)(____)

b. A medical examination ~~must~~ shall be administered by a licensed physician or his designee to determine if the applicant is free from any physical, emotional, or mental condition which might adversely affect the applicant's ability to perform the duties of a peace, detention, juvenile detention, ~~or juvenile probation, or adult misdemeanor probation~~ officer, or a direct care staff member of the Idaho Department of Juvenile Corrections. The physician ~~must~~ shall record his findings on the appropriate form and ~~must~~ shall note thereon any past or present physical defects, diseases, injuries, operations or conditions of an abnormal or unusual nature, or indications of mental or emotional instability. A medical examination shall remain valid for one (1) year. (4-2-08)(____)

(BREAK IN CONTINUITY OF SECTIONS)

071. BASIC TRAINING ACADEMY.

Every peace and detention officer ~~must~~ shall begin the respective POST Basic Training Academy within six (6) months from the date of their appointment as a full-time officer. Every peace, detention, juvenile detention, and juvenile probation officer ~~must~~ shall successfully complete the respective POST Basic Training Academy, including the field training portion, within twelve (12) months from the date of their appointment as a full-time officer. This time period includes probationary time. (4-6-05)(____)

01. **Closed Campus.** The POST Basic Patrol, Juvenile Detention, and Juvenile Probation Training Academies ~~will~~ shall operate as a closed campus Monday through Thursday. The POST ~~Council~~ Division Administrator may consider an exemption to this requirement in the case of a documented ~~severe financial personal~~ hardship for the applicant where no other reasonable alternative exists and provided the applicant's agency head files a written request for review with the POST ~~Council~~ Division Administrator. A trainee granted a hardship exemption ~~will~~ shall be required to attend all mandatory classes, and ~~must~~ shall not be late to any class. Unauthorized lateness to or absence from any class ~~will~~ shall be grounds for revocation of the hardship exemption by the POST ~~Executive Director~~ Division Administrator. The POST Council may consider an exemption to this requirement on a case-by-case basis for a scheduled POST Basic Patrol, Juvenile Detention, or Juvenile Probation Training Academy. (4-2-08)(____)

02. **Open Campus.** All other POST Basic Training Academies shall operate as an open campus. (4-2-08)

03. **Attendance.** Attendance ~~will~~ shall be required of each trainee at all classes in the Basic Training Academy. A trainee who is absent for more than one (1) day of the academy session ~~must~~ shall make up such course

content. (3-20-04)()

04. Completion. A trainee ~~must~~ shall successfully complete the Basic Training Academy within six (6) months of the date they enroll in such course. In a case of delay of more than six (6) months, the entire course ~~must~~ shall be repeated. (3-20-04)()

05. Field Training. The field training portion ~~must~~ shall be completed to be eligible for certification. (3-20-04)()

(BREAK IN CONTINUITY OF SECTIONS)

075. THE BASIC PATROL ACADEMY TRAINING CURRICULUM.

01. Minimum Basic Training. The POST Council shall establish the requirements of minimum basic training which peace officers shall complete in order to be eligible for permanent employment as peace officers. ()

~~01. Training Hours.~~ *The amount of training for which certification may be granted in the Basic Patrol Academy will be a total of six hundred five and one half (605.5) hours, with forty (40) hours received in pre-academy computer-based training, five hundred twenty five and one half (525.5) hours received at the training academy, and forty (40) hours received in field training in the officer's appointing agency or another agency if necessary prior to or subsequent to attendance at the Basic Patrol Academy.* (4-6-05)

~~02. Requirements.~~ (7-1-93)

~~a. Successful completion of forty (40) hours of pre-academy computer-based instruction in the following minimum prescribed subject areas will be required:~~

Summary	Hours
Child Abuse	4
Domestic Violence	8
Emotionally Disturbed Persons	4
Report Writing	8
Sexual Assault Investigation	16
Total	40

(4-6-05)

~~b. Successful completion of five hundred twenty five and one half (525.5) hours of instruction in the following minimum prescribed subject areas at the Basic Patrol Academy will be required:~~

Summary	Hours
Professional Orientation	7
Criminal Justice System	12.5
Police and the Law	44
Practical Police Skills/Health & Fitness	256
Human Relations	30

Summary	Hours
Investigations	60
Patrol Procedures	37
Traffic Enforcement	56
Administration/Examinations	23
Total	526.5

(4-6-05)

~~e02.~~ **Additional Instruction Necessary.** It is emphasized that the established basic patrol academy training is only a minimum and that additional instruction beyond the basic academy is necessary if the proper training of a peace officer, as required by the profession, is to be accomplished. (3-15-02)()

~~d03.~~ **Field Training.** Successful completion of forty (40) hours of supervised field training in the appointing agency, or another agency if necessary, ~~will~~ shall be required. (4-6-05)()

~~034.~~ **Procedure Certificate of Graduation.** (7-1-93)

~~a-~~ *Trainees must be enrolled in the Basic Patrol Academy within six (6) months from the date of their appointment as a full-time officer to permit completion of the course and the supervised field training during the twelve (12) month period following their appointment as a peace officer.* (4-6-05)

~~b-~~ The Council ~~will~~ shall issue a certificate of graduation from the Basic Patrol Academy to each trainee who successfully completes the Basic Patrol Academy. (4-6-05)()

(BREAK IN CONTINUITY OF SECTIONS)

077. THE BASIC DETENTION ACADEMY TRAINING CURRICULUM.

01. Minimum Basic Training. The POST Council shall establish minimum basic training standards for county detention officers. ()

~~01.~~ **Training Hours.** *The amount of training for which certification may be granted in the Basic Detention Academy will be a total of two hundred sixty (260) hours, with two hundred twenty (220) hours received at the training academy and forty (40) hours received in jail training in the officer's appointing agency or another agency if necessary prior to or subsequent to attendance at the Basic Detention Academy.* (4-6-05)

~~02.~~ **Requirements.** (3-15-02)

~~a-~~ *Successful completion of two hundred twenty (220) hours of instruction in the following minimum prescribed subject areas at the Basic Detention Academy will be required:-*

Summary	Hours
Jail Standards Procedures	44
Detention Legal Issues	34
Practical Skills	68
Jail Medical Issues	14
Human Relations	47

Summary	Hours
<i>Detention Techniques</i>	21
<i>Incident Procedures</i>	18
<i>Emergency Procedures</i>	13
<i>Physical Wellness</i>	13
<i>Administration/Examinations</i>	11
Sub-Total	220
<i>Jail Training Manual</i>	40
Total	260

(4-6-05)

~~b02.~~ **Additional Instruction Necessary.** It is emphasized that the established basic detention academy training is only a minimum and that additional instruction beyond the basic academy is necessary if the proper training of a detention officer, as required by the profession, is to be accomplished. (3-15-02)()

~~e03.~~ **Jail Training.** Successful completion of forty (40) hours of supervised jail training in the appointing agency, or another agency if necessary, ~~with~~ shall be required. (4-6-05)()

~~0304.~~ **Procedure Certificate of Graduation.** (3-15-02)

~~a.~~ *Trainees must be enrolled in the Basic Detention Academy within six (6) months from the date of their appointment as a full-time officer to permit completion of the course and the supervised jail training during the twelve (12) month period following their appointment as a detention officer.* (4-6-05)

~~b.~~ The Council ~~with~~ shall issue a certificate of graduation from the Basic Detention Academy to each trainee who successfully completes the Basic Detention Academy. (4-6-05)()

(BREAK IN CONTINUITY OF SECTIONS)

096. COLLEGE CREDITS.

01. College Hour. One (1) college or university semester hour or unit shall equal one (1) college credit. (7-1-93)

02. College Quarter Hour. One (1) college or university quarter hour or unit shall equal two-thirds (2/3) of one (1) college credit. (7-1-93)

03. Conversion to POST Training Hours. College credits may be converted to POST training hours at the rate of one (1) college credit equals twenty (20) POST training hours. (4-2-03)

04. Credits for POST-Approved Training. When college credit is awarded or purchased for POST-approved training, it may be counted for either POST training hours or college credit, whichever is to the advantage of the applicant. (4-2-08)

05. Documentation. Proof of college education shall not have been mutilated, altered, or damaged, and shall be in the form of a photocopy of an official transcript. ()

097. THE BASIC AND PART-TIME BASIC CERTIFICATE.

In addition to the requirements set forth in Section 094 of these rules, the requirements in Section 097 are necessary

for award of the basic certificate and the part-time basic certificate. (4-2-03)

01. Probation. The applicant shall have satisfactorily completed at least a six (6) month probationary period, which may include basic patrol 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 Patrol Academy as required by the Council in Section 071; or (4-2-03)

b. 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 Patrol Academy, and shall have passed the POST patrol 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 Patrol Academy to be certified. (4-2-03)

03. Field Training. The applicant shall have satisfactorily completed forty (40) hours of POST-approved field 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 or POST Academy Graduates. An applicant who is appointed to a peace 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 or the Idaho POST Academy, shall be eligible for peace officer certification in Idaho without attending the POST Basic Patrol Academy, provided the officer: ~~(4-2-08)~~(____)

a. Was appointed to a county detention officer position in Idaho within three (3) years from graduating from the vo-tech program or POST Academy; ~~(4-2-08)~~(____)

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

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

d. Attends an approved course of study in Idaho law and passes the POST Idaho law exam; (4-2-08)

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

i. The POST patrol certification examination approved by the Council, conducted in the manner set forth in Subsection 097.02.b.; (4-2-08)

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

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

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

(BREAK IN CONTINUITY OF SECTIONS)

117. SUPERVISOR CERTIFICATE.

01. Requirements. For purposes herein, the term “first-line supervision position” means a position above the operational level which is occupied by an individual who holds the rank of sergeant or equivalent title and, in the upward chain of command, principally is responsible for the direct supervision of non-supervisory personnel of an agency ~~and most commonly holds the rank of sergeant~~. A candidate for the Supervisor Certificate must shall:
(3-30-07)(____)

a. Possess the Intermediate or Advanced Certificate, Level II or III Detention Officer Certificate, or Level II or III Communications Specialist Certificate. (3-30-07)

b. Have satisfactorily completed one hundred (100) hours of POST-certified supervisory-level training, of which fifty (50) hours must shall have been completed within three (3) years prior to submitting an application for the Supervisor Certificate. (3-30-07)(____)

c. Be presently appointed to a first-line supervision position with an Idaho law enforcement agency and must shall have served satisfactorily in that position for a minimum of one (1) year prior to application. Proof of position responsibilities must shall be submitted to the POST Council in the form of a job description or other documentation from the hiring authority. (3-30-07)(____)

(BREAK IN CONTINUITY OF SECTIONS)

119. MANAGEMENT CERTIFICATE.

01. Requirements. For purposes herein, the term “middle-management position” means a position between a first-line supervision position and an executive position which is occupied by an individual who holds the rank of lieutenant or higher, or equivalent title and, in the upward chain of command, principally is responsible for the direct supervision of supervisory personnel of an agency and/or command duties ~~and most commonly holds the rank of lieutenant or captain~~. A candidate for the Management Certificate shall: (4-2-03)(____)

a. Possess peace officer certification, detention officer certification, or communications specialist certification from Idaho; certification from another state that has minimum peace officer standards; or a certificate of completion from a city, county, state, or federal law enforcement academy. The academy attended shall meet or exceed that state's minimum training standards. (4-2-03)

b. Submits a POST Certification Patrol Challenge Packet to POST Council, which shall 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. Subsection 119.01.b. applies only to an officer who is uncertified in Idaho. (____)

b.c. Attend an approved course of study in Idaho law and pass the POST Idaho law exam. Subsection 119.01.c. applies only to an officer who is uncertified in Idaho. (4-2-03)

d. Have satisfactorily completed one hundred (100) hours of POST-certified management-level training, of which fifty (50) hours shall have been completed within three (3) years prior to submitting an application for the Management Certificate. (4-2-03)

d.e. Be presently appointed to a middle-management, management, or executive position wherein the predominance of responsibilities are administrative or managerial in nature, and shall have served satisfactorily in that position for a period of six (6) months. Proof of position responsibilities shall be submitted to the POST Council in the form of a job description or other documentation from the hiring authority. (4-2-03)

02. City Police Chiefs. City police chiefs or administrators within state agencies having law enforcement powers, who, because of the number of full-time peace officers they supervise, have duties which are primarily administrative may satisfy the certification requirement of Section 19-5109(2), Idaho Code, by obtaining this certificate. All other city police chiefs or state agency administrators having law enforcement powers may be awarded this certificate upon meeting the requirements, but shall also complete the requirements necessary to obtain

a Basic Certificate.

(4-2-03)

120. EXECUTIVE CERTIFICATE.

01. Requirements. For purposes herein, the term “executive position” means the head of an agency and ~~most commonly is~~ shall be the Chief of Police, Sheriff, Director, or Chief Executive Officer. A candidate for the Executive Certificate shall:

~~(4-2-03)~~()

a. Possess the Advanced Peace Officer Certificate or Management Certificate~~s~~ from Idaho or another state which has such certification meeting or exceeding Idaho standards.

~~(4-2-03)~~()

b. Have satisfactorily completed one hundred (100) hours of POST-certified executive-level training, of which fifty (50) hours shall have been completed within three (3) years prior to submitting an application for the Executive Certificate.

(4-2-03)

c. Be presently appointed to an executive position, and shall have served satisfactorily in that position for a period of three (3) years.

(4-2-03)

(BREAK IN CONTINUITY OF SECTIONS)

133. MINIMUM TRAINING REQUIREMENTS.

01. Minimum Basic Training. The POST Council shall establish the requirements of minimum basic training which reserve peace officers shall complete in order to be eligible for appointment as reserve peace officers.

()

~~012.~~ **Level I Reserve Core Curriculum.** Any reserve officer desiring Level I Reserve certification ~~must~~ shall successfully complete the POST Council-approved Level I Reserve core curriculum ~~consisting of two hundred thirty three (233) hours of training.~~ Part of the ~~two hundred thirty three (233) hour~~ core curriculum may be taught by uncertified instructors provided the high liability classes as identified by POST are taught by POST-certified instructors.

~~(4-11-06)~~()

~~02. Curriculum.~~

~~*-- Must be taught by a Prosecutor.~~

~~**-- Must be taught by a Judge.~~

~~***-- Must be taught by a POST certified Instructor.~~

~~****-- Must be taught by a Prosecutor and/or a Judge.~~

	Course	Hours
	Law	
*1.	Probable Cause and Laws of Arrest	4
*2.	Constitutional Laws	2
*3.	Search and Seizure Laws	8
*4.	Court Procedures & Rules of Evidence	4
*5.	Idaho Criminal Code	8
*6.	Motor Vehicle Law	4
*7.	Liquor Law	2
		32

	Course	Hours
Professional Orientation		
1.	<i>Career Survival: Police Ethics and Professionalism</i>	8
		-8
Police Procedures		
1.	<i>Jail Procedures</i>	2
2.	<i>Report Writing and Note Taking</i>	8
**** 3.	<i>Testifying in Court</i>	4
*** 4.	<i>Arrest Control Tactics</i>	8
5.	<i>Building Search</i>	8
*** 6.	<i>Emergency Vehicle Operation</i>	24
*** 7.	<i>Firearms</i>	34
		-88
Patrol Procedures		
1.	<i>Patrol Procedures</i>	8
2.	<i>Domestic Disputes</i>	8
3.	<i>Traffic Control</i>	3
		49
Practical Problems		
1.	<i>Traffic Stops</i>	8
		8
Investigations		
*** 1.	<i>DUI Investigation</i>	16
2.	<i>Auto and R.V. Theft</i>	2
3.	<i>Traffic Collision</i>	8
4.	<i>Narcotics</i>	4
5.	<i>Juvenile Procedures</i>	2
6.	<i>Interview & Interrogation</i>	2
7.	<i>Crime Scene Investigation, Preservation of Evidence, and Fingerprinting</i>	16
		50
Enforcement Skills		
*** 1.	<i>Hazardous Materials</i>	8
*** 2.	<i>Weapon Retention</i>	8
*** 3.	<i>Arrest Control Tactics</i>	8
		24

<i>Course</i>		<i>Hours</i>
<i>Administrative Matters</i>		
1.	Registration, Explanation of Schedule	2
2.	Written Exam, Course Evaluations	2
		4
<i>Total Number of Training Hours</i>		233

(4-11-06)

03. Documentation of Completed Training. The Council shall accept written certification from the agency head as proof that a reserve officer has satisfactorily completed the required ~~two hundred thirty-three (233) hour~~ core curriculum. However, no officer shall be awarded training hours on his POST training record for any training completed which has not been certified by the Council as set out in Sections 281 through 287.

(4-11-06)()

(BREAK IN CONTINUITY OF SECTIONS)

135. LEVEL I RESERVE CERTIFICATION EXAMINATION.

Upon completion of the ~~one hundred sixty (160) hour~~ core curriculum, the reserve officer shall be allowed two (2) attempts to pass the POST Level I Reserve certification examination with a minimum score of seventy-five percent (75%). The attempts shall be no less than thirty (30) days apart and no more than six (6) months apart. If the officer fails both attempts or fails to retake the examination within six (6) months, he shall complete the entire POST Level I Reserve core curriculum again prior to retesting.

(4-2-03)()

(BREAK IN CONTINUITY OF SECTIONS)

147. MINIMUM TRAINING REQUIREMENTS.

01. Minimum Basic Training. The POST Council shall establish the requirements of minimum basic training which reserve peace officers shall complete in order to be eligible for appointment as reserve peace officers.

()

~~012.~~ **Level I Reserve Marine Deputy Core Curriculum.** Any reserve marine deputy desiring Level I Reserve Marine Deputy certification shall successfully complete the POST Council-approved Level I Reserve Marine Deputy core curriculum ~~consisting of one hundred sixty (160) hours of training~~. Part of the ~~one hundred sixty (160) hour~~ core curriculum may be taught by uncertified instructors provided the high liability classes as identified by POST are taught by POST-certified instructors.

(4-2-03)()

02. Curriculum.

* ~~Shall be taught by a Prosecutor.~~

** ~~Shall be taught by a Judge.~~

*** ~~Shall be taught by a POST certified Instructor.~~

<i>Course</i>		<i>Hours</i>
<i>Basic Session</i>		
*** 1.	Introduction to Marine Enforcement Patrol, Education, & Search and Rescue	2

	Course	Hours
*** 2.	Required Safety Equipment	6
*** 3.	Operational Laws	6
*** 4.	Boat & Trailer Operations	8
*** 5.	Accident Reporting, Inspections, Search & Rescue, Other	18
		40
	Advanced Session	
*** 1.	Marine DUI	16
*** 2.	Boat Theft, Trailer Theft, Marine Equipment	8
*** 3.	Marine Accident Investigation	8
*** 4.	Boat Operation, Inspection, & Scenarios	8
		40
	General Law	
* 1.	Search & Seizure Laws	10
* 2.	Laws of Arrest	6
* 3.	Rules of Evidence	4
		20
	Arrest Techniques & Officer Safety Skills	
*** 1.	Arrest Techniques & Handcuffing	12
*** 2.	Handgun Retention & Disarming	8
		20
	Firearms Proficiency	
*** 1.	Firearms Training, Classroom	4
*** 2.	Firearms Training, Range	12
*** 3.	Firearms Qualification	2
*** 4.	Use of Deadly Force, Legal Aspects	2
		20
	On-the-Job Training	
1.	On-the-Job Training	20
		20
	Total Number of Training Hours	160
	Optional Classes	
*** 1.	Reactive Impact Weapons Training & Certification	12
*** 2.	Intoxilyzer 5000 or Alco Sensor Training & Certification	8
*** 3.	Personal Watercraft Patrol & Rescue Techniques	24

	Course	Hours
4.	<i>Radio Procedures</i>	2
5.	<i>Booking & Jail Procedures</i>	4
***6.	<i>Marine Officer Survival Tactics</i>	24
7.	<i>Verbal Judo</i>	8
8.	<i>Report Writing</i>	4
***9.	<i>Use of Aerosol Weapons (OC)</i>	4
	Total Number of Optional Training Hours	90

(4-2-03)

03. Documentation of Completed Training. The Council shall accept written certification from the agency head as proof that a reserve marine deputy has satisfactorily completed the required ~~twenty (20) hours of Firearms Proficiency training and twenty (20) hours of On-the-Job training~~ core curriculum. However, no officer shall be awarded training hours on his POST training record for any training completed which has not been certified by the Council as set out in Sections 281 through 287. (4-2-03)()

(BREAK IN CONTINUITY OF SECTIONS)

149. LEVEL I RESERVE MARINE DEPUTY CERTIFICATION EXAMINATION.

Upon completion of the ~~one hundred sixty (160) hour~~ core curriculum, the reserve marine deputy shall be allowed two (2) attempts to pass the POST Level I Reserve Marine Deputy certification examination with a minimum score of seventy-five percent (75%). The attempts shall be no less than thirty (30) days apart and no more than six (6) months apart. If the officer fails both attempts or fails to retake the examination within six (6) months, he shall complete the entire POST Level I Reserve Marine Deputy core curriculum again prior to retesting. (4-2-03)()

(BREAK IN CONTINUITY OF SECTIONS)

175. COLLEGE CREDITS.

01. College Hour. One (1) college or university semester hour or unit shall equal one (1) college credit. (7-1-99)

02. College Quarter Hour. One (1) college or university quarter hour or unit shall equal two-thirds (2/3) of one (1) college credit. (7-1-99)

03. Conversion to POST Training Hours. College credits may be converted to POST training hours at the rate of one (1) college credit equals twenty (20) POST training hours. (4-2-03)

04. Credits for POST-Approved Training. When college credit is awarded or purchased for POST-approved training, it may be counted for either POST training hours or college credit, whichever is to the advantage of the applicant. (4-2-08)

05. Documentation. Proof of college education shall not have been mutilated, altered, or damaged, and shall be in the form of a photocopy of an official transcript. ()

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 or POST Academy 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 or the Idaho POST Academy, may be eligible for detention officer certification in Idaho without attending the POST Basic Detention Academy, provided the officer: (~~3-29-10~~)(____)

a. Was appointed to a peace officer position in Idaho within three (3) years from graduating from the vo-tech program or POST Academy; (~~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. (3-29-10)

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

f. 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)

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

(BREAK IN CONTINUITY OF SECTIONS)

213. GENERAL PROVISIONS.

01. Mandatory Certification. A canine team ~~must~~ shall be Idaho-POST certified in order to perform their duties ~~unless the team is POST-certified in another state or approved by the federal government, in which case they will have six (6) months from the date the canine is put into service in Idaho to obtain Idaho POST certification. The Council, for good cause and in writing, may grant additional time to complete POST certification.~~

~~(4-11-06)~~(____)

02. Eligibility. The canine handler ~~must~~ shall be an Idaho POST-certified peace, detention, correction, ~~or~~ adult probation and parole, juvenile detention, juvenile probation, or adult misdemeanor probation officer employed by a law enforcement agency which is a part of or administered by the state or any political subdivision thereof, or an Idaho POST-certified direct care staff member of the Idaho Department of Juvenile Corrections to be eligible for certification under these rules. Contract employees shall not be eligible for canine team certification.

~~(4-11-06)~~(____)

03. Notification of Canine Being Put Into Service. Prior to a canine being put into service, the law enforcement agency head ~~must~~ shall submit written notification to the Council of such pending action unless the canine team is POST-certified in another state or approved by the federal government, in which case notification ~~must~~ shall be submitted within fifteen (15) days of the canine being put into service in Idaho.

~~(4-11-06)~~(____)

04. Training.

(4-11-06)

a. A patrol canine handler ~~must~~ shall have completed two hundred forty (240) hours of POST-approved canine handler training. The training ~~must~~ shall include, but not be limited to:

~~(5-8-09)~~(____)

i. Suspect search;

(4-11-06)

ii. Apprehension;

(4-11-06)

iii. Handler protection;

(4-11-06)

iv. Obedience; and

(4-11-06)

v. Agility.

(4-11-06)

b. A tracking, evidence search, controlled substance detection, or explosive substance detection canine handler ~~must~~ shall have completed one hundred sixty (160) hours of POST-approved canine handler training. The training ~~must~~ shall include, but not be limited to:

~~(5-8-09)~~(____)

i. Obedience; and

(4-11-06)

ii. Odor recognition specific to the area the canine team is seeking certification in.

(4-11-06)

c. A tracking, evidence search, controlled substance detection, or explosive substance detection canine handler cross-trained as a patrol canine handler ~~must~~ shall have completed two hundred forty (240) hours of POST-approved canine handler training.

~~(5-8-09)~~(____)

05. Evaluation. In evaluating the proficiency of the canine teams, the evaluators ~~must~~ shall use the standards approved by the POST Council for that particular skill category. Performance ~~will~~ shall be rated on a pass/fail basis. The evaluator ~~will~~ shall have the discretion to discontinue the testing if excessive time has been spent without results. The evaluator ~~must~~ shall not be the owner or handler of the canine being evaluated, and ~~must~~ shall not have a proprietary interest in the training of the canine team being evaluated. A POST Training Specialist ~~must~~ shall be notified of all canine certification testing.

~~(4-11-06)~~(____)

06. Failed Evaluation. If a canine team fails any portion of an evaluation, the entire evaluation is considered to be failed, and all skills ~~must~~ shall be repeated and successfully demonstrated during retesting. The canine team ~~must~~ shall wait at least twenty-four (24) hours before retesting, and they ~~must~~ shall be retested by the same evaluator that evaluated the failed test or his designee. (4-11-06)(____)

07. Areas of Certification. The Council ~~will~~ shall certify a canine team which successfully demonstrates the handler's ability to control the canine, under the scrutiny of a canine evaluator, in addition to proficiency in one (1) or more of the following areas: (4-11-06)(____)

- a. Patrol; (3-30-01)
- b. Tracking; (3-30-01)
- c. Evidence search; (3-30-01)
- d. Controlled substance detection; or (3-30-01)
- e. Explosive substance detection. (3-30-01)

08. Expiration of Certification. Each certification issued pursuant to these rules ~~will~~ shall remain valid for fifteen (15) months. A canine team ~~must~~ shall be evaluated prior to their certification expiration date to maintain their certification. A canine team certification ~~will~~ shall lapse if the handler and canine cease to perform canine team functions together. (4-11-06)(____)

09. Appeal. Any handler who believes there have been improper procedures applied in implementing the standards may file an appeal with the Idaho Peace Officer Standards and Training Academy in writing. This appeal ~~must~~ shall be filed within thirty (30) days of the testing date. (4-11-06)(____)

(BREAK IN CONTINUITY OF SECTIONS)

251. GENERAL PROVISIONS.

01. Purpose. Instructor Certificates are established for the purpose of recognizing competence as an instructor of law enforcement subjects and/or general subjects pertinent to law enforcement personnel. (4-2-03)

02. Certification. The Council shall certify instructors who meet the requirements set forth in Sections 250 through 256 and are deemed qualified to teach one (1) or more of the prescribed training courses. (4-2-03)

03. Applications. All applications for award of Instructor Certificates shall be completed by the applicant on the prescribed "Certified Instructor Packet" as provided by the POST Council. (4-2-03)

04. Submission. The Certified Instructor Packet shall be submitted by the applicant to his agency head who shall review it prior to signing it and forwarding it to the POST Regional Training Specialist. Certificates shall be issued to the agency head for award to the applicant. (4-2-03)

05. POST Training Credit. No POST training credit shall be given for attendance at a school taught by one (1) or more instructors who are not POST-certified instructors. However, POST training credit may be given for attendance at a school taught by an instructor seeking instructor certification in the respective subject pursuant to Sections 250 through 256. (4-2-03)

06. POST-Certified School. A school taught by one (1) or more POST-certified instructors in their respective subjects shall be considered a POST-certified school. (4-2-03)

07. Quality. Instructors certification cannot insure good instruction. Therefore, it shall be the continuing responsibility of school directors or coordinators to see that instructors are assigned only subjects which

they are qualified to teach and are supervised on a regular basis to insure that instructional excellence is maintained. (4-2-03)(____)

08. Revocation. Instructor certification may be revoked by the Council whenever an instructor is deemed to be unqualified to continue teaching. Review of instructor certification may be initiated upon the request of an agency head, school director or coordinator, or other reliable source. Such review may also be initiated by the Council in the absence of external requests or complaints. (4-2-03)

09. Exceptions. (4-2-03)

~~a. Judges, attorneys, educators, doctors, federal officials, state officials, and other non-police personnel are exempt from the instructor certification requirements, and should be utilized when their talents are needed deemed appropriate. The requirements set forth in Sections 250 through 256 may be waived by the Council and the Council may certify such instructors or the course they teach upon recommendation of the school director or coordinator.~~ (4-2-03)(____)

~~b. Instructor applicants who do not meet the requirements of Sections 250 through 256, but who have taught at a training course pursuant to these rules may be eligible for instructor certification upon recommendation of the school director or coordinator.~~ (4-2-03)

252. REQUIREMENTS FOR INSTRUCTORS OF LAW ENFORCEMENT SUBJECTS.

The requirements in Sections 250 through 252 are necessary for award of the instructor certificate for law enforcement subjects: (4-2-03)

01. Law Enforcement Experience. The applicant shall have a minimum of three (3) years of law enforcement experience. (4-2-03)

02. Education. The applicant shall be a high school graduate or the equivalent as recognized by the Council. (4-2-03)

03. Instructor Development Course. The applicant shall have satisfactorily completed an Instructor Development Course approved by the Council. The Council may waive this requirement in exceptional cases reflecting outstanding education, experience, or achievement; or under unusual circumstances upon written application by a school director or coordinator. (4-2-03)

04. Subsequent Applications. A current POST-certified instructor making application for instructor certification in an additional subject and who has already satisfactorily completed an Instructor Development Course approved by the Council shall not have to complete the course again. (4-2-03)

05. Conducted Energy Device Instructor Certification. An applicant for Conducted Energy Device Instructor Certification shall provide proof of successful completion of the manufacturer's "operator" and "instructor" courses for the Conducted Energy Device they will be instructing in. (____)

(BREAK IN CONTINUITY OF SECTIONS)

254. PROCEDURES.

01. Application. After meeting the requirements set out in Sections 250 and 251, and either 252 or 253, the applicant shall submit to his POST Regional Training Specialist a completed Certified Instructor Packet, which shall include: (4-2-03)

a. Three (3) letters of recommendation; (4-2-03)

b. A resume of schools attended in preparation for instructing the selected subject; (4-2-03)

c. A lesson plan, including visual aids, equipment needed, handouts, performance objectives, and test questions with answers. (4-2-03)

02. Evaluation. (4-2-03)

a. Within two (2) weeks after submitting the packet, the applicant shall contact his POST Regional Training Specialist to set up a time for the Training Specialist to monitor a class the applicant is instructing. In addition to evaluating the quality of instruction provided by the applicant, the Training Specialist shall take into consideration background, education, achievement, teaching experience, and qualifications, as well as such variables as need, region, and recommendations. (4-2-03)

b. A current POST-certified instructor making application for instructor certification in an additional subject and who has previously had a class monitored by a POST Training Specialist shall not be required to have a class in the additional subject monitored. (4-2-03)

03. Recommendation. After ensuring all requirements are met and the Certified Instructor Packet is complete, the POST Regional Training Specialist shall attach his recommendation to the packet and forward it to the POST ~~Executive Director~~ Division Administrator. The POST ~~Executive Director~~ Division Administrator shall review the ~~packet~~ POST Regional Training Specialist's evaluation and recommendation, and upon approval, ~~put the applicant's request for instructor certification on the agenda for the next POST Council meeting~~ issue the certification. (4-2-03)(____)

~~04. POST Council. The POST Council shall rely heavily on the endorsement of the POST Regional Training Specialist as to the applicant's qualifications and ability to effectively communicate.~~ (4-2-03)

255. EXPIRATION.

01. Valid. Instructor certification shall remain valid for a period of two (2) years with the exception of firearms instructor certification which shall remain valid for a period of one (1) year. (4-2-03)(____)

02. Conducted Energy Device. A POST-certified Conducted Energy Device instructor shall maintain valid certification through the manufacturer for each Conducted Energy Device they are POST-certified to instruct. If their certification through the manufacturer becomes invalid for any reason, their POST Conducted Energy Device Instructor Certification for that device shall immediately be deemed inactive. (____)

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. The qualification course shall be the POST Council-approved course pertinent to the topic the instructor is certified to teach. This requirement applies only to POST-certified firearms instructors who are renewing their firearms instructor certification. (4-2-03)(____)

d. Instructors ~~must~~ shall meet recertification requirements in compliance with Council and applicable industry standards. (3-29-10)(____)

e. Conducted Energy Device instructors shall submit proof of successful completion of the

manufacturer's recertification requirements for each Conducted Energy Device they are POST-certified to instruct. ()

(BREAK IN CONTINUITY OF SECTIONS)

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~~ Division Administrator. (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.~~ (3-29-10)()

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)

08. Conducted Energy Device Master Instructor. An applicant who is applying to become a Master Instructor in Conducted Energy Devices shall also: ()

a. Attend and successfully complete a "Master Instructor"-level Conducted Energy Device course offered by a reputable manufacturer as approved by the POST Council; ()

b. Provide proof of successful completion of at least one (1) course on "excited delirium" or "positional asphyxia;" and ()

c. At the request of POST Council or the POST Division Administrator, serve as a subject matter expert on any conducted energy device product recommended for use by law enforcement. ()

09. Maintaining Conducted Energy Device Master Instructor Certification. A POST-certified Conducted Energy Device Master Instructor shall maintain and provide proof of valid "master instructor" certification through the manufacturer for each Conducted Energy Device they are POST-certified as a Master Instructor to instruct. If their "master instructor" certification through the manufacturer becomes invalid for any reason, their POST Conducted Energy Device Master Instructor Certification for that device shall immediately be deemed inactive. ()

(BREAK IN CONTINUITY OF SECTIONS)

333. CONDUCT AND BEHAVIOR.

01. POST Minimum Standards for Employment. ~~Any~~ Each vocational law enforcement student ~~that~~ ~~does not~~ shall meet the Minimum Standards for Employment as provided in Sections 050 through 064 of these rules ~~with~~ with the exception of age. Any vocational law enforcement student that does not meet the standards shall not be given the final test unless they have been granted a waiver in accordance with Subsection 327.03 of these rules.

~~(4-2-08)~~()

02. Code of Conduct/Code of Ethics. Every vocational law enforcement student ~~must~~ shall attest that he has read, understands, and will abide by the Law Enforcement Code of Conduct as found in Subsection 091.04 of these rules and the Law Enforcement Code of Ethics as found in Subsection 091.05 of these rules.

~~(4-2-08)~~()

03. Integrity. The vocational law enforcement program ~~must~~ shall have a policy on integrity. This policy ~~must~~ shall clearly state that dishonesty, including acts of academic dishonesty and plagiarism; untruthfulness; or discourtesy ~~will~~ shall not be tolerated. This policy ~~must~~ shall be reviewed with all vocational law enforcement students upon entry into the program.

~~(4-11-06)~~()

04. Social Contact. The vocational law enforcement program ~~must~~ shall have a policy expressly prohibiting students from having social contact, either on or off campus, with any vocational law enforcement program staff member or instructor. Associations between students and vocational law enforcement program staff members or instructors ~~must~~ shall be professional in nature at all times.

~~(4-11-06)~~()

05. Other Standards of Conduct and Behavior. The vocational law enforcement program ~~must~~ shall address other standards of conduct and behavior that reflect good taste, courtesy, consideration, and respect for the rights and privileges of others. Any conduct detrimental to the conduct, efficiency, or discipline of the vocational law enforcement program ~~must~~ shall be prohibited.

~~(4-11-06)~~()

(BREAK IN CONTINUITY OF SECTIONS)

362. DOCUMENTATION.

01. Submission of Written Certification. In January of each year, the law enforcement agency head ~~must~~ shall submit written certification to the Council of the number of hours of continuing training each officer within his agency has completed during the previous calendar year.

~~(4-6-05)~~()

02. No Credit on POST Training Record. The Council ~~will~~ shall accept written certification from the agency head as proof that an officer has satisfactorily completed the required forty (40) hours of continuing training every two (2) calendar years. However, no officer ~~will~~ shall be awarded training hours on his POST training record for any training completed which has not been certified by the Council as set out in Sections 281 through 311 of these rules.

~~(4-6-05)~~()

03. Non-Compliance With Continuing Training Requirement. Any peace or county detention officer out of compliance with the continuing training requirement shall be notified in writing, along with his agency head. After notice and an opportunity to be heard, if compliance is still not achieved, the Council may suspend the officer's certification, which shall be immediately restored as soon as compliance is achieved.

()

04. Exception for Active Duty Military Service. The two (2) calendar year continuing training period shall be tolled during a peace or county detention officer's active duty military service, and shall recommence upon the officer's return to peace or county detention officer duties with his appointing agency. The appointing agency shall complete and submit to the Council a Notice of Separation/Change in Status form designated by the Council upon the officer's departure from and return to the agency.

()

IDAPA 11 - IDAHO STATE POLICE

11.11.02 - RULES OF THE IDAHO PEACE OFFICER STANDARDS AND TRAINING COUNCIL FOR JUVENILE DETENTION OFFICERS

DOCKET NO. 11-1102-1001

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. 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 20, 2010.

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:

Establishes timelines for the lapse of Juvenile Detention officer certification and the requirements for reactivating certification.

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(2), Idaho Code, negotiated rulemaking was not conducted because representatives of the affected parties were involved in the drafting and approval of the rule.

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: N/A

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 27, 2010.

DATED this 25th day of August, 2010.

William L. Flink
POST Division Administrator
Idaho State Police
Peace Officer Standards & Training Council
700 S. Stratford Dr.
Meridian, ID 83642-6202
Phone: (208) 884-7251
Facsimile: (208) 884-7295

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 11-1102-1001

035. LAPSE OF JUVENILE DETENTION OFFICER CERTIFICATION.

The certification of any juvenile detention officer shall be considered lapsed if the officer does not serve as a juvenile detention officer in Idaho for three (3) consecutive years. Provided, however, that an Idaho POST-certified juvenile detention officer who remains in a juvenile probation officer, Juvenile Corrections direct care staff, or misdemeanor probation officer duty assignment with a law enforcement agency that is a part of or administered by the state of Idaho or any political subdivision thereof shall retain their POST certification provided they work at least sixty (60) hours per year in that capacity. The three-year period provided herein shall be tolled during any time period that a juvenile detention officer is the subject of a POST decertification investigation and is no longer employed in law enforcement. ()

01. Three to Five Years. A juvenile detention officer who has been out of full-time juvenile detention officer employment status from three (3) to five (5) years and who wants to reactivate certification shall meet the following POST requirements: ()

a. Submit a POST Certification Juvenile Detention Challenge Packet; ()

b. Pass the POST juvenile detention certification examination approved by the POST Council, administered by a POST Training Specialist, and conducted in the manner set forth in Subsection 030.02.c.; and ()

c. Satisfactorily complete a probationary period as set forth in Subsection 031.01. ()

02. Over Five Years. A juvenile detention officer who has been out of full-time juvenile detention officer employment status for over five (5) years shall attend the POST Basic Juvenile Detention Academy and comply with the requirements of Sections 030 and 031 of these rules to 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 juvenile detention officer employment, the officer was engaged in an occupation requiring juvenile justice training, skill, and experience. This evidence shall be submitted with a POST Certification Juvenile Detention Challenge Packet. Upon receiving a waiver, the officer shall meet the following POST requirements: ()

a. Pass the POST juvenile detention certification examination approved by the POST Council, administered by a POST Training Specialist, and conducted in the manner set forth in Subsection 030.02.c.; and ()

b. Satisfactorily complete a probationary period as set forth in Subsection 031.01. ()

03. Over Eight Years. A juvenile detention officer who has been out of full-time juvenile detention officer employment status for over eight (8) years shall attend the POST Basic Juvenile Detention Academy and comply with the requirements of Sections 030 and 031 of these rules to reactivate certification. No waiver of this requirement shall be granted by the Council. ()

04. Exceptions. ()

a. The provisions of Subsections 035.01 through 035.03 shall not apply to officers holding a part-time Juvenile Detention certificate who work at least sixty (60) hours per year as a Juvenile Detention officer. ()

b. The certification of a full-time Juvenile Detention officer transferring to part-time Juvenile Detention officer employment shall remain valid as long as the officer works at least sixty (60) hours per year as a Juvenile Detention officer. ()

0356. -- 999. (RESERVED).

IDAPA 11 - IDAHO STATE POLICE

11.11.03 - RULES OF THE IDAHO PEACE OFFICER STANDARDS AND TRAINING COUNCIL FOR JUVENILE PROBATION OFFICERS

DOCKET NO. 11-1103-1001

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. 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 20, 2010.

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:

Establishes minimum standards for training and certification of part-time Juvenile Probation Officers; establishes timelines for the lapse of Juvenile Probation officer certification and the requirements for reactivating certification.

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(2), Idaho Code, negotiated rulemaking was not conducted because representatives of the affected parties were involved in the drafting and approval of the rule.

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: N/A

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 27, 2010.

DATED this 25th day of August, 2010.

William L. Flink
POST Division Administrator
Idaho State Police
Peace Officer Standards & Training Council
700 S. Stratford Dr.
Meridian, ID 83642-6202
Phone: (208) 884-7251
Facsimile: (208) 884-7295

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 11-1103-1001

010. DEFINITIONS.

01. Basic Juvenile Probation Academy. A basic course of instruction for Juvenile Probation Officers as recognized by POST Council. (5-3-03)

02. Challenge Exam. A test to determine a person's competence for waiver of the basic Juvenile Probation Academy. (5-3-03)

03. Juvenile Probation Department. Any public or private agency administered by or contracted with the court, made up of one (1) or more staff to provide juvenile probation services to a county at the expense and concurrence of the county commissioners. Services may include intake, diversion, supervision, restitution, and community service work. (5-3-03)

04. Juvenile Probation Officer. Any full- or part-time employee of a county juvenile probation department who is responsible for preparing social history reports to the court, making recommendations regarding conditions of probation and the supervision of juvenile offenders' compliance with court orders. ~~(5-3-03)~~(____)

05. Juvenile Training Council. An advisory group to the POST Council that is represented by the Director of the Department of Juvenile Corrections, a Magistrate, a county Juvenile Detention Director, a county Chief Probation Officer, a county Commissioner, a county Clerk, and a county Sheriff. The purpose of the Juvenile Training Council is to advise POST Council in the planning, development, and operation of the Juvenile Probation Academy. (3-30-07)

06. Mandatory Certification. To issue a certificate to a juvenile probation officer based upon successful completion of the mandatory training requirements established by POST Council. (5-3-03)

07. Voluntary Certification. To issue a certificate to a juvenile probation officer based upon successful completion of the voluntary training requirements established by POST Council. (5-3-03)

011. -- 029. (RESERVED).

030. JUVENILE PROBATION OFFICER CERTIFICATION.

01. Decertification. The council may decertify any juvenile probation 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. (5-3-03)

02. Certification. ~~The following dates govern voluntary and mandatory certification:~~ (5-3-03)(____)

~~**a.** From October 1, 2001 through September 30, 2003, any county Juvenile Probation Officer may receive voluntary certification from POST upon successful completion of the requirements outlined in Sections 031 or 032. (5-3-03)~~

~~**ba.** If Any full-time juvenile probation officer employed on or after October 1, 2003, any juvenile probation officer shall be certified by ~~obtaining mandatory certification from~~ the Peace Officer Standards and Training Council within one (1) year of their initial hire date ~~the officer was first employed~~ as a full-time juvenile probation officer. (5-3-03)(____)~~

~~**eb.** Any full-time Juvenile probation officers employed prior to October 1, 2003, shall ~~comply with the training and certification provisions of Section 030~~ be certified by the Peace Officer Standards and Training Council by September 30, 2005; however, the requirement for successful completion of the POST Basic Juvenile Probation Academy ~~will shall~~ be waived if the officer scores a minimum of seventy-five percent (75%) on ~~a challenge the~~ POST juvenile probation certification examination ~~administered by POST and any other requirements for certification~~. The officer ~~will shall~~ be allowed two (2) attempts to pass the examination. The attempts ~~must shall~~ be no less than thirty (30) days apart and no more than six (6) months apart. If the officer fails both attempts ~~or fails to~~ retake the examination within six (6) months, the officer must he shall successfully complete the POST Basic~~

Juvenile Probation Academy to be certified. (5-3-03)()

c. Any part-time juvenile probation officer employed on or after October 1, 2010 shall be certified by the Peace Officer Standards and Training Council within one (1) year of their initial hire date as a part-time juvenile probation officer. ()

d. Any part-time juvenile probation officer employed prior to October 1, 2010 shall be certified by the Peace Officer Standards and Training Council by September 30, 2012; however, the requirement for successful completion of the POST Basic Juvenile Probation Academy shall be waived if the officer successfully completes the challenge procedure requirements prescribed in Section 032 of these rules. ()

03. Applications. All applications for award of the Juvenile Probation Officer Certificate shall be completed on the prescribed form "Application for Certification" as provided by the POST Council. (5-3-03)

04. Submission. The Application for Certification form ~~must~~ shall be submitted by the ~~officer/~~ applicant to ~~the applicant's department~~ his agency head, who shall review it for accuracy prior to signing it and forwarding ~~the application~~ it to the Council. Certificates ~~will~~ shall be issued to the ~~department~~ agency head for award to the applicant. (5-3-03)()

05. Minimum Standards. Each applicant ~~must~~ shall meet the minimum standards for employment and basic training as provided in IDAPA 11.11.01, "Rules of the Idaho Peace Officer Standards and Training Council," with the exception of ~~height, weight,~~ fitness, and physical disability which ~~will~~ shall be left to the discretion of the employing agency. (5-3-03)()

06. Retaining Certification. A certified juvenile probation officer shall work sixty (60) hours annually in a juvenile probation officer capacity to retain certification. Documentation of hours worked shall be kept on file at the employing agency. Any juvenile probation officer working less than sixty (60) hours annually shall complete all requirements set forth in Section 033 to be recertified. ()

(BREAK IN CONTINUITY OF SECTIONS)

033. LAPSE OF JUVENILE PROBATION OFFICER CERTIFICATION.

The certification of any juvenile probation officer shall be considered lapsed if the officer does not serve as a juvenile probation officer in Idaho for three (3) consecutive years. Provided, however, that an Idaho POST-certified juvenile probation officer who remains in a juvenile detention officer, Juvenile Corrections direct care staff, or misdemeanor probation officer duty assignment with a law enforcement agency that is a part of or administered by the state of Idaho or any political subdivision thereof shall retain their POST certification provided they work at least sixty (60) hours per year in that capacity. The three-year period provided herein shall be tolled during any time period that a juvenile probation officer is the subject of a POST decertification investigation and is no longer employed in law enforcement. ()

01. Three to Five Years. A juvenile probation officer who has been out of juvenile probation officer employment status from three (3) to five (5) years and who wants to reactivate certification shall meet the following POST requirements: ()

a. Submit a POST Certification Juvenile Probation Challenge Packet; ()

b. Pass the POST juvenile probation certification examination approved by the POST Council, administered by a POST Training Specialist, and conducted in the manner set forth in Subsection 030.02.b.; and ()

c. Satisfactorily complete a probationary period as set forth in Subsection 031.01. ()

02. Over Five Years. A juvenile probation officer who has been out of juvenile probation officer

employment status for over five (5) years shall attend the POST Basic Juvenile Probation Academy and comply with the requirements of Sections 030 and 031 of these rules to 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 juvenile probation officer employment, the officer was engaged in an occupation requiring juvenile justice training, skill, and experience. This evidence shall be submitted with a POST Certification Juvenile Probation Challenge Packet. Upon receiving a waiver, the officer shall meet the following POST requirements: ()

a. Pass the POST juvenile probation certification examination approved by the POST Council, administered by a POST Training Specialist, and conducted in the manner set forth in Subsection 030.02.b.; and ()

b. Satisfactorily complete a probationary period as set forth in Subsection 031.01. ()

03. **Over Eight Years.** A juvenile probation officer who has been out of juvenile probation officer employment status for over eight (8) years shall attend the POST Basic Juvenile Probation Academy and comply with the requirements of Sections 030 and 031 of these rules to reactivate certification. No waiver of this requirement shall be granted by the Council. ()

0334. -- 999. (RESERVED).

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. 11-1104-1001

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. 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 20, 2010.

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:

Clarifies minimum standards and documentation requirements; gives the POST Division Administrator additional authority to consider requests for hearing and vision waivers.

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(2), Idaho Code, negotiated rulemaking was not conducted because representatives of the affected parties were involved in the drafting and approval of the rule.

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: N/A

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 27, 2010.

DATED this 25th day of August, 2010.

William L. Flink
POST Division Administrator
Idaho State Police
Peace Officer Standards & Training Council
700 S. Stratford Dr.
Meridian, ID 83642-6202
Phone: (208) 884-7251
Facsimile: (208) 884-7295

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 11-1104-1001

033. EDUCATION.

The applicant shall be a high school graduate or have earned a GED (General Education Development) certificate. (4-2-08)

01. Documentation. Proof of education shall not have been mutilated, altered, or damaged, and shall be in the form of a photocopy of one (1) of the following: (~~4-2-08~~)()

a. High school diploma; (4-2-08)

b. GED certificate; (4-2-08)

c. High school transcript that indicates the date of graduation; (~~4-2-08~~)()

d. GED test report form; ~~or~~ (~~4-2-08~~)()

e. High school equivalency certificate; or ()

ef. Official ~~College~~ transcript indicating the successful completion of a minimum of fifteen (15) academic credits. (~~4-2-08~~)()

034. EXPERIENCE AGE.

The applicant shall ~~have~~ be a minimum of ~~two (2) years of any combination of responsible work experience, military service, education, or any other productive activity~~ twenty-one (21) years of age. (~~4-2-08~~)()

(BREAK IN CONTINUITY OF SECTIONS)

037. MILITARY RECORD.

01. Discharge. A “dismissal,” “bad conduct discharge” (BCD), “dishonorable discharge” (DD), or administrative discharge of other than honorable (OTH) from the military service ~~will~~ shall 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~~ Division Administrator. The ~~Executive Director will~~ Division Administrator shall have the discretion to refer the application to the POST Council. In the case of a “general” discharge, the POST Council ~~will~~ shall review the application and determine whether the individual ~~will~~ shall be certifiable as a correction officer in the state of Idaho. (~~3-29-10~~)()

02. Documentation. Proof of military record shall not have been mutilated, altered, or damaged; shall indicate character of service; and shall be in the form of a photocopy of the following: ()

a. DD-214 for any active military service; ()

b. NGB Form 22 for any National Guard service; and ()

c. AF-216 for any Air Force service. ()

(BREAK IN CONTINUITY OF SECTIONS)

039. PHYSICAL -- MEDICAL.

01. Requirements. (4-11-06)

a. Hearing. The applicant ~~must~~ shall have unaided or aided hearing between zero (0) and thirty (30) decibels for each ear at the frequencies of one thousand (1000) Hz and two thousand (2000) Hz; and unaided or aided hearing between zero (0) and fifty (50) decibels for each ear at the frequency of three thousand (3000) Hz. Waiver of the above may be considered by the POST Division Administrator if accompanied by the certificate of an audiologist or ear, nose, and throat physician that the applicant's condition will not jeopardize or impair the applicant's ability to perform the duties of a correction officer. ~~If the applicant's unaided or aided hearing at one thousand (1000) Hz and two thousand (2000) Hz is between thirty one (31) and forty (40) decibels, the applicant may be accepted upon approval of the POST Executive Director. The Executive Director~~ POST Division Administrator shall have the discretion to refer the application to the POST Council. ~~If the applicant's unaided or aided hearing at one thousand (1000) Hz and two thousand (2000) Hz is over forty (40) decibels or if the applicant's unaided or aided hearing at three thousand (3000) Hz is over fifty (50) decibels, the POST Council shall review the application and determine whether the individual shall be certifiable as a correction officer in the state of Idaho.~~ (4-2-08)(____)

b. Vision. The applicant ~~must~~ shall have uncorrected vision in each eye of no weaker than twenty/two hundred (20/200) with the strong eye corrected to twenty/thirty (20/30) and the weaker eye corrected to twenty/sixty (20/60). An applicant who wears contact lenses is exempt from the uncorrected vision of twenty/two hundred (20/200), but ~~must~~ shall have the strong eye corrected to twenty/thirty (20/30) and the weaker eye corrected to twenty/sixty (20/60). A full eye examination ~~must~~ shall be administered by an optometrist or ophthalmologist to any applicant who wears glasses whose uncorrected vision in either eye is twenty/one hundred fifty (20/150) or weaker. Waiver of the above may be considered by the ~~Council~~ POST Division Administrator if accompanied by the certificate of a vision specialist that the applicant's condition will not jeopardize or impair the applicant's ability to perform the duties of a correction officer. The POST Division Administrator shall have the discretion to refer the application to the POST Council. (5-8-09)(____)

c. Disease/Condition. The applicant ~~must~~ shall be free from any impediments of the senses of sight, hearing, taste, smell, and touch; physically sound; well developed physically and in possession of his extremities; free from any physical defects, chronic or organic diseases, organic or functional conditions, or emotional or mental instabilities which may tend to impair efficient performance of duty or which might endanger the lives of others or the life of the officer. Waiver of Section 039 may be considered by the Council upon the applicant's demonstration that the deficiency does not jeopardize or impair his ability to perform the duties of a correction officer. (4-2-08)(____)

d. Physical ~~Agility~~ Readiness Test. The applicant ~~must~~ shall pass the POST Physical ~~Agility~~ Readiness Test for Correction Officers. (4-11-06)(____)

02. Procedures. (4-11-06)

a. A POST Council-approved medical history form ~~must~~ shall be supplied by each applicant to the examining physician. The medical history ~~must~~ shall include information on past and present diseases, injuries and operations. (4-11-06)(____)

b. A medical examination ~~must~~ shall be administered by a licensed physician or his designee to determine if the applicant is free from any physical, emotional, or mental condition which might adversely affect the applicant's ability to perform the duties of a correction officer. The physician ~~must~~ shall record his findings on the appropriate form or letter and ~~must~~ shall note thereon, for evaluation by the appointing authority, any past or present physical defects, diseases, injuries, operations or conditions of an abnormal or unusual nature, or indications of mental or emotional instability. A medical examination shall remain valid for one (1) year. (4-2-08)(____)

(BREAK IN CONTINUITY OF SECTIONS)

061. MINIMUM STANDARDS FOR EMPLOYMENT FOR ADULT PROBATION AND PAROLE OFFICERS.

Every adult probation and parole officer ~~must~~ shall meet the minimum standards for employment as provided in

IDAPA 11.11.01, "Rules of the Idaho Peace Officer Standards and Training Council," Sections 050 through 065, with the exception of hearing, vision, and physical agility. ~~(4-2-08)~~(____)

01. Hearing. An applicant for adult probation and parole officer certification ~~must~~ shall have unaided or aided hearing between zero (0) and twenty-five (25) decibels for each ear at the frequencies of one thousand (1000) Hz, two thousand (2000) Hz, and three thousand (3000) Hz. Waiver of the above may be considered by the POST Division Administrator if accompanied by the certificate of an audiologist or ear, nose, and throat physician that the applicant's condition will not jeopardize or impair the applicant's ability to perform the duties of an adult probation and parole officer. ~~If the applicant's unaided or aided hearing is between twenty-six (26) and forty (40) decibels, the applicant may be accepted upon approval of the POST Executive Director.~~ The ~~Executive Director~~ POST Division Administrator shall have the discretion to refer the application to the POST Council. ~~If the applicant's unaided or aided hearing is over forty (40) decibels, the POST Council shall review the application and determine whether the individual shall be certifiable as an adult probation and parole officer in the state of Idaho.~~ ~~(4-2-08)~~(____)

02. Vision. (4-11-06)

a. An applicant for adult probation and parole officer certification ~~must~~ shall possess binocular coordination that does not manifest diplopia; depth of proficiency of a minimum of one (1) minute of arc at twenty (20) feet; peripheral vision ~~must~~ shall be binocularly two hundred (200) degrees laterally with sixty (60) degrees upward and seventy (70) degrees downward. There ~~must~~ shall be no pathology of the eye; applicant ~~must~~ shall possess a minimum of seventy percent (70%) proficiency on a color discrimination test. Waiver of the above may be considered by the ~~Council~~ POST Division Administrator if accompanied by the certificate of a vision specialist that the applicant's condition will not jeopardize or impair the applicant's ability to perform the duties of an adult probation and parole officer. The POST Division Administrator shall have the discretion to refer the application to the POST Council. ~~(4-2-08)~~(____)

b. The applicant ~~must~~ shall have uncorrected vision in each eye of no weaker than twenty/two hundred (20/200) with the strong eye corrected to twenty/twenty (20/20) and the weaker eye corrected to twenty/sixty (20/60). An applicant who wears contact lenses is exempt from the uncorrected vision of twenty/two hundred (20/200), but ~~must~~ shall have the strong eye corrected to twenty/twenty (20/20) and the weaker eye corrected to twenty/sixty (20/60). A full eye examination ~~must~~ shall be administered by an optometrist or ophthalmologist to any applicant who wears glasses whose uncorrected vision in either eye is twenty/one hundred fifty (20/150) or weaker. Waiver of the above may be considered by the ~~Council~~ POST Division Administrator if accompanied by the certificate of a vision specialist that the applicant's condition will not jeopardize or impair the applicant's ability to perform the duties of an adult probation and parole officer. The POST Division Administrator shall have the discretion to refer the application to the POST Council. ~~(4-2-08)~~(____)

03. Physical ~~Agility~~ Readiness Test. An applicant for adult probation and parole officer certification ~~must~~ shall pass the POST Physical ~~Agility~~ Readiness Test for Adult Probation and Parole officers. ~~(4-11-06)~~(____)

IDAPA 11 - IDAHO STATE POLICE

11.11.05 - RULES OF THE IDAHO PEACE OFFICER STANDARDS AND TRAINING COUNCIL FOR IDAHO DEPARTMENT OF JUVENILE CORRECTIONS DIRECT CARE STAFF

DOCKET NO. 11-1105-1001

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. 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 20, 2010.

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:

Revises timelines for the lapse of Juvenile Corrections Direct Care Staff certification so they are in line with all of the other disciplines POST certifies.

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(2), Idaho Code, negotiated rulemaking was not conducted because representatives of the affected parties were involved in the drafting and approval of the rule.

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: N/A

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 27, 2010.

DATED this 25th day of August, 2010.

William L. Flink
POST Division Administrator
Idaho State Police
Peace Officer Standards & Training Council
700 S. Stratford Dr.
Meridian, ID 83642-6202
Phone: (208) 884-7251
Facsimile: (208) 884-7295

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 11-1105-1001

103. LAPSE OF JUVENILE CORRECTIONS CERTIFICATION.

The certification of any juvenile corrections direct care staff ~~will~~ shall be considered lapsed if the individual does not serve as a juvenile corrections direct care staff ~~for the department or as a POST-certified juvenile probation or juvenile detention officer~~ in Idaho for ~~two~~ three (23) consecutive years. Provided, however, that an Idaho POST-certified juvenile corrections direct care staff who remains in a juvenile detention officer, juvenile probation officer, or misdemeanor probation officer duty assignment with a law enforcement agency that is a part of or administered by the state of Idaho or any political subdivision thereof shall retain their POST certification provided they work at least sixty (60) hours per year in that capacity. The three-year period provided herein shall be tolled during any time period that a juvenile corrections direct care staff is the subject of a POST decertification investigation and is no longer employed in law enforcement. (5-8-09)(____)

01. ~~Over Two~~ Three to Five Years. A juvenile corrections direct care staff who has been out of ~~full-time status with the department in a juvenile corrections direct care staff role, or as a certified juvenile detention or juvenile probation officer in Idaho for over two (2)~~ employment status from three (3) to five (5) years and whose job requires that he be recertified, or who wishes wants to be recertified, must reactivate certification shall meet the following POST requirements: (5-8-09)(____)

- a. Submit a POST Certification Juvenile Corrections ~~Certification~~ Challenge Packet; (5-8-09)(____)
- b. Pass the POST juvenile corrections certification examination approved by the POST Council, administered by a POST Training Specialist, and conducted in the manner set forth in Subsection 100.06.c. of these rules, ~~administered by a POST Training Specialist;~~ and (5-8-09)(____)
- c. Satisfactorily complete a probationary period ~~of not less than one thousand forty (1,040) hours of continuous employment in a direct care staff role with the department~~ as set forth in Subsection 101.01 of these rules. (5-8-09)(____)

02. ~~Over Three~~ Five Years. A juvenile corrections direct care staff who has been out of ~~full-time status with the department in a juvenile corrections direct care staff role, or as a certified juvenile detention or juvenile probation officer in Idaho for over three (3)~~ employment status for over five (5) years, must shall attend the POST Basic Juvenile Corrections Academy ~~in order to earn recertification~~ and comply with the requirements of Sections 100 and 101 of these rules to reactivate certification. The Council may waive this requirement on a showing of good cause by the direct care staff supported by clear and convincing evidence that during a substantial part of the time out of ~~full-time~~ juvenile corrections direct care staff status employment, the individual was engaged in an occupation requiring juvenile corrections direct care staff training, skill, and experience. This evidence ~~must~~ shall be submitted with a POST Certification Juvenile Corrections ~~Certification~~ Challenge Packet. Upon receiving a waiver, the direct care staff ~~must~~ shall meet the following POST requirements: (5-8-09)(____)

- a. Pass the POST juvenile corrections certification examination approved by the POST Council, administered by a POST Training Specialist, and conducted in the manner set forth in Subsection 100.06.c. of these rules, ~~administered by a POST Training Specialist;~~ and (5-8-09)(____)
- b. Satisfactorily complete a probationary period ~~of not less than one thousand forty (1,040) hours of continuous employment in a direct care staff role with the department~~ as set forth in Subsection 101.01 of these rules. (5-8-09)(____)

03. ~~Over Five~~ Eight Years. A juvenile corrections direct care staff who has been out of ~~full-time status with the department in a juvenile corrections direct care staff role, or as a certified juvenile detention or juvenile probation officer in Idaho for over five (5)~~ employment status for over eight (8) years must shall attend ~~and pass~~ the POST Basic Juvenile Corrections Academy ~~in order to earn recertification~~ and comply with the requirements of Sections 100 and 101 of these rules to reactivate certification. No waiver of this requirement ~~will~~ shall be granted by the Council. (5-8-09)(____)

IDAPA 11 - IDAHO STATE POLICE

11.11.06 - RULES OF THE IDAHO PEACE OFFICER STANDARDS AND TRAINING COUNCIL FOR MISDEMEANOR PROBATION OFFICERS

DOCKET NO. 11-1106-1001 (NEW CHAPTER)

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. 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 20, 2010.

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:

This new rule chapter establishes the minimum standards for employment, training, and certification for Misdemeanor Probation Officers.

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(2), Idaho Code, negotiated rulemaking was not conducted because representatives of the affected parties were involved in the drafting and approval of the rule.

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: N/A

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 27, 2010.

DATED this 25th day of August, 2010.

William L. Flink
POST Division Administrator
Idaho State Police
Peace Officer Standards & Training Council
700 S. Stratford Dr.
Meridian, ID 83642-6202
Phone: (208) 884-7251
Facsimile: (208) 884-7295

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 11-1106-1001

IDAPA 11
TITLE 11
CHAPTER 06

11.11.06 - RULES OF THE IDAHO PEACE OFFICER STANDARDS AND TRAINING
COUNCIL FOR MISDEMEANOR PROBATION OFFICERS

000. LEGAL AUTHORITY.

Pursuant to Section 19-5109(8), Idaho Code, the Peace Officer Standards and Training Council may, upon recommendation of the Misdemeanor Probation Training Council, establish minimum basic training and certification standards for misdemeanor probation officers. ()

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as IDAPA 11.11.06, "Rules of the Idaho Peace Officer Standards and Training Council for Misdemeanor Probation Officers," IDAPA 11, Title 11, Chapter 06. ()

02. Scope. These rules constitute the minimum standards of training, education, employment, and certification of misdemeanor probation officers in Idaho. ()

002. WRITTEN INTERPRETATIONS.

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, any written statements which might pertain to the interpretation of the rules of this chapter or to the documentation of compliance with the rules of this chapter are available for public inspection and copying at cost at the Idaho State Police, Peace Officer Standards and Training, 700 South Stratford Drive, Meridian, Idaho, 83642-6202. ()

003. ADMINISTRATIVE APPEALS.

Any appeals allowed under these rules shall be governed by the Idaho Administrative Procedures Act (Title 67, Chapter 52, Idaho Code) and by IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General." ()

004. INCORPORATION BY REFERENCE.

There are no documents that have been incorporated by reference into this rule. ()

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, 700 S. Stratford Dr., Meridian, Idaho 83642-6202. The telephone number of administration is (208) 884-7250 and the telephone number of basic academy training is (208) 884-7337. The facsimile number of administration is (208) 884-7295 and the facsimile number of basic academy training is (208) 884-7398. The Peace Officer Standards and Training website is <http://www.idaho-post.org>. ()

006. PUBLIC RECORDS ACT COMPLIANCE.

The rules contained herein have been promulgated according to the provisions of Title 67, Chapter 52, Idaho Code, and are public records. ()

007. -- 009. (RESERVED).

010. DEFINITIONS.

01. Basic Misdemeanor Probation Academy. A basic course of instruction for Misdemeanor Probation Officers as recognized by POST Council. ()

02. Misdemeanor Probation Department. Any public agency administered by the county, made up of one (1) or more staff to provide misdemeanor probation services to a county at the expense and concurrence of the county commissioners. Services may include intake, diversion, supervision, restitution, and community service work. ()

03. Misdemeanor Probation Officer. Any employee of a misdemeanor probation department who is responsible for preparing reports to the court, making recommendations regarding conditions of probation, and the supervision of misdemeanor offenders' compliance with court orders. ()

04. Misdemeanor Probation Training Council. An advisory group to the POST Council that is comprised of a Magistrate, two (2) county commissioners, three (3) misdemeanor probation department administrators, a representative of the Idaho Association of Counties, a representative of the Idaho Department of Correction, and a representative of the Administrative Office of the Courts. The purpose of the Misdemeanor Probation Training Council is to advise POST Council in the planning, development, and operation of the Basic Misdemeanor Probation Academy. ()

05. Part-Time Misdemeanor Probation Officer. Any employee of a misdemeanor probation department who is responsible for preparing reports to the court, making recommendations regarding conditions of probation, or the supervision of misdemeanor offenders' compliance with court orders, and is employed less than full time or does not meet the definition of "employee" as defined in Section 59-1302, Idaho Code. ()

011. -- 029. (RESERVED).

030. MISDEMEANOR PROBATION OFFICER CERTIFICATION.

01. Decertification. The POST Council may decertify any misdemeanor probation officer in the same manner as provided in IDAPA 11.11.01, "Rules of the Idaho Peace Officer Standards and Training Council." ()

02. Eligibility. To be eligible for the award of the Basic Misdemeanor Probation Certificate, an applicant shall be a full-time misdemeanor probation officer employed by an Idaho misdemeanor probation department. To be eligible for the award of the Part-Time Basic Misdemeanor Probation Certificate, an applicant shall be a part-time misdemeanor probation officer employed by an Idaho misdemeanor probation department. ()

03. Certification. ()

a. Any full-time or part-time misdemeanor probation officer employed on or after January 10, 2011 shall be certified by the Peace Officer Standards and Training Council within one (1) year of their initial hire date as a full-time or part-time misdemeanor probation officer. ()

b. Any full-time or part-time misdemeanor probation officer employed prior to January 10, 2011 shall be certified by the Peace Officer Standards and Training Council by January 9, 2014; however, the requirement for successful completion of the POST Basic Misdemeanor Probation Academy shall be waived if the officer has been continuously employed as a misdemeanor probation officer in Idaho since January 10, 2006 and successfully completes the following: ()

i. Submits a POST Certification Misdemeanor Probation Challenge Packet to POST Council, which shall include copies of training records, transcripts, certificates, diplomas, or other documents that substantiate the officer's training, education, and experience; ()

ii. Passes the POST misdemeanor probation certification examination approved by the POST Council, administered by a POST Training Specialist, and conducted in the manner set forth in Subsection 031.03 of these rules; ()

iii. Attends and passes the Idaho POST Misdemeanor Probation Academy's "Legal and Liability Issues" and "Appropriate Use of Physical Force" training or POST-approved equivalent; and ()

iv. Satisfactorily completes a probationary period as set forth in Subsection 031.01 of these rules.

()

04. Applications. All applications for award of a Misdemeanor Probation Certificate shall be completed by the applicant on the prescribed form "Application for Certification" as provided by the POST Council. ()

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

06. Minimum Standards. Each applicant shall meet the minimum standards for employment and basic training as provided in IDAPA 11.11.01, "Rules of the Idaho Peace Officer Standards and Training Council," with the exception of fitness and physical disability which shall be left to the discretion of the employing department. ()

07. Limitation of Part-Time Officers. A part-time misdemeanor probation officer's certification shall be effective only during those periods when he is formally assigned by the employing department to perform the duties of a part-time misdemeanor probation officer. ()

08. From Full-Time to Part-Time Status. The certification of a full-time Misdemeanor Probation officer transferring to part-time Misdemeanor Probation officer employment shall remain valid as long as the officer works at least sixty (60) hours per year as a Misdemeanor Probation officer. ()

09. From Part-Time to Full-Time Status. To be certified as a full-time misdemeanor probation officer, a currently certified part-time misdemeanor probation officer, upon appointment to full-time misdemeanor probation officer status, shall submit an Application for Certification as prescribed in Subsections 030.04 and 030.05 of this rule. ()

031. THE BASIC AND PART-TIME BASIC MISDEMEANOR PROBATION CERTIFICATE.

The following requirements are necessary for award of the basic and the part-time basic misdemeanor probation certificate: ()

01. Probation. The applicant shall have satisfactorily completed at least a six (6) month probationary period, which may include Basic Misdemeanor Probation Academy time. The probationary period may be extended by the employing department which could delay certification until the probationary period is satisfactorily completed. This six (6) months' time shall be continuous with the department the officer is employed by when applying for certification. The probationary period shall not extend over one (1) year for certification purposes. ()

02. Basic Training. The applicant shall have satisfactorily completed the POST Basic Misdemeanor Probation Academy. ()

03. Certification Exam. The applicant shall have passed the POST misdemeanor probation certification examination approved by the POST Council. The applicant shall be allowed two (2) attempts to pass the examination with a minimum score of seventy-five percent (75%). The attempts shall be no less than thirty (30) days apart and no more than six (6) months apart. If an applicant fails both attempts or fails to retake the examination within six (6) months, he shall reapply and successfully complete the POST Basic Misdemeanor Probation Academy prior to taking the certification examination again. ()

04. Misdemeanor Probation Training Manual. The applicant shall have satisfactorily completed forty (40) hours of POST-approved, supervised misdemeanor probation training in the employing department, or another department if necessary. Evidence of the successful completion of such training shall be submitted to POST Council. ()

032. LAPSE OF MISDEMEANOR PROBATION OFFICER CERTIFICATION.

The certification of any misdemeanor probation officer shall be considered lapsed if the officer does not work as a misdemeanor probation officer in Idaho a minimum of sixty (60) hours per year for three (3) consecutive years. Provided, however, that an Idaho POST-certified misdemeanor probation officer who remains in a juvenile probation

officer duty assignment with a law enforcement agency that is a part of or administered by the state of Idaho or any political subdivision thereof shall retain their POST certification provided they work at least sixty (60) hours per year in that capacity. The three-year period provided herein shall be tolled during any time period that a misdemeanor probation officer is the subject of a POST decertification investigation and is no longer employed in law enforcement. ()

01. Three to Five Years. A misdemeanor probation officer who has been out of misdemeanor probation officer employment status from three (3) to five (5) years and who wants to reactivate certification shall meet the following POST requirements: ()

a. Submit a POST Certification Misdemeanor Probation Challenge Packet; ()

b. Pass the POST misdemeanor probation certification examination approved by the POST Council, administered by a POST Training Specialist, and conducted in the manner set forth in Subsection 031.03 of this rule; and ()

c. Satisfactorily complete a probationary period as set forth in Subsection 031.01 of this rule. ()

02. Over Five Years. A misdemeanor probation officer who has been out of misdemeanor probation officer employment status for over five (5) years shall attend the POST Basic Misdemeanor Probation Academy and comply with the requirements of Section 031 of these rules to 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 misdemeanor probation officer employment, the officer was engaged in an occupation requiring criminal justice training, skill, and experience. This evidence shall be submitted with a POST Certification Misdemeanor Probation Challenge Packet. Upon receiving a waiver, the officer shall meet the following POST requirements: ()

a. Pass the POST misdemeanor probation certification examination approved by the POST Council, administered by a POST Training Specialist, and conducted in the manner set forth in Subsection 031.03 of this rule; and ()

b. Satisfactorily complete a probationary period as set forth in Subsection 031.01 of this rule. ()

03. Over Eight Years. A misdemeanor probation officer who has been out of misdemeanor probation officer employment status for over eight (8) years shall attend the POST Basic Misdemeanor Probation Academy and comply with the requirements of Section 031 of these rules to reactivate certification. No waiver of this requirement shall be granted by the Council. ()

033. -- 999. (RESERVED).

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.14.01 - RULES OF THE STATE BOARD OF SOCIAL WORK EXAMINERS

DOCKET NO. 24-1401-1001

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. The action is authorized pursuant to Section 54-3204, 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 20, 2010.

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:

The Board of Social Work Examiners is removing rules given passage of House Bill 537 which eliminated licensure based upon education in a related field. The Board is also clarifying the type of supervised experience required for licensure at the clinical level. This clarification is needed to ensure that clinical level social workers have adequate experience in treatment.

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: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because discussions were held in a noticed, open meeting of the Board.

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: N/A

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Cherie Simpson at (208) 334-3233.

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 27, 2010.

DATED this 26th day of August, 2010.

Tana Cory
Bureau Chief
Bureau of Occupational Licenses
700 W State
Boise, ID 83702
(208) 334-3233 Ph. (208) 334-3945, fax

THE FOLLOWING IS THE PROPOSED TEXT FOR DOCKET NO. 24-1401-1001

100. APPROVED COLLEGES AND RELATED FIELDS (RULE 100).

~~Social work and social work practice is a professional discipline requiring specialized knowledge and training.~~
(7-1-93)

~~01. College or University Approved by the Board.~~ Any college, university, or school of social work which is accredited or is a candidate for accreditation by the Northwest Association of Secondary and Higher Schools or any similar accrediting body.
(5-3-03)(____)

~~02. Related Fields.~~ A baccalaureate degree that includes thirty-six (36) semester credit hours with a grade of "C" or above in each course, in which the content is consistent with that recommended as minimal to social work training by an approved accrediting body. Eighteen (18) of the thirty-six (36) semester credit hours shall be taught by a social worker with a graduate degree from an accredited school of social work. The basic content areas to be required shall include:
(5-3-03)

~~a. Social work practice is to include a methods content of a minimum of six (6) semester credit hours; and a social work practicum with a minimum of nine (9) semester credit hours. The methods courses are to be taken previous to participation in practicum and are to be taught by a faculty member with a graduate degree (MSW) from an accredited school of social work. The practicum is to be supervised by a faculty member who has a graduate degree (MSW) from an accredited school of social work. The on-site supervisor is to be a licensed social worker. Both the methods courses and the practicum must have been completed within the past five (5) years (date computed from time of application). The program providing the practice content and internship experience is developed and monitored to assure that internship students demonstrate application of the knowledge, values and skills taught within the required basic content areas.~~
(7-1-96)

~~b. Social welfare policy and services shall include current policies and services, and shall be taught by a faculty member with a graduate degree in social work.~~
(7-1-96)

~~c. Human behavior and social environment shall include human behavior in the social environment with demonstrated content representing five (5) human systems: individual, family, group, organization and community.~~
(7-1-96)

~~d. Social research shall include social statistics and research methods.~~
(7-1-96)

~~e. Ethics shall include any three (3) credit course from a "college or university approved by the board" which includes the word "ethics" in the course title.~~
(7-1-96)

~~f. Cultural diversity shall include a three (3) credit course from a "college or university approved by the board" which includes content specific to ethnic minority group(s).~~
(7-1-96)

~~g. Course content and curriculum preparing students for practice will be evaluated by board review of course and program description provided by the college or university.~~
(7-1-96)

(BREAK IN CONTINUITY OF SECTIONS)

201. PRACTICE OF SOCIAL WORK.

01. Baccalaureate Social Work. The application of social work theory, knowledge, methods, and ethics to restore or enhance social or psychosocial functioning of individuals, couples, families, groups, organizations, and communities. Baccalaureate social work is a generalist practice that includes assessment, planning, intervention, evaluation, case management, information and referral, supportive counseling, supervision, and consultation with clients. Baccalaureate social work also includes advocacy, education, community organization, and the development, implementation and administration of policies, programs, and activities. Bachelor level social workers are prohibited from performing psychotherapy.
(3-20-04)

02. Master's Social Work. The application of social work theory, knowledge, methods and ethics, and the professional use of self to restore or enhance social, psychosocial or biopsychosocial functioning of individuals, couples, families, groups, organizations, and communities. Master's social work requires the application of specialized knowledge and advanced practice skills in the areas of assessment, treatment planning, implementation and evaluation, case management, information and referral, supportive counseling, supervision and consultation with clients, advocacy, teaching, research, community organization, and the development, implementation, and administration of policies, programs, and activities. Master level social workers who do not hold clinical licensure may provide psychotherapy only under the supervision of a licensed clinical social worker, psychologist, or psychiatrist and in accordance with an approved supervision plan. (3-20-04)

03. Clinical Social Work. The practice of clinical social work is a specialty within the practice of master's social work and requires the application of specialized clinical knowledge and advanced clinical skills in the areas of assessment, diagnosis, and treatment of mental, emotional, and behavioral disorders, conditions and addictions. Clinical social work is based on knowledge and theory of psychosocial development, behavior, psychopathology, motivation, interpersonal relationships, environmental stress, social systems, and cultural diversity, with particular attention to person-in-environment. It shares with all social work practice the goal of enhancement and maintenance of psychosocial functioning of individuals, families, and small groups. Clinical social work includes, but is not limited to, individual, couples, family and group psychotherapy, and includes independent and private practice. (3-20-04)

04. Private Practice of Social Work. As defined in Section 54-3207, Idaho Code, is that independent practice in which an individual sets up and maintains responsibility for the contractual conditions of payment with clients, agencies, or institutions. (5-3-03)

05. Employment of a Social Worker. A social worker employed directly by a physician, psychologist or other social worker, or by a public or private agency, institution, hospital, nursing home, rehabilitation center, or any similar facility, is not to be considered within the definition of an independent practitioner. Furthermore, a social worker who contracts with an agency or institution that assumes full responsibility for and supervises the services provided to clients is not considered to be a private practitioner. (5-3-03)

06. Supervision. Supervised experience shall be required for both independent practice status and clinical licensure. Consultative-teaching supervision is directed toward enhancement and improvement of the individual's social work values, knowledge, methods, and techniques. A total of three thousand (3,000) hours of supervised social work experience accumulated in not less than two (2) years is required. Actual supervisor contact shall be face-to-face and provided by a qualified and experienced professional working in the same area of practice and must occur on a regular and on-going basis and consist of a minimum of one hundred hours (100) hours. Ratio of supervisor/supervisee shall not exceed two (2) social workers to one (1) supervisor per hour of supervision. Group supervision totaling no more than fifty (50) hours will be allowed for groups of no more than six (6) persons and the allowable credit shall be prorated at the two to one (2 to 1) ratio (total session minutes divided by total supervisees multiplied by two (2) equals maximum allowable credit per supervisee for the session. i.e. an individual attending a one (1) hour group supervisory session consisting of six (6) supervisees shall be allowed twenty (20) minutes of group supervision credit). Supervisors must hold a degree in social work and a current license in good standing, except as noted in Subsection 201.06.c. (4-2-08)

a. Supervision of baccalaureate social workers pursuing licensure as independent practitioners must be provided by a licensed social worker approved to provide independent practice at the baccalaureate, masters, or clinical level. (3-20-04)

b. Supervision of masters social workers pursuing licensure as independent practitioners must be provided by a licensed social worker approved to provide independent practice at the masters or clinical level. (5-3-03)

c. Supervision of master level social workers pursuing licensure as clinical level practitioners must be provided by either a licensed clinical social worker who is registered as a supervisor, a licensed clinical psychologist, a person licensed to practice medicine and surgery who practices in the area of psychiatry, a licensed clinical professional counselor registered as a supervisor by the Idaho Licensing Board of Professional Counselors and

Marriage and Family Therapists or a licensed marriage and family therapist registered as a supervisor by the Idaho Licensing Board of Professional Counselors and Marriage and Family Therapists and must focus on clinical social work as defined. No less than fifty percent (50%) of supervised experience must be provided by a licensed clinical social worker registered as a supervisor. A master level social worker pursuing licensure at the clinical level must document three thousand (3000) hours of supervised practice as follows: ()

i. ~~One thousand seven hundred fifty (1,750) hours of direct client contact of the required three thousand (3,000) hours involving treatment in clinical social work as defined;~~ and (4-2-08)()

ii. One thousand two hundred fifty (1,250) hours involving assessment, diagnosis, and other clinical social work as defined. ()

d. Supervision reports shall be submitted from each supervisor directly to the Board within thirty (30) days following each six (6) month period. Failure of the supervisor to submit the required reports in a timely manner may result in the supervisor being restricted by the Board from providing further supervision. (3-20-04)

07. Supervised Practice Required. To be eligible for licensure as an independent practitioner a candidate must: (5-3-03)

a. Meet the requirements set forth in Subsection 201.06; (4-2-08)

b. Develop a plan for supervision that must be approved by the Board prior to commencement of supervision. Prior to a change in supervisors, the supervisee must notify the Board and the change must be approved by the Board prior to the commencement of supervision by the new supervisor; and (5-3-03)

c. Not have more than two (2) supervisors at any given time. (5-3-03)

08. Out-of-State Supervised Experience. The Board may consider supervised experience obtained outside the state of Idaho submitted for Idaho license purposes. Supervised experience must be provided by a licensed clinical social worker, licensed marriage and family therapist, licensed clinical psychologist, or a person licensed to practice medicine and surgery who practices in the area of psychiatry. No less than fifty percent (50%) of supervised experience must be provided by a licensed clinical social worker. The applicant must meet the other requirements of supervised practice as set forth in these rules. (4-2-08)