

TITLE 19
CRIMINAL PROCEDURE

CHAPTER 51
PEACE OFFICER STANDARDS AND TRAINING COUNCIL

19-5101. DEFINITIONS. As used in this act:

(a) "Council" means the Idaho peace officer standards and training council.

(b) "County detention officer" means an employee in a county jail who is responsible for the safety, care, protection, and monitoring of county jail inmates.

(c) "Law enforcement" means any and all activities pertaining to crime prevention or reduction and law enforcement, including police, courts, prosecution, corrections, probation, rehabilitation, and juvenile delinquency.

(d) "Peace officer" means any employee of a police or law enforcement agency which is a part of or administered by the state or any political subdivision thereof and whose duties include and primarily consist of the prevention and detection of crime and the enforcement of penal, traffic or highway laws of this state or any political subdivision. "Peace officer" also means an employee of a police or law enforcement agency of a federally recognized Indian tribe who has satisfactorily completed the peace officer standards and training academy and has been deputized by a sheriff of a county or a chief of police of a city of the state of Idaho.

(e) "Political subdivision" means any city or county.

(f) "Emergency communications officer" means any emergency call taker or dispatcher whose primary responsibility is to receive or dispatch calls for emergency services in the state of Idaho.

[19-5101, added 1981, ch. 307, sec. 2, p. 629; am. 1992, ch. 248, sec. 1, p. 730; am. 1997, ch. 84, sec. 1, p. 200; am. 2008, ch. 88, sec. 3, p. 244; am. 2017, ch. 181, sec. 1, p. 412.]

19-5102. COUNCIL ESTABLISHED -- CHAIRMAN -- MEMBERS. There is hereby established in the Idaho state police the Idaho peace officer standards and training council. The chairman of the council shall be appointed by the governor and shall be a voting member of the council which shall be composed of the following members, and which shall reflect a reasonable geographic balance throughout the state:

(a) Three (3) city chiefs of police or their designees;
(b) Three (3) county sheriffs or their designees;
(c) The director of the Idaho state police or his designee;
(d) A county prosecuting attorney or his designee;
(e) The attorney general or his designee;
(f) The special agent in charge of the Idaho division of the federal bureau of investigation or his designee;

(g) The director of the department of correction or his designee;
(h) The director of the fish and game department or his designee;
(i) The director of the department of juvenile corrections or his designee; and

(j) In addition, there shall be advisory to the council, as ex officio nonvoting members of the council, the executive directors of the Idaho association of counties and association of Idaho cities.

[19-5102, added 1981, ch. 307, sec. 2, p. 629; am. 1990, ch. 308, sec. 1, p. 848; am. 1999, ch. 154, sec. 1, p. 428; am. 2000, ch. 469, sec. 36, p. 1492.]

19-5103. COUNCIL -- TERMS OF OFFICE. Council members not serving by virtue of their office shall be appointed for four (4) year terms initially staggered as specified by the governor.

[19-5103, added 1981, ch. 307, sec. 2, p. 629.]

19-5104. COUNCIL -- EXPIRATION OF TERM -- VACANCIES -- ADDITIONAL TERMS. No member shall serve beyond the time when he holds the office or employment by reason of which he was initially eligible for appointment and any member chosen to fill a vacancy created otherwise than by expiration of term shall be appointed for the unexpired portion of the term of the member whom he succeeds. Any member may be appointed for additional terms.

[19-5104, added 1981, ch. 307, sec. 2, p. 630.]

19-5105. CHAIRMAN -- VICE-CHAIRMAN. The governor shall appoint a chairman, and the council annually shall elect a vice-chairman from among the membership.

[19-5105, added 1981, ch. 307, sec. 2, p. 630.]

19-5106. MEMBERSHIP NO DISQUALIFICATION FOR OTHER PUBLIC OFFICE. Notwithstanding any provision of any statute, ordinance, local law or charter provision to the contrary, membership on the commission shall not disqualify any member from holding any other public office or cause the forfeiture thereof.

[19-5106, added 1981, ch. 307, sec. 2, p. 630.]

19-5107. RULES AND REGULATIONS. The council shall promulgate, amend and rescind such rules and regulations in accordance with the provisions of [chapter 52, title 67](#), Idaho Code, it deems necessary to carry out the provisions of this chapter.

[19-5107, added 1981, ch. 307, sec. 2, p. 630.]

19-5108. MEETINGS -- QUORUM -- VOTES -- ADVISORY AND EX OFFICIO MEMBERS. The council shall meet a minimum of once each calendar year and more often at the call of the chairman. The presence of a majority of the voting members of the council shall constitute a quorum for doing business. Advisory and ex officio members shall be entitled to participate in the business and deliberation of the council, but shall not be entitled to vote. The council shall establish its own procedures and requirements with respect to place and conduct of its meetings.

[19-5108, added 1981, ch. 307, sec. 2, p. 630.]

19-5109. POWERS OF THE COUNCIL -- STANDARDS OF TRAINING, EDUCATION AND EMPLOYMENT OF PEACE OFFICERS -- CERTIFICATION -- PENALTIES. (1) It shall be the duty of and the council shall have the power:

(a) To establish the requirements of minimum basic training that peace officers shall complete in order to be eligible for permanent employment as peace officers, and the time within which such basic training must be completed. One (1) component of minimum basic training shall be a course in the investigation and collection of evidence in cases involving an allegation of sexual assault or battery.

(b) To establish the requirements of minimum education and training standards for employment as a peace officer in probationary, temporary, part-time, and/or emergency positions.

(c) To establish the length of time a peace officer may serve in a probationary, temporary, and/or emergency position.

(d) To approve, deny approval or revoke the approval of any institution or school established by the state or any political subdivision or any other party for the training of peace officers.

(e) To establish the minimum requirements of courses of study, attendance, equipment, facilities of all approved schools, and the scholastic requirement, experience and training of instructors at all approved schools.

(f) To establish such other requirements for employment, retention and promotion of peace officers, including minimum age, physical and mental standards, citizenship, moral character, experience and such other matters as relate to the competence and reliability of peace officers.

(g) To certify peace officers as having completed all requirements established by the council in order to be eligible for permanent employment as peace officers in this state.

(h) To receive and file for record copies of merit regulations or local ordinances passed by any political subdivision.

(i) To maintain permanent files and transcripts for all peace officers certified by the council to include any additional courses or advanced courses of instruction successfully completed by such peace officers while employed in this state and to include the law enforcement employment history by agency and dates of service of the officer. Such information shall be made available to any law enforcement agency upon request when a person applies for employment at the requesting law enforcement agency.

(j) To allow a peace officer of a federally recognized Indian tribe within the boundaries of this state to attend the peace officer standards and training academy if said peace officer meets minimum physical and educational requirements of the academy. The Indian tribal law enforcement agency shall reimburse the peace officer standards and training academy for the officer's training. Upon satisfactory completion of the peace officer standards and training academy, the tribal peace officer shall receive a certificate of satisfactorily completing the academy.

(2) After January 1, 1974, any peace officer as defined in section [19-5101](#)(d), Idaho Code, employed after January 1, 1974, except any elected official or deputy serving civil process, the deputy director of the Idaho state police, or any person serving under a temporary commission with any law enforcement agency in times of natural or man-caused disaster declared to be an emergency by the board of county commissioners or by the governor of the state of Idaho, or those peace officers whose primary duties involve motor vehicle parking and animal control pursuant to city or county ordinance, or any peace officer acting under a special deputy commission from the

Idaho state police, shall be certified by the council within one (1) year of employment; provided, however, that the council may establish criteria different than that required of other peace officers for certification of 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 that are primarily administrative. Any such chief of police or state agency administrator employed in such capacity prior to July 1, 1987, shall be exempt from certification.

(3) The council is designated as a criminal justice agency as defined in section [67-3012](#) (7) (A) (ii), Idaho Code, for the purposes of obtaining and retaining confidential criminal justice information by means of criminal justice services as defined in section [67-3012](#) (8), Idaho Code. Such information shall be used to provide for the certification, suspension or revocation of certification of peace officers and public safety personnel subject to certification by the council. The council may not record or retain any confidential criminal justice information without complying with the provisions of [chapter 30, title 67](#), Idaho Code.

(4) No peace officer shall have or exercise any power granted by any statute of this state to peace officers unless such person shall have been certified by the council within one (1) year of the date on which such person commenced employment as a peace officer, except in cases where the council, for good cause and in writing, has granted additional time to complete such training. The council shall decertify any officer who is convicted of any felony or offense that would be a felony if committed in this state. The council may decertify any officer who:

- (a) Is convicted of any misdemeanor;
- (b) Willfully or otherwise falsifies or omits any information to obtain any certified status; or
- (c) Violates any of the standards of conduct as established by the council's code of ethics, as adopted and amended by the council.

All proceedings taken by the council shall be conducted in accordance with [chapter 52, title 67](#), Idaho Code.

(5) Any law enforcement agency as defined in section [19-5101](#) (c), Idaho Code, in which any peace officer shall resign as a result of any disciplinary action or in which a peace officer's employment is terminated as a result of any disciplinary action shall, within fifteen (15) days of such action, make a report to the council.

(6) The council shall, pursuant to the requirements of this section, establish minimum basic training and certification standards for county detention officers that can be completed within one (1) year of employment as a county detention officer.

(7) The council may, upon recommendation of the juvenile training council and pursuant to the requirements of this section, implement minimum basic training and certification standards for juvenile detention officers, juvenile probation officers, and employees of the Idaho department of juvenile corrections who are engaged in the direct care and management of juveniles.

(8) The council may, upon recommendation of the correction standards and training council and pursuant to the requirements of this section, establish minimum basic training and certification standards for state correction officers and for adult probation and parole officers.

(9) The council may, upon recommendation of a probation training advisory committee and pursuant to the requirements of this section, establish

minimum basic training, continuing education and certification standards for misdemeanor probation officers, whether those officers are employees of, or by private sector contract with, a county.

(10) The council may reject any applicant for certification who has been convicted of a misdemeanor, and the council shall reject an applicant for certification who has been convicted of a felony, the punishment for which could have been imprisonment in a federal or state penal institution.

(11) As used in this section, "convicted" means a plea or finding of guilt, notwithstanding the form of judgment or withheld judgment, regardless of whether the sentence is imposed, suspended, deferred or withheld, and regardless of whether the plea or conviction is set aside or withdrawn or the case is dismissed or reduced under section [19-2604](#), Idaho Code, or any other comparable statute or procedure where the setting aside of the plea or conviction, or dismissal or reduction of the case or charge, is based upon lenity or the furtherance of rehabilitation rather than upon any defect in the legality or factual basis of the plea, finding of guilt or conviction.

[19-5109, added 1981, ch. 307, sec. 2, p. 630; am. 1987, ch. 180, sec. 1, p. 357; am. 1992, ch. 248, sec. 2, p. 731; am. 1997, ch. 84, sec. 2, p. 200; am. 1997, ch. 234, sec. 1, p. 683; am. 1999, ch. 154, sec. 2, p. 429; am. 2000, ch. 113, sec. 1, p. 250; am. 2000, ch. 469, sec. 37, p. 1493; am. 2001, ch. 143, sec. 1, p. 510; am. 2002, ch. 84, sec. 1, p. 187; am. 2005, ch. 131, sec. 2, p. 418; am. 2006, ch. 47, sec. 1, p. 136; am. 2006, ch. 246, sec. 1, p. 753; am. 2008, ch. 88, sec. 4, p. 244; am. 2009, ch. 115, sec. 1, p. 370; am. 2011, ch. 128, sec. 3, p. 355; am. 2017, ch. 284, sec. 1, p. 747.]

19-5110. POLITICAL SUBDIVISIONS -- APPLICATION FOR AID -- REQUIREMENTS. Any political subdivision or state agency which desires to receive aid pursuant to this chapter shall make application upon a form supplied by the council. Applications submitted pursuant to section [19-5109](#), Idaho Code, shall be accompanied by a certified copy of an ordinance adopted by its governing body providing that, while receiving any aid pursuant to this act, such political subdivision will adhere to the standards for recruitment and training established by the council or a certified copy of the agency's or political subdivision's merit rules, regulations or requirements.

[19-5110, added 1981, ch. 307, sec. 2, p. 631.]

19-5111. APPLICATION FOR TRAINING -- APPROVAL BY COUNCIL. The council shall be the exclusive body for the approval of applications to attend the schools and programs supported under the provisions of section [19-5109](#), Idaho Code.

[19-5111, added 1981, ch. 307, sec. 2, p. 631.]

19-5112. AGREEMENT BY OFFICER TO SERVE -- VIOLATIONS. (1) Any peace officer attending such schools or programs shall execute an agreement whereby said officer promises to remain within the law enforcement profession in the state of Idaho in a position approved by rules and regulations of the council for two (2) years following graduation, subject only to such disqualifications as established by the council and included within the agreement.

(2) Violation of the provisions of this section or the terms of any contract or agreement entered into pursuant to such section shall give rise to

a civil action which may be commenced by the council for and on behalf of the state of Idaho for restitution of any and all sums paid by the council plus costs and reasonable attorney's fees.

[19-5112, added 1981, ch. 307, sec. 2, p. 631; am. 2006, ch. 47, sec. 2, p. 138.]

19-5113. INVESTIGATIONS -- AUTHORITY TO ADMINISTER OATHS -- SUBPOENAS. To determine whether the standards, training, qualifications of instructors or schools, the obligations of applicants for aid, or recipients of aid, are being complied with and for such other purposes as the council deems necessary and not inconsistent with the intent of this act, the director of the Idaho state police or his authorized representative may administer oaths, take depositions and/or issue subpoenas to compel the attendance of witnesses and the production of books, papers, records, memoranda or other information. If any person fails to comply with any subpoena issued under this section or refuses to testify on any matter on which he lawfully may be interrogated, compliance with such subpoena shall be sought in the district court wherein such subpoena was served.

[19-5113, added 1981, ch. 307, sec. 2, p. 632; am. 2000, ch. 469, sec. 38, p. 1495.]

19-5114. ANNUAL REPORTS. The council shall report annually to the governor and legislature through the director of the Idaho state police on its activities and may make such other reports and recommendations as it deems desirable.

[19-5114, added 1981, ch. 307, sec. 2, p. 632; am. 2000, ch. 469, sec. 39, p. 1495.]

19-5115. REIMBURSEMENT FOR EXPENSES. Members of the council shall be compensated as provided in section [59-509](#) (b), Idaho Code, to be paid from the funds authorized and appropriated to the council pursuant to the provisions of section [23-404](#), Idaho Code.

[19-5115, added 1981, ch. 307, sec. 2, p. 632.]

19-5116. PEACE OFFICERS STANDARDS AND TRAINING FUND. (a) There is hereby established in the state treasury the peace officers standards and training fund. All moneys deposited to the fund shall be expended by the peace officer standards and training council for the following purposes:

- (1) Training peace officers, county detention officers, and self-sponsored students within the state of Idaho, including, but not limited to, sheriffs and their deputies, officers of the Idaho state police, conservation officers of the Idaho department of fish and game, emergency communications officers, and city and county prosecutors and their deputies;
- (2) Salaries, costs and expenses relating to such training as provided in paragraph (1) of this subsection;
- (3) Such capital expenditures as the peace officer standards and training council may provide for the acquisition, construction and/or improvement of a peace officer standards and training academy; and

(4) Such expenditures as may be necessary to aid approved peace officers training programs or county detention officer programs certified as having met the standards established by the peace officer standards and training council.

(b) The peace officers standards and training fund shall be funded as provided in sections [31-3201A](#) and [31-3201B](#), Idaho Code.

(c) All contributions and other moneys and appropriations designated for peace officers standards and training shall be deposited in the peace officers standards and training fund.

(d) Moneys received into the fund as provided in subsection (c) of this section shall be accounted for separately.

(e) If the fiscal year-end balance in the fund pursuant to sections [31-3201A](#) and [31-3201B](#), Idaho Code, exceeds one million dollars (\$1,000,000), the excess shall revert to the general fund.

(f) Moneys received into the fund pursuant to the provisions of section [31-3201D](#), Idaho Code, shall be used for the purposes of providing basic training, continuing education and certification of misdemeanor probation officers, whether those officers are employees of or by private sector contract with a county.

[19-5116, added 1983, ch. 117, sec. 1, p. 258; am. 1994, ch. 191, sec. 1, p. 620; am. 1997, ch. 84, sec. 3, p. 202; am. 1998, ch. 150, sec. 1, p. 521; am. 2000, ch. 469, sec. 40, p. 1495; am. 2003, ch. 237, sec. 2, p. 609; am. 2011, ch. 128, sec. 4, p. 357; am. 2017, ch. 181, sec. 2, p. 412.]

19-5117. POWERS OF THE COUNCIL -- STANDARDS OF TRAINING, EDUCATION AND EMPLOYMENT OF COUNTY DETENTION OFFICERS -- CERTIFICATION -- PENALTIES. (1) It shall be the duty of and the council shall have the power:

(a) To establish the requirements of minimum basic training which county detention officers shall complete in order to be eligible for permanent employment as a county detention officer;

(b) To establish such basic training and certification so that it can be completed within one (1) year of employment as a county detention officer;

(c) To establish the requirements of minimum training standards for employment as a county detention officer in probationary, temporary, part-time and/or emergency situations;

(d) To certify county detention officers as having completed all requirements established by the council in order to be eligible for permanent employment as a county detention officer;

(e) To receive applications for financial assistance from counties and disburse available state funds to the counties for salaries and allowable living expenses or any part thereof, incurred while in attendance at approved training programs and schools, as authorized by the council. The annual reimbursement authorized by this section shall not exceed the funds available for such purpose and authorized by section [31-3201B](#), Idaho Code;

(f) To maintain permanent files and transcripts for all county detention officers certified by the council to include any additional courses or advance courses of instruction successfully completed by such county detention officers while employed in this state and to include the law enforcement employment history by agency and dates of service of the officer. Such information shall be made available

to any law enforcement agency upon request when a person applies for employment at the requesting law enforcement agency.

(2) Any county detention officer employed after July 1, 1997, shall be trained and certified within one (1) year of employment. Current county detention officers, who were employed prior to July 1, 1997, shall comply with the training and certification provisions of this section by July 1, 1999.

[19-5117, added 1997, ch. 84, sec. 4, p. 203; am. 2009, ch. 115, sec. 2, p. 372.]

19-5118. POWER OF THE COUNCIL TO ESTABLISH AND ASSESS FEES. (1) The council may establish and assess fees for:

- (a) The use of its facilities and equipment by private entities and non-law enforcement institutions;
- (b) The use of its facilities and equipment by law enforcement agencies for purposes other than basic training; and
- (c) Facilitating, arranging, providing or assisting with the training, certification or continuing education requirements of private entities, non-law enforcement institutions and law enforcement agencies.

(2) The council shall deposit assessed fees into the peace officer standards and training fund established in section [19-5116](#), Idaho Code. The council may expend moneys as deemed necessary to cover the costs for the uses identified in this section.

[19-5118, added 2012, ch. 166, sec. 1, p. 447.]

19-5119. POWERS OF THE COUNCIL -- STANDARDS OF TRAINING, EDUCATION AND EMPLOYMENT OF EMERGENCY COMMUNICATIONS OFFICERS -- CERTIFICATION -- PENALTIES. (1) The council shall have the duty and the power to:

- (a) Establish the requirements of minimum basic training for all emergency communications officers, in order to be eligible for permanent employment as an emergency communications officer, that can be completed within eighteen (18) months of employment as an emergency communications officer;
- (b) Establish such basic training and certification, to include alternative authorized council training, so that certification can be attained within eighteen (18) months of employment as an emergency communications officer;
- (c) Establish the requirements of minimum training standards for employment as an emergency communications officer in probationary, temporary, part-time and emergency situations;
- (d) Certify emergency communications officers as having completed all requirements established by the council to be eligible for permanent employment as an emergency communications officer; and
- (e) Maintain permanent files and transcripts for all emergency communications officers certified by the council, to include only courses or advanced courses of instruction successfully completed by such emergency communications officers and specifically required to obtain and maintain emergency communications officer certification while employed in this state. Such information shall be made available by the council to any employer upon the receipt of a signed waiver from the emergency communications officer to release such files and transcripts.

(2) The council shall, upon recommendation of the Idaho public safety communications commission and pursuant to the requirements of this section, establish minimum basic training and certification standards for all emergency communications officers whose primary responsibility is to receive and dispatch calls for emergency services in the state of Idaho, and that can be completed within eighteen (18) months of employment.

(3) The council shall decertify any emergency communications officer convicted of any felony or offense that would be a felony if committed in this state. The council may decertify any emergency communications officer who:

(a) Is convicted of a misdemeanor;

(b) Willfully or otherwise falsifies or omits any information to obtain any certified status; or

(c) Violates any of the standards of conduct as established by the council's code of ethics, as adopted and amended by the council.

All decertification proceedings taken by the council shall be conducted in accordance with [chapter 52, title 67](#), Idaho Code.

(4) Any emergency communications officers who begin employment after July 1, 2017, shall be trained and certified within eighteen (18) months of employment. Current emergency communications officers who began employment between July 1, 2012, and June 30, 2017, shall comply with the training and certification provisions of this section by January 1, 2019. Current emergency communications officers who began employment prior to July 1, 2012, may comply with the training and certification provisions of this section at the discretion of their employers.

[19-5119, added 2017, ch. 181, sec. 3, p. 413.]