

## TITLE 79 - LAW ENFORCEMENT - POLICE STANDARDS ADVISORY COUNCIL

### CHAPTER 4 - LAW ENFORCEMENT CERTIFICATION STATUS

001 Purpose - To establish definitions and criteria for different statuses regarding law enforcement certification.

002 Scope - Applicable to all law enforcement officers, agencies, the Council and Center.

003 Reference - State Statutes; 81-1401, 81-1403, 81-1410, 81-1412, and 81-1414, Rule and Regulations; Title 79, Chapter 3, Chapter 8, and Chapter 9.

004 General - A law enforcement officer's certification is classified as one of four different status categories.

#### 004.01 Active Status

004.01A Active status refers to persons who are employed and commissioned to exercise law enforcement powers full or part time as set forth in State Statute 81-1401 and:

004.01A(1) Having a valid law enforcement certificate for the position of appointment.

004.01A(2) Completing a Code of Ethics and submitting it to the Center at the same time the employing agency submits a Change in Status Report reflecting employment as a law enforcement officer.

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004.01A(3) Submitting any processing fees established by the Council with the Code of Ethics and Change in Status Report. Officers employed and on active status prior to the effective date of this rule shall not be required to submit a Code of Ethics to maintain active status.

004.01A(4) Or working as a law enforcement officer under the provisions of State Statute 81-1414 prior to attending an academy.

004.01B A person with active status maintains his/her active status by meeting all of the following standards:

004.01B(1) Maintain full or part time employment in the State as a law enforcement officer or an officer exercising law enforcement powers under State Special Deputy Sheriff status.

004.01B(2) Successfully complete the State annual handgun qualification as required by State Statute 81-1412.

004.01B(3) Successfully complete annual mandatory continuing education requirements as established by the Council.

004.01B(4) Complies with all other requirements for law enforcement officers established by law or rule and regulation.

004.02 Inactive Status

004.02A Inactive status refers to persons who have previously been classified as being in active status but are no longer employed as a law enforcement officer and is not exercising law enforcement powers.

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004.02B A person with inactive status must meet the following standards to return to active status as a

law enforcement officer:

004.02B(1) Meet the minimum standards required for certification as a law enforcement officer in the State and testify on a Council approved form that no acts or events have transpired in their life since the submission of their personal character affidavit that would affect their certification and agree to continue to abide by the Code of Ethics.

004.02B(2) Be employed full or part time in the State as a law enforcement officer as defined in State Statute 81-1401.

004.02B(3) Have the employing agency submit verification that the agency has conducted a thorough background investigation on the person in accordance with the provisions of Title 79 Chapter 8.

004.02B(4) Complete the following training standards to return to active status based upon the length of time spent on inactive status.

004.02B(4)(a) 1 day to 30 days: no training standards required

004.02B(4)(b) 31 days to 2 years: completion of the State handgun qualification course, possession of a valid CPR card.

004.02B(4)(c) 2 years to 10 years: Completion of the Council approved Reciprocity certification training course.

004.02B(4)(d) More than 10 years: completion of basic certification training.

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004.02B(5) Submit a certification activation fee to be set by the Council on an annual basis with the submittal of the agency change in status showing the person employed as a full or part time officer.

004.02C An exception to the training requirements in Section 004.02B(4)(d) is made for full-time State certified academy instructors who also have State law enforcement certification but are on inactive status. Such instructors who are on inactive status for more than ten (10) years shall be permitted to reactivate their certification by meeting the training standards set forth in 004.02B(4)(c),

004.03 Diploma Students

004.03A A person issued a diploma for completion of certification training but not employed as a law enforcement officer does not have certification status.

004.03A(1) Diploma students have two years from the date of their graduation from an academy to receive employment and appointment as a law enforcement officer.

004.03A(2) A diploma student who does not receive law enforcement employment and appointment within two calendar years shall be ineligible to receive active certification status.

004.03B Persons under this section may receive active status certification by meeting the following standards:

004.03B(1) Receive employment and appointment as a full or part time law enforcement officer within two calendar years of graduation from an academy.

004.03B(2) Have the employing agency submit a Code of Ethics and Change in Status Report with any processing fees established by the Council.

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004.03B(3) Have the employing agency submit verification that the agency has conducted a thorough background investigation on the person in accordance with the provisions of Title 79 Chapter 8.

004.03C A diploma student may request a waiver of the two year requirement established in 004.03A(1) under circumstances that constitute an extreme hardship. The student may appeal to the Council for a waiver. The Council may grant a waiver for conditions of extreme hardship. The Council may grant a waiver for no more than two additional calendar years and may require the student to complete additional training at his or her cost as a condition of the waiver.

004.04 Suspended Status

004.04A An officer's certificate is suspended when he/she fails to meet the standards established to maintain active status; however, the person can correct the standards violation in a reasonable amount of time. A person whose certificate is suspended cannot exercise law enforcement powers while his/her certificate is suspended. Some examples of violations that can result in suspended status are:

004.04A(1) Failure to meet the annual handgun qualification standards.

004.04A(2) Failure to meet annual continuing education standards as established by the Council.

004.04B The following procedure shall be used in processing violations involving suspension of certification

004.04B(1) The Director shall investigate violations he/she is aware of and suspend the certification of an officer who fails to meet the standards required to maintain certification.

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004.04B(2) The Director shall provide written notice of any suspension of certification to the:

004.04B(2)(a) Council.

004.04B(2)(b) person whose certificate has been suspended.

004.04B(2)(c) employing agency.

004.04B(2)(d) governing body under which the agency serves.

004.04B(2)(e) prosecuting attorney(s) of the Jurisdictions where the person was serving at the time of suspension.

004.04B(3) The notice of suspension shall also provide the:

004.04B(3)(a) violation(s) upon which the suspension is based.

004.04B(3)(b) conditions that must be met to correct the violation.

004.04B(3)(c) time restraints in which the violation must be corrected if any.

004.04B(3)(d) requirement of payment of a reactivation fee that is set by the Council on an annual basis.

004.04B(3)(e) officer's or agency's right to appeal the action to the Council.

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004.04B(4) The person whose certification is suspended may reactivate his/her certification by:

004.04B(4)(a) Meeting the conditions set forth by the Council for reactivation.

004.04B(4)(b) Providing documentation to the Director that the conditions have been met.

004.04B(4)(c) Not being found in violation of any other law or standard that would be cause for suspension or revocation of certification.

004.04B(4)(d) Submitting a certification activation fee to the Center.

004.04B(5) The Director shall activate a suspended certification upon receipt of documentation that the conditions for reactivation have been met. The Director shall notify the Council of the action at their next regular meeting. The Director shall also notify the same entities as listed in 004.04B(2) officer's certification has been reactivated and the officer can exercise law enforcement powers.

#### 004.05 Revoked Status

004.05A A person's law enforcement certification may be permanently revoked. A person whose certification has been revoked cannot exercise law enforcement powers in the State and is not eligible for reinstatement of his/her certification.

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004.05B The procedures governing the revocation of certification are addressed in Title 79, Chapter 9.

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