20 Hour Waiver Information

O.C.G.A. § 35-8-21 requires that "*during calendar year 1989 and during each calendar year thereafter, any person employed or appointed as a peace officer shall complete 20 hours of training.*" Officers who are employed in law enforcement must attend 20 hours of training for any year they are employed as a peace officer (one day or 365 days.) Failure to do so results in loss of "power of arrest."

Attorneys regularly request an officer's training records under the Georgia Open Records Act. When responding to these open records requests, the Georgia POST Council does not certify that this is a complete training record. Many times training is not reported to this agency (by the department or the officer).

There may be several ways to correct the training records.

1. If our records are incorrect, please submit the following in order to update the records: Copy of course completion certificate with number of hours of training reflected on the certificate (include officer's social security number). If no hours are listed on the certificate, we will need an agenda of the training program. Copies of course completion reports (C-12s) may also be submitted.

2. If our records are correct **or** you are unable to document that the training was completed, a waiver request must be submitted. A waiver request form is attached for your convenience.

   The Peace Officer Standards and Training Council require that all deficient training be completed prior to granting a waiver. Therefore, you must make up all deficient hours prior to submitting the attached waiver request.

3. If an officer was on active duty with the military or on medical leave, please submit a request in writing for a waiver along with supporting documents from the military or physician/surgeon.

4. If an officer worked less than three months during the calendar year, please submit a request in writing and a waiver will be issued if POST records support this claim.

5. If an officer worked less than 12 months during the calendar year and averaged two hours of training for each month worked, please submit a request in writing and a waiver will be issued if POST records support this claim. Example: Officer worked six months and had 12 hours of training for the year.

Firearms Requalification Waiver

POST rule 464-5-.03.1 titled "Annual Firearms Training" requires that *each peace officer as part of the annual training required by O.C.G.A. § 35-8-21 shall receive training on: the Constitutional and legal limitations on the use of deadly force; the agency's policies regarding the use of deadly force; and demonstrate proficiency in the safe and effective use of the primary handgun carried and/or used by the particular officer*. This rule was effective January 1, 2006. The failure by any peace officer to attend and successfully complete the training required by this rule shall result in the loss of that officer's power of arrest, as set forth in O.C.G.A. § 35-8-21(d).

Due to the liability issues associated with the carry of firearms, any officer who fails to qualify shall not be issued a waiver restoring authority to arrest until compliance with POST rule 464-5-.03.1 has been demonstrated.

If an officer fails to obtain their 20 hours as set forth in O.C.G.A. § 35-8-21 and fails to qualify then the standard waiver process shall be followed. If it is their first waiver request they would be required to make up the 20 hours, including compliance with POST rule 464-5-.03.1, complete the waiver request form and submit. Once all requirements are met, a waiver will be granted by POST staff.

In the case where an officer obtains their 20 hours set forth in O.C.G.A. § 35-8-21, but fails to comply with POST rule 464-5-.03.1, they would be required to make up the deficiency (comply with POST rule 464-5-.03.1), complete the waiver request form and submit. Once all requirements are met, a waiver will be granted by POST staff. **Until such time as the waiver is granted, the officer will have no authority to arrest and therefore not be eligible to serve in a peace officer capacity.** A third request for firearms requalification or use of deadly force (or for a request for a total of three years), the officer will be required to appear before Council.

Medical waivers will not be granted without documented proof of an illness, disease or disability from a licensed physician, surgeon or doctor of optometry indicating the date of onset and date of clearance for return to duty. Before a waiver is issued, the officer shall be required to make up the deficiency (comply with POST rule 464-5-.03.1) and complete the waiver request form. **Until such time as the waiver is granted, the officer will have no authority to arrest and therefore not be eligible to serve in a peace officer capacity.** In these cases, they are fit enough to obtain their 20 hours but not capable of qualifying with their duty weapons. An officer will have to personally appear before Council for possible suspension of their certification under POST rule 464-3-.09 dealing with "Long Term Medical Disability" for a third request or if a total of three years of requirements have not been met.

Military and three (3) month waivers will be processed as described on page one.

Officers employed less than twelve (12) months during the calendar year but averaged two (2) hours of training per month shall be issued a waiver once they make up the deficiency (comply with POST rule 464-5-.03.1).

Additional information and waiver forms are available on our website (www.gapost.org.). Call (770)-732-5974 with any questions. Mail all forms to:

Georgia P.O.S.T. Council, P.O. Box 349, Clarkdale, GA 30111-0349