

Rules



Georgia Peace Officer Standards and Training Council

2016

RULES
OF
GEORGIA PEACE OFFICER
STANDARDS AND TRAINING COUNCIL

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CHAPTER 464-1
ORGANIZATION

464-1-.01 Administration of Council. Amended. All rules and regulations of the Georgia Peace Officer Standards and Training Council shall be administered by the Executive Director of the Georgia Peace Officer Standards and Training Council whose current physical address is 5000 Austell - Powder Springs Road, Suite 261, Austell, Georgia, 30106. The current mailing address is P.O. Box 349, Clarkdale, Georgia, 30111. Telephone contact may be made by calling (770) 732-5974.

464-1-.02 Membership; Terms. Amended. The Georgia Peace Officer Standards and Training Council shall consist of nineteen (19) voting members and five (5) advisory members.

(a) The following eleven (11) members shall be ex officio members of the council, as full voting members by reason of their office:

1. An appointee of the Governor who is not the Attorney General;
2. The Commissioner of the Department of Public Safety or his/her designee;
3. The President of the Association of Chiefs of Police or his/her designee;
4. The President of the Georgia Sheriffs' Association or his/her designee;
5. The President of the Georgia Municipal Association or his/her designee;
6. The President of the Association County Commissioners of Georgia or his/her designee;
7. The President of the Peace Officers' Association of Georgia or his/her designee;
8. The Commissioner of the Department of Corrections or his/her designee;

9. The Chairman of the State Board of Pardons and Paroles or his/her designee;
 10. The President of the Georgia Prison Wardens' Association or his/her designee;
 11. The Director of Investigations of the Georgia Bureau of Investigation or his/her designee;
- (b) Six (6) members shall be appointed by the Governor for terms of four years. Appointments shall be made so that there are always on the Council the following persons:
1. One chief of police;
 2. Two municipal police officers other than a chief of police;
 3. One county sheriff;
 4. One city manager or mayor;
 5. One county commissioner;
 6. No person shall serve beyond the time he/she holds the office or employment by reason which he/she was initially eligible for appointment. Vacancies shall be filled in the same manner as the original appointment and successors shall serve for the unexpired term. Any member may be appointed for additional terms.
- (c) Two (2) members who are peace officers shall be appointed by the Governor for terms of four (4) years:
1. Neither person shall serve beyond the time he/she is actively employed or serves as a peace officer. Vacancies shall be filled in the same manner as the original appointment, and successors shall serve for the unexpired term.
- (d) Five (5) Advisory members appointed by the Council shall serve on the Council in an advisory capacity only without voting privileges;

- (e) Membership on the Council does not constitute public office and no member shall be disqualified from holding public office by reason of membership.
- (f) The Chairman of the Council may appoint additional advisory board members based on areas of expertise in order to meet the objectives of the Council. Such additional advisory members shall serve in an advisory capacity only, without voting privileges; without compensation; and shall serve at the discretion of the Chairman.
- (g) Unexcused absence of an advisory board member on two (2) or more occasions during the calendar year shall cause a review of the advisory member's status. At the discretion of the Council Chairman, an advisory member's services may be discontinued for unexcused absence.

464-1-.03 Election of Officers. Amended. Officers of the Georgia Peace Officer Standards and Training Council shall be elected from a majority of a quorum of the voting members of the Council.

464-1-.04 Administrative Assignment. Amended. The Council is assigned to the Department of Public Safety for administrative purposes only.

(a) The Council shall:

1. Exercise its quasi-judicial, rule making, licensing or policy making functions independent of the Department of Public Safety and without approval or control of the Department;
2. Prepare its budget, and submit its budgetary requests through the Department of Public Safety.
3. Impose administrative fees, where appropriate.

464-1-.05 Committees of the Council. The Chairman may establish such committees as may be necessary to conduct the business of the Council. The Chairman shall appoint the committee chairman and members of each committee who shall serve at the pleasure of the chairman during the chairman's term of office. A majority of any such committee shall constitute a quorum.

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CHAPTER 464-2
DEFINITIONS

464-2-.01 Definitions. Amended. Unless the context requires otherwise, the following words and terms shall have the following meanings:

(a) An "Emergency Peace Officer" retains the power and authority of a peace officer only for the duration of the emergency or disaster.

(b) "Law Enforcement Support Personnel" shall include but not be limited to the following:

1. Jail Officers;
2. Communication Officers;
3. Identification Technicians;
4. Forensic Specialists;
5. Photographers;

Secretaries and clerical staff personnel shall not be considered as law enforcement support personnel.

(c) "Peace Officer" as defined in O.C.G.A. § 35-8-2(8), for the purposes of these rules shall not include persons on active duty with the armed forces or the Coast Guard of the United States and federal law enforcement officers.

(d) A "Sponsoring Agency of a School" is an agency, body, or institution of this State or a subdivision thereof which assumes responsibility as surety for a certified school.

(e) "Sponsoring Agency" is any POST recognized agency which assumes the responsibility of a candidate for officer certification.

(f) A "Certified School" is a training school certified in accordance with these Rules.

(g) A "Certified School Director" is a chief executive officer of a certified school and one who has been certified in accordance with these Rules.

(h) The "Basic Training Course" is the program of instruction prescribed by the Council to satisfy the minimum mandatory requirements of the P.O.S.T. Act (O.C.G.A. § 35-8.)

(i) "Advanced Specialized Training" is an approved training program beyond the basic course of instruction which has as its primary goal the development of special skills or that raises the proficiency level within that specialized skill to an advanced level of competence and performance and which is different from in-service training.

(j) "In-service Training" is any training program drawn from the curriculum of the basic training course, which is generally offered for the purposes of updating or refreshing an officer's knowledge and basic skill level.

(k) An "Instructor" is any person employed, appointed, or utilized by a school to present a course of study or instruction.

(l) A "Certified Instructor" is any instructor certified in accordance with these Rules.

(m) "Revoke" (Revocation) means an action taken by the Council whereby the certification or registration of an officer is canceled and the officer shall no longer perform the functions of a certified officer.

(n) "Suspend" (Suspension) means an action taken by the Council whereby the certification or registration of a peace officer is temporarily discontinued and the officer shall not perform the functions of an officer during the period the certification or registration is temporarily discontinued.

(o) "Convicted of Sufficient Misdemeanors to Establish a Pattern of Disregard For the Law" means conviction of that quantity and/or quality of misdemeanors that warrant a sanction or revocation of a certificate of a certified officer or exempt person. The term conviction means a finding or verdict of guilt, a plea of guilty or a plea of nolo contendere regardless of whether the adjudication of guilt or sentence is withheld or not entered

thereon. Conviction of minor traffic offenses shall not be considered by the Council and the Council shall not consider other offenses involving the operation of a motor vehicle where the applicant received a pardon.

(p) "Volunteer" Peace Officer shall be:

1. A reserve officer who is a part-time sworn officer commissioned with peace officer authority and is normally not paid for services provided;
2. An auxiliary officer who is a civilian affiliated with the law enforcement agency in a part-time, unsalaried, non-sworn, support capacity.

(q) "Chief of Police/Head of Law Enforcement Unit" shall be:

A Chief executive or department head of a unit of the state, a subdivision or municipality thereof, or a railroad who is a peace officer as defined in O.C.G.A. 35-8-2(8) (A) and whose responsibilities include the supervision and assignment of one or more employees or the performance of administrative and management duties of a police agency or law enforcement unit.

(r) "Unprofessional Conduct", for the purposes of imposing discipline under the Georgia Peace Officer Standards and Training Act, includes any departure from or failure to conform to the minimum standards of acceptable and prevailing practice of a peace officer. Acts of unprofessional conduct may include, but are not limited to, driving under the influence of alcohol or drugs; possession of marijuana or controlled substance; the failure to notify the Council of arrests and convictions; the failure to comply with a condition of probation or suspension imposed by the Council; the refusal to test for, or obtaining a positive test result for marijuana or controlled substance; and the conviction of a misdemeanor in the courts of this state or any other state, territory, country, or of the United States. The term "conviction" shall have the same meaning as set forth in O.C.G.A. § 35-8-7.1(a)(3). This rule shall not serve to limit the Council from examining any allegations of misconduct.

(s) "Full time" means regularly working a minimum of thirty (30) hours per week or one hundred and twenty (120) hours per twenty-eight (28) day period for a law enforcement unit or communications center.

(t) An "accredited college or university" is any institution of higher education which has been recognized by the Council on Higher Education Accreditation and/or the institution's accrediting agency is recognized by the United States Department of Education, or other such accrediting authority approved by P.O.S.T. Council.

(u) "College Credit" is defined as actual academic course work. To be considered college credit, the credits must be eligible for recognition at any college or university within the University System of Georgia for degree purposes. The decision shall not be made solely on the source of accreditation of a sending institution. College credits must have been granted for a course other than one which was based on Internships, Directed Studies, Practicums, Correspondence, Workshops, Orientation Classes, Field Experience, Life Experience, Challenge Examination, Seminar, or Remedial courses.

(v) "Exempt Officer" is that officer identified in O.C.G.A. 35-8-10 who is exempt from the certification provisions of O.C.G.A. 35-8. Each exempt officer must register with the Council.

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CHAPTER 464-3
OFFICER CERTIFICATION

464-3-.01 Application for Certification. Amended. Every person required or permitted to be certified shall make application on forms furnished by the Council, and in connection therewith shall, under oath, answer all questions, supply all information, and furnish all certificates, affidavits, waivers to obtain information and other supporting data as required. The written application for certification shall be a permanent record which the officer must maintain current. The application for certification shall be valid for only eighteen (18) months from date of application. Should the applicant not be certified within said period, the applicant will be required to make a new application and in connection therewith; shall answer all questions, supply all information, and furnish all certificates, affidavits, and other supporting data as required. An application for certification shall be on file with the Council prior to the applicant's employment or appointment as an officer. Any untrue, misleading or omitted statement contained in any such application shall be cause for denial, and if any registration has been granted, it shall be cause for the revocation of same.

464-3-.02 Qualifications for Certification: Pre-Employment Requirements. Amended.

(1) When initially accepted for employment or appointment by a law enforcement unit or communications agency, any candidate seeking certification under these Rules shall:

- (a) Be at least eighteen (18) years of age as evidenced by a certified copy of said candidate's birth certificate or other proof of birth acceptable to the Council.
- (b) Be a citizen of the United States or a repatriated or naturalized citizen of the United States as of the date employment commences as evidenced by a certified copy of said candidate's birth certificate or other certified proof of citizenship acceptable to the Council.
- (c) Have a high school diploma or its recognized equivalent or an approved college degree indicating successful completion of high school. A recognized equivalent means a diploma awarded by any state on the basis of a General Education Development (GED) Test. If an

applicant for certification is unable to document that the high school diploma was issued by an accredited school, successful completion of an examination provided or approved by the Council shall suffice. Documented non-accredited schools are not applicable under this rule.

- (d) Complete two (2) applicant fingerprint cards prior to commencement of employment as a peace officer in a law enforcement unit. All fingerprint cards shall be processed by the Georgia Crime Information Center (GCIC) and the National Crime Information Center (NCIC) and the results returned to the Council.
- (e) Be found, after examination by a licensed physician or surgeon, to be free from any physical, emotional, or mental conditions which might adversely affect his/her exercising the powers or duties of a peace officer.
- (f) Successfully complete a job related academy entrance examination provided for and administered by the Council in conformity with state and federal law (where applicable).
- (g) Not have been convicted by any state or by the federal government of any crime the punishment for which could have been imprisonment in the federal or state prison or institution nor have been convicted of sufficient misdemeanors to establish a pattern of disregard for the law, provided that, for purposes of this paragraph, violations of traffic laws and other offenses involving the operation of motor vehicles when the applicant has received a pardon shall not be considered.
- (h) Possess good moral character as determined by investigation under procedure established by the Council.

464-3-.03 Qualifications for Certification, Training Requirements. Amended. No candidate shall be certified under these Rules unless and until the school director of the school where said candidate has satisfactorily completed the basic course established in accordance with these Rules, shall have submitted verification in such form as the Council may require, that the candidate has met the training requirements set forth in this Chapter.

464-3-.04 Applications to be Permanent Records: Responsibility to Keep Current. All certification applications under these Rules shall be a permanent record. Should any change occur after certification that would require a different answer to any question in the application, to include change of address, or any

supporting document that is made as part of the application, such change must be reported, by the officer, as an amendment to the application within thirty (30) days of the date of the occurrence of such change.

464-3-.05 Notification of Disciplinary Action. Any applicant/candidate for certification or person certified pursuant to O.C.G.A. Title 35, Chapter 8, who has disciplinary action taken against him/her by any agency, organ, or department of this State, a subdivision or municipality thereof, or federal, shall notify the Council within fifteen (15) days of said action. For purposes of the fifteen (15) day time limit, evidence that notification was mailed within fifteen (15) days shall be sufficient. Disciplinary action as used herein means any action taken by any municipal, county, state or federal agency against a certified officer, which meet any of the following criteria:

(a) arrest by local, state, or federal authorities;

(b) suspensions, in totality, of thirty (30) days or longer for singular incidents of misconduct, demotions (other than for administrative purposes), termination by employing agency, or resignations in lieu of terminations;

(c) indictments of presentments in any local, state or federal courts;

(d) conviction or bond forfeiture, in any local, state or federal court. The term "conviction" shall include a finding or verdict of guilt, plea of guilty, or a plea of nolo contendere, regardless of whether the adjudication of guilt or sentence is withheld or not entered thereon;

(e) minor traffic citations written to a certified officer need not be reported to the Council.

464-3-.06 Notification Required by Employing Agency. Amended.

(a) Employing agencies suspending for thirty (30) days or longer, demoting (other than for administrative purposes) , discharging an applicant/candidate for certification or certified officers for disciplinary reasons or accepting resignations in lieu of termination shall inform the Council in writing within fifteen (15) days of such action and records concerning the disciplinary action shall be made available to an investigator with POST Council.

- (b) Employing agencies shall inform the Council in writing within fifteen (15) days of any change of status in an officer's employment to include: hiring, resignation, change of home address, legal name change, promotion, administrative demotion, and education level.
- (c) Employing agencies shall inform the Council in writing within fifteen (15) days of any applicant/candidate for certification or certified officer arrest.

464-3-.07 Inquiries to Determine Compliance. The Council shall have the authority to initiate inquiries to determine compliance with the Peace Officer Standards and Training Act by an individual officer or employing agency of State and local government. The officer's waiver signed upon application shall authorize the Council to obtain documents and other information necessary for the inquiry.

464-3-.08 Notification of Disciplinary Action. The Council shall notify all officers by mail or hand delivery of any disciplinary action or a hearing to determine if disciplinary action is appropriate. For purposes of notification, mailing by delivery confirmation or certified mail to the last address specified on the application or the last known address of the officer shall constitute proper service.

464-3-.09 Notification of Long Term Medical Disability.

- (a) Employing agencies receiving notice of a change in the medical condition, for other than a short-term condition, of any applicant, candidate for certification, or person certified that prohibits the applicant, candidate, or officer from performing required duties, shall inform the Council in writing within ten (10) days of such action. As used in this section, the term short-term condition means a medical condition which, in the judgement of a licensed physician, surgeon or doctor of optometry, expressed in writing, will not persist for more than 180 days, or such other period as may be specified by the Council, in its' judgement.
- (b) Any applicant, candidate, or person certified, pursuant to O.C.G.A. Title 35, Chapter 8, who has a change in medical condition, on or after the effective date of this rule, for other than a short-term condition, and is terminated, voluntarily resigns, resigns in lieu of dismissal, demoted, suspended, or retires as the result of a change in medical condition which prohibits the applicant, candidate, or officer from performing required duties shall notify the Council in writing within fifteen (15) days of such action.

- (c) A change in medical condition shall cause a review of the applicant, candidate, or officer's certification status by the Council as provided in O.C.G.A. § 35-8-7.1(a)(10). If, as a result of this review, the Council determines that the applicant, candidate or officer is believed to be unable to perform the duties of an officer with reasonable skill and safety to citizens due to this change in medical status, the Council may take action as provided in O.C.G.A. § 35-8-7.1(b)(1).
- (d) The affected applicant, candidate, or officer shall be notified via certified mail of the Council's action and of the affected party's right to request a hearing as provided in Section 464-8 as amended of P.O.S.T. Council Rules.
- (e) The employing agency of the affected applicant, candidate, or officer shall also be notified of Council's action by forwarding a copy of the notice to the employing agency via U.S. Mail.
- (f) If the affected applicant, candidate, or officer fails to request a hearing as provided in P.O.S.T. Rules, the decision of the Council shall become final.

464-3-.10 Notification of Officer Arrest. Agencies arresting an applicant/candidate for certification or certified officer shall inform the Council in writing within fifteen (15) days of said arrest and records concerning the arrest shall be made available to an investigator with POST Council. Arrests shall include, arrest by local, state, or federal authorities; or indictments or presentments in any local, state or federal court. Minor traffic citations written to a certified officer need not be reported to the Council.

464-3-.11 Officer Recertification

- (a) All peace officers certified after January 1, 2012, shall be required to apply for recertification every four (4) years from initial date of certification.
- (b) all applications for recertification shall be due on the last day of the month of certification and may be submitted up to ninety (90) days prior to the scheduled recertification date.
- (c) applications for recertification shall be submitted on forms approved by the Council.
- (d) failure to comply with this rule shall result in the officer's certification expiring and authorization to serve as a peace officer in the State of Georgia suspended until such time as officer meets requirements, established by the Council, for recertification.

(e) officer recertification shall not be used in lieu of a petition for reinstatement of certification or reconsideration of application.

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CHAPTER 464-4
OFFICER REGISTRATION

464-4-.01 Application for Registration. Amended.

- (a) Every person required or permitted to be registered as an officer shall make application on forms furnished by the Council, and in connection therewith shall, under oath, answer all questions, supply all information, and furnish all certificates, affidavits, waivers to obtain information and other supporting data as required. Any untrue, misleading or omitted statement contained in any such application shall be cause for denial, and if any registration has been granted, it shall be cause for the revocation of same.

- (b) All applications for registration as a jail officer must be received by the Council by July 1, 2001. No person shall be permitted to submit an application for registration after that date. All persons filing applications after that date shall be required to meet the certification requirements of a jail officer.

- (c) All applications for registration as a municipal probation officer must be received by the Council by July 1, 2008. No person shall be permitted to submit an application for registration after that date. All persons filing applications after that date shall be required to meet the certification requirements of a municipal probation officer.

464-4-.02 Qualifications for Registration. Amended. Any officer employed or appointed by a law enforcement unit or communications agency seeking registration under these Rules shall have the law enforcement unit or communications agency complete two (2) applicant fingerprint cards for each employee seeking registration. All fingerprint cards shall be processed by the Georgia Crime Information Center (GCIC) and the National Crime Information Center (NCIC) and the results returned to the Council.

464-4-.03 Applications to be Permanently Recorded: Responsibility to Keep Current. Amended. All registration applications under these Rules shall be a permanent record. It is expressly made the responsibility of the registered officer to keep such application current. Should any change occur during

subsequent years after registration which would require a different answer to any questions contained in the application, or supporting document which is made a part of the application, such change must be reported as an amendment to the application within thirty (30) days of the date of the occurrence of such change.

464-4-.04 Notification of Disciplinary Action. Amended. Any applicant/candidate for registration or registered officer who has any disciplinary action taken against him/her by any agency, organ, or department of this State, a subdivision or municipality thereof, or federal, shall notify the Council within fifteen (15) days of such action. For purposes of the fifteen (15) day time limit, evidence that notification was mailed within fifteen (15) days shall be sufficient. Disciplinary action as used herein means any action taken by any municipal, county, State, or federal agency against a registered officer, including but not limited to:

(a) arrest by local, State, or federal authorities;

(b) suspensions of thirty (30) days or longer, demoting (other than for administrative purposes) or termination by employing agency.

(c) indictments or presentments in any local, State or federal courts.

(d) conviction, penalty or any plea in any local, State or federal court.

(e) minor traffic citations written to a officer need not be reported to the Council.

464-4-.05 Notification Required by Agency. Amended. Law Enforcement Units suspending, for thirty (30) days or longer, demoting (other than for administrative purposes) or discharging an applicant/candidate for registration or registered officers for disciplinary reasons shall so inform the Council in writing within fifteen (15) days of such action and records concerning the disciplinary action shall be made available to an investigator with POST Council.

464-4-.06 Inquiries to Determine Compliance. Amended. The Council shall have the authority to initiate inquiries to determine compliance with the Peace Officer Standards and Training Act by individual peace officers. The officer's waiver signed upon application shall authorize the Council to obtain documents and other information necessary for the inquiry.

464-4-.07 Notification of Disciplinary Action. Amended. The Council shall notify all registered officers by mail or hand delivery of any disciplinary action or a hearing to determine if disciplinary action is appropriate.

For purposes of notification, mailing by delivery confirmation or certified mail to the last address specified on the application or the last known address of the officer shall constitute proper service.

464-4-.08 Term of Registration. Any registration granted in accordance with O.C.G.A. § 35-8 and the rules of the Council shall not terminate upon a subsequent employment or appointment as an officer, provided that subsequent employment or appointment as an officer is recognized by the Council to be substantially the same or similar to the employment or appointment by virtue of which said officer was exempted and registered as such; provided, further, that such subsequent employment or appointment is commenced within twelve (12) months of such prior termination as an officer.

464-4-.09 Notification of Long Term Medical Disability.

- (a) Employing agencies receiving notice of a change in the medical condition, for other than a short-term condition, of any applicant, candidate for registration, or registered officer that prohibits the applicant, candidate, or officer from performing required duties, shall inform the Council in writing within ten (10) days of such action. As used in this section, the term short-term condition means a medical condition which, in the judgement of a licensed physician, surgeon or doctor of optometry, expressed in writing, will not persist for more than 180 days, or such other period as may be specified by the Council, in its' judgement.
- (b) Any applicant, candidate, or person registered, pursuant to O.C.G.A. Title 35, Chapter 8, and in compliance with the terms of registration in accordance with P.O.S.T. Rule 464-4-.08, who has a change in medical condition, on or after the effective date of this rule, for other than a short-term condition, and is terminated, voluntarily resigns, resigns in lieu of dismissal, demoted, suspended, or retires as the result of a change in medical condition which prohibits the applicant, candidate, or officer from performing required duties shall notify the Council in writing within fifteen (15) days of such action.
- (c) A change in medical condition shall cause a review of the applicant, candidate, or officer's registration status by the Council as provided in O.C.G.A. § 35-8-7.1(a)(10). If as a result of this review, the Council determines that the applicant, candidate, or officer is believed to be unable to perform the duties of an officer with reasonable skill and safety to citizens due to this change in medical status, the Council may take action as provided in O.C.G.A. § 35-8-7.1(b)(1).

- (d) The applicant, candidate, or officer shall be notified via certified mail of the Council's action and of the affected party's right to contest the action by submitting a request for hearing as provided in Section 464-8 as amended of P.O.S.T. Council Rules.
- (e) The employing agency of the applicant, candidate, or officer shall be notified of the Council's action by forwarding a copy of the notice to the employing agency via U.S. Mail.
- (f) If the affected applicant, candidate, or officer fails to request a hearing as provided in P.O.S.T. Rules, the decision of the Council shall become final.

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CHAPTER 464-5
TRAINING

464-5-.01 Basic Course. Amended. The Council shall formulate and promulgate a program of instruction for each category of certified officer it deems necessary. The program will comprise fundamental skills and knowledge, and shall be designated the basic course.

464-5-.02 Attendance and Completion of the Basic Courses. Amended.

(a) Officers are required to attend and complete the basic course relating to the job they intend to perform. Unless otherwise authorized by statute or rule, if an officer changes the type of employment (e.g., - from a law enforcement officer to a correctional officer) he/she shall be required to attend the basic course in that field prior to performing the duties of that classification of certification. No person shall be permitted into the basic course without authorization from POST.

(b) Civilians may be allowed to attend the basic course provided they are sponsored by a law enforcement unit or academy and meet all pre-employment requirements if spaces are available. All tuition and costs associated with attendance in the basic course by the civilian shall be paid by the civilian or his/her sponsoring unit. Applications and background investigations for civilian applicants shall be the responsibility of the student's sponsoring unit.

464-5-.03 Basic, In-Service Training and Specialized/Advanced Course Administration. Amended. Basic, in-service and specialized/advanced courses shall be administered by schools certified in accordance with these Rules, except that the Council may, in its discretion, recognize courses undertaken at any law enforcement unit, academy, university, college, junior college, technical school, trade school or similar institution which is substantially equivalent to that which the Council may establish. The Basic Course shall at all times be delivered on the premises of an academy certified in accordance with these Rules, and be delivered to the entire class as a single entity except where certain remedial training is required by POST policy. The Basic Course may be delivered at other sites specifically approved by Council providing the

sponsoring academy can demonstrate the need for an off-site course based upon a training workload which is beyond the capacity and capabilities of on-site resources.

464-5-.03.1 Annual Firearms Training

a. Each person employed or appointed as a peace officer shall, as part of the annual training required by O.C.G.A. § 35-8-21, satisfactorily complete during each calendar year the annual firearms training mandated by this rule. 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).

b. Annual firearms training shall, at a minimum, consist of two hours of training provided by a POST-certified firearms instructor, which training shall include, but not be limited to:

1. training on the Constitutional and legal limitations on the use of deadly force;
2. training on the agency's policies regarding the use of deadly force;
3. a demonstration of proficiency in the safe and effective use of the primary handgun carried and/or used by the particular officer, to include a course of fire that meets or exceeds the minimum standard set forth in the basic training course for which the officer was initially trained and is currently employed. In any instance where an officer has more than one peace officer certification, the higher standard shall apply. Any officer failing to achieve the required score in the above training may undergo additional courses of fire under the direction of a POST-certified firearms instructor in order to achieve a passing score.

464-5-.04 Instructor Training Course. Amended. The Council shall formulate and promulgate a program of instruction comprising fundamental instructional techniques, skills, and knowledge which shall be designated the instructor training course.

- (a) The instructor training course shall include at least eighty (80) hours of study and instruction.
- (b) The course content shall be prescribed in an official document entitled "A Program of Instruction for the POST Instructor Training Course."
- (c) The instructor training course shall employ performance-oriented instructional methods that shall provide opportunities for each student to demonstrate successful achievement of established performance objectives.

(d) The instructor training course shall be administered by a certified school, POST Staff or any agency or institution which the Council shall recognize. Each person eligible for admission to the instructor training course shall demonstrate competency with respect to possession of requisite skills and knowledge.

464-5-.05 Schools Required to be Certified. Amended. Any school which intends to offer a basic course in accordance with these Rules shall comply with the certification provisions of this Chapter.

464-5-.06 Number of Certified Schools. Amended.

(1) The number of certified training schools shall be limited by the Council and all schools seeking certification shall, prior to the submission of application for certification, satisfy the Council of such need for an additional school based upon a training work load need beyond the capacity and capabilities of the existing system.

(2) If the Council determines that such need does not exist, Council shall notify the applicant thereof, and, upon request by the applicant, afford due notice and opportunity for hearing. If the Council, after affording such notice and opportunity for hearing, finds the need is not such to justify an additional academy, the applicant shall be advised in writing of the findings upon which such determination is based.

464-5-.07 Application for Certification. Amended. Every agency or organ of this State, subdivision or municipality thereof seeking school certification, shall make application on forms furnished by the Council and in connection therewith shall require all answers to questions be under oath and supply all information, and furnish all certificates, affidavits, and other requested supporting data. In all cases the application shall be made in the name of the agency or organ of this State, subdivision or municipality, and the application shall show that the certification is for the use of the applicant.

464-5-.08 School (Academy) Requirements. Amended. In order that a school be qualified for certification under these Rules, all facilities and equipment related to administration of instructional courses shall be subject to inspection by POST Staff to insure that the facilities are in compliance with applicable municipal, county, State and federal fire, sanitation, building and Council regulations. Copies of inspection reports shall be made available to the Council, upon request as evidence of compliance with said regulations; otherwise, a letter documenting compliance shall accompany the application.

464-5-.09 School (Academy) Director. Amended. A certified school shall employ a school director who is certified by the Council. Said school director shall be employed on a full-time basis to perform duties directly related to the operation of the school, and such other duties as the Council may direct. A school director employed by a regional police academy or state training academy shall be assigned no additional duties by the sponsoring agency which conflict with his/her duties as school director.

464-5-.10 School (Academy) Certification Suspension. Amended.

(1) Any school whose certified director resigns, is terminated, or otherwise leaves the employ of the school, or whose school director's certification is suspended or revoked, shall have its certification suspended after ten (10) days unless a temporary acting director is appointed by the sponsoring agency and written notice is served on the Council of the school's intention to comply with this Rule. A reasonable time shall be granted for the school to comply. Council may, in its discretion, suspend such school's certification until a proper determination is made after a hearing.

(2) The sponsoring agency of any school whose director resigns, is terminated, or otherwise leaves the employ of the school, may at the discretion of the Council's executive director subject to Council ratification, appoint an acting director for such period of time as is reasonable to employ and certify a full-time school director.

464-5-.11 School (Academy) Instructor Requirements. Amended. A certified school which offers any basic course shall employ at least one full-time certified instructor, other than the certified director, to perform duties directly related to the basic course. Such instructor employed by a regional police academy or the State training academy shall be assigned no additional duties except those as assigned by Council, which conflict with his/her full-time, primary instructional duties in a basic course.

(a) A certified school which offers training courses other than basic training shall employ at least one full-time-certified instructor, other than the certified director, to perform duties directly related to "other" training courses. Such instructor employed by a regional police academy or the State training academy may be assigned duties related to a basic course, but shall be assigned no other duties which conflict with his/her duties.

(b) Any number of additional certified instructors may be employed by a certified school.

- (c) Any person employed on the staff or faculty of a certified school, including the school director, who teaches in a basic, refresher, advanced/specialized or instructor training course, shall be certified in accordance with these Rules.
- (d) A certified school shall employ at least one full-time secretarial assistant to perform secretarial or clerical duties related to the administration of the school. The duties of the assistant shall be determined by the school director.
- (e) Any certified school, other than a departmental academy, must operate twelve (12) months out of the calendar year.
- (f) Any person employed on the staff or faculty of a certified school, including the school director, who teaches in a basic, refresher, advanced/specialized or instructor training course, shall be required to attend forty (40) hours of career development training and/or area specialization training each year.

464-5-.12 Repealed.

464-5-.13 Advisory Board. Amended. All certified regional academies which offer in-service training courses shall have a regional academy advisory board whose composition, functions, duties and methods of selection shall be determined by Council.

464-5-.14 Recognition of Courses. The Council may certify or recognize any advanced/specialized training course that is conducted by a certified school or by an institution other than a certified school, provided such school or institution has complied with all rules, policies, guidelines, and procedures adopted by Council.

464-5-.15 Period of Certification. Annual Renewals. Certification shall continue in effect for twelve calendar months commencing with the award of a certificate. The Council shall evaluate each certified school within twelve calendar months commencing with the award of a certificate and annually thereafter to determine continued compliance with the qualification requirements of this Chapter, adherence to contractual obligations, and maintenance of acceptable instructional quality. The Council shall award letters of renewal to schools found in continued compliance.

464-5-.16 Failure to Comply. The Council shall deny certification to any school which fails to comply with the certification provisions of this Chapter. The Council may suspend, revoke, place on probation, reprimand

or refuse to renew certification of any school at any time, which fails to maintain the qualifications provided for in this Chapter.

464-5-.17 Reapplication: Reinstatement. Any school to which certification has been denied or whose certification has been revoked or has lapsed may reapply or petition the Council for re-certification no sooner than six months after action by Council becomes final. The Council may require a hearing at which time an affected school shall show cause why its application should be accepted or its petition granted.

464-5-.18 Information and Inspection. Any school certified or seeking certification under these Rules shall supply such information or assist in such reasonable inspection as the Council deems necessary.

464-5-.19 School Director Certification. Amended. In order that a school director be qualified for certification under these Rules the following requirements shall be met:

(a) At the time of making application for certification under these Rules, a school director shall:

1. be a candidate for full-time employment and qualified for instructor certification in accordance with these Rules;
2. possess a baccalaureate degree from an accredited institution of higher learning;
3. have at least five years experience in criminal justice;
4. possess good moral character.

(b) No school director shall be certified under these Rules without having been interviewed by Council and without having completed an application, as required by Council. Said application shall be submitted within ninety (90) days of appointment as a school director.

464 5 .20 Emergency Suspension for Failure to Maintain Training.

(1) Beginning January 1, 2013, POST shall review the status of each officer=s training record in accordance with O.C.G.A. 35 8 21. A review will be made of the officer=s previous calendar year training. Any peace officer who does not fulfill the training requirements of this Code section shall lose his power of arrest and POST shall issue a suspension of their certification as provided in O.C.G.A. 35 8 7.1(b)(1).

(2) Upon review of the record and a determination that the officer is out of compliance with O.C.G.A. 35 8 21, the executive director of the council shall order the emergency suspension of such officer's certification.

The order of emergency suspension shall be made in writing and shall specify the basis for the executive director's determination. The emergency suspension order of the executive director shall continue in effect until such time as proof of compliance with O.C.G.A. 35 8 21. At that time, the order is withdrawn by the executive director.

(3) The affected officer shall be notified via certified mail of the Council's action and of the affected party's right to request a hearing as provided in Section 464 8 as amended of P.O.S.T. Council Rules.

(4) The employing agency of the affected officer shall also be notified of Council's action by forwarding a copy of the notice to the employing agency via U.S. Mail.

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**CHAPTER 464-6
INSTRUCTOR CERTIFICATION**

464-6-.01 General Instructor/Specialized Instructor. Amended. For purposes of these Rules, there shall be two forms of certification by which an instructor may become certified to teach in a course approved by the Council:

- (a) General Instructor Certification; and
- (b) Specialized Instructor Certification.

464-6-.02 Instructor Certification. Amended. Any persons serving as a general/specialized instructor in a basic course or other course approved by Council must submit application for certification, in such form as the Council may require.

464-6-.03 General Instructor Certification. Amended. All instructors wishing to teach in a course approved by the Council must be certified as an instructor unless otherwise is specified in accordance with these rules.

464-6-.04 Competency Required for General Instructor Certification. Amended. To qualify for certification as an instructor under these Rules, an applicant shall demonstrate competency to teach.

- (a) Competency shall be evaluated in terms of three abilities, as follows:
 - 1. possession of requisite skills and knowledge;
 - 2. organization of skills and knowledge in a written form suitable for teaching;
 - 3. demonstration of effective presentation skills and knowledge in a classroom situation.

(b) Competency with respect to possession of requisite skills and knowledge is demonstrated when an applicant provides suitable evidence of a high school diploma, or its recognized equivalent, and direct experience.

(c) Competency with respect to organization of requisite skills and knowledge is demonstrated when an applicant provides suitable evidence of the following:

1. successful completion of the Georgia Peace Officer Standards and Training instructor course or its recognized equivalent; and
2. academy director authorization for certification.

(d) Competency with respect to classroom presentation of requisite skills and knowledge is demonstrated when an applicant provides suitable evidence of one of the following:

1. successful completion of the Georgia Peace Officer Standards and Training instructor course; or
2. successful completion of both written and performance examinations approved by the Council in which teaching presentation skills and knowledge are tested.

(e) Suitable evidence of applicant's competency in each of the three abilities (possession of requisite skills, organization of skills and demonstration of effective presentation) shall be reflected in an application form provided by the Council. No applicant shall be certified as an instructor in accordance with these Rules unless application is made in such form as the Council may establish.

464-6-.05 Specialized Instructor Certification. Amended. Any persons serving as an instructor in the following subjects must be certified in accordance with these Rules.

(a) Firearms.

(b) Defensive Tactics.

(c) Driver Training.

(d) Speed Detection.

(e) Hazardous Materials.

(f) Emergency Medical

464-6-.06 Competency Required For Specialized Instructor Certification. Amended. To qualify for certification as a specialized instructor under these Rules, an applicant shall demonstrate competency to teach.

(a) Competency shall be evaluated in terms of the following:

1. successful completion of the Georgia Peace Officer Standards and Training Council instructor training course or its recognized equivalent; and
2. successful completion of designated Council approved training in the subject of expertise.

(b) Suitable evidence of applicant competency shall be reflected in an application form provided by the Council.

464-6-.07 Instructor Application. Amended. No applicant shall be certified as a General or Specialized Instructor unless application is made in the form designated by Council and submitted through a POST certified academy director or a State departmental training officer.

464-6-.08 Guest Instructor Recognition. Amended. Guest Instructor Recognition. Because of the inherent nature of certain professions or particular skill levels achieved, certain individuals may be requested to instruct. Such persons shall be designated as guest instructors and shall be recognized by Council as such. Guest Instructor recognition shall be granted only by the written request of the academy director or a professional criminal justice association recognized by the Georgia Peace Officer Standards and Training Council. No certified officer shall be recognized as a guest instructor.

464-6-.09 Repealed

464-6-.10 Decertification. Amended. The Council may withdraw or suspend the certification of any instructor when it is determined that an instructor has:

- (a) Violated any portion of Georgia Code 35-8-7.1(Authority of Council to refuse certificate to applicant or to discipline certified peace officer or exempt peace officer; grounds; restoration of certificate) ;
- (b) exhibited gross or patterned physical or verbal abuse of students;
- (c) consistently or grossly failed to meet the standards of student performance objectives in approved lesson plans;
- (d) intentionally or negligently endangered the safety of students or other instructors.
- (e) failed to comply with the Rules of an academy or Council approved association.

464-6-.11 Emergency Instructor Certification Suspension. The Chairman and Executive Director of the Council, if in agreement, may, in an emergency situation, temporarily suspend the certification of any instructor, pending a meeting of the full Council, when it is determined that a meeting of the full Council will not be held for at least thirty days and it is is determined, after notice and an opportunity to be heard, that an instructor has intentionally or negligently endangered the safety of students or other instructors. Said suspension shall be effective only until the next meeting of the full Council.

464-6-.12 Repealed.

464-6-.13 Senior/Master Instructor Trainer Requirements. P.O.S.T. certified instructors may become senior and master instructor trainers by teaching in the P.O.S.T. Instructor Training Course (ITC) .

- (a) Requirements for Senior Instructor trainer certification are:
 - 1. Submission of application by a General or Specialized Instructor, approved by academy director or recognized state training organization;
 - 2. Observation of a Senior/Master Instructor Trainer by applicant of a block of instruction designated in application;

3. Supervision of applicant teaching the designated topic by a Senior/ Master Instructor Trainer;
4. Submission of application/evaluation to P.O.S.T. Training Standards Division.

(b) Requirements for achieving the Master Instructor Trainer Certificate are:

1. Senior Instructor Trainer certification;
2. Accumulation of twenty (20) instructional points obtained as follows:
 - (i) Ten (10) of the points by instructing in the ITC; one (1) point only per ITC:
 - (ii) Student lesson plan/presentation evaluation; one (1) point per ITC.
3. If an instructor teaches and evaluates in an ITC, he/she can only acquire one (1) point. An applicant may accumulate more than ten (10) of the twenty (20) points by teaching; however, the applicant may not claim more than ten (10) points earned from evaluations.
4. Submission of application for Master Instructor Trainer to P.O.S.T. Training Standards Division.

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CHAPTER 464-7
PRE-INVESTIGATIVE CONSENT ORDERS

464-7-.01 Pre-Investigative Consent Order Defined.

(a) Pre-investigative consent agreements may be entered into by Georgia POST Council and an applicant/candidate for certification or person certified pursuant to O.C.G.A. Title 35, Chapter 8. POST Council may issue a pre-investigative consent order in situations in which the individual agrees to the imposition of certain disciplinary sanctions in accordance with O.C.G.A. Title 35, Chapter 8, Section 7.1.

(b) Entering into a consent agreement resulting in a consent order is entirely voluntary and any person entering into such agreement waives all other proceedings, hearings and processes normally associated with actions taken by POST Council.

464-7-.02 Administration of Pre-Investigative Consent Orders. In certain instances, using guidelines approved by the POST Council, a pre-investigative consent order may be offered, in lieu of a full POST disciplinary investigation. Any such consent order agreed upon and finalized by the Executive Director and Chairman shall be presented before the Council at the next regularly scheduled meeting for final approval.

In cases in which no agreement is made, the Director of the Investigations Division of the Council shall assign the case to an investigator as in other cases.

464-7-.03 Circumstances When a Pre-Investigative Consent Order may be Rescinded.

(a) A pre-investigative consent order may be rescinded by the Council if it is found to have been based on misleading, deceptive, untrue, or fraudulent information or documents submitted to POST Council or its staff.

(b) If a pre-investigative consent order is rescinded, the investigative matter shall be forwarded to the POST Investigations Division for review by the Council.

464-7-.04 Administrative Fee. An administrative fee, as prescribed by the Council, must be submitted with any final consent orders.

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CHAPTER 464-8
HEARINGS

464-8-.01 Hearing Requests. Amended.

Within thirty (30) calendar days after service of notice of adverse action, an officer or applicant must request a hearing and, under oath, answer and respond to the notice of adverse action by either admitting or denying each and every allegation presented in the case summary attached to the notice of adverse action. A request for hearing is defined as a clear written expression by the affected party or authorized representative on his/her behalf to the effect that he/she wants the opportunity to contest his/her case. All allegations which are not specifically answered are deemed to be admitted. For purposes of notification, mailing by certified mail to the last address specified on the application or the last known address of the officer or applicant shall constitute proper service.

464-8-.02 Denial and Dismissal of Hearing Requests. Amended. The Council or Hearing Officer designated by the Council may deny or dismiss a request for a hearing for the following reasons:

- (a) It has been withdrawn by the affected party;
- (b) If the affected party or his/her representative fails to appear at a hearing or settlement conference scheduled for such affected officer.
- (c) If the affected party or his/her representative does not submit a written request for hearing and answer to the allegations within thirty (30) days after service of the notice of adverse action.

464-8-.03 Pre-Hearing Conferences. Amended.

Prior to referral to the Office of State Administrative Hearings, a pre-hearing conference may be held. The officer (and his or her counsel, if any), a member of the POST Council staff and an Assistant Attorney General may participate. The purpose of the conference is to discuss any issues in dispute and to provide

the parties an opportunity to present any additional matters relevant to the sanction being imposed by the Council. As a result of the conference, the Assistant Attorney General, with the concurrence of the Executive Director, may recommend that the Council's sanction be modified. The Chairman of the Council, or the Vice-Chairman if the Chairman is unavailable, shall be authorized to approve such modifications. If no recommendation for modification is made, the matter may then be referred to the Office of State Administrative Hearings for adjudication.

464-8-.04 Hearing Officer. Amended. The Hearing Officer (Administrative Law Judge) shall be appointed by the Chief Administrative Law Judge of the Office of State Administrative Hearings (O.S.A.H.), and shall have all the power and authority set forth in O.C.G.A. § 50-13, and may preside at any conferences, reviews, or hearings scheduled and/or conducted.

464-8-.05 Documents. Amended. Any and all documents under these Rules are the exclusive property of the Council and shall be surrendered upon demand pursuant to proceedings under these Rules.

464-8-.06 Hearings on Motions to Review.

(a) Any initial decision of the hearing officer not identical to P.O.S.T. Council's initial action shall automatically be reviewed by the Council. Any review of an initial decision of the hearing officer shall be limited to the record. In the event either party wishes to present evidence outside of the record, a written request to present such evidence must be filed at least ten (10) days prior to Council review. A description of the evidence must accompany any request and Council reserves the right to deny the presentation of additional evidence.

(b) Pursuant to O.C.G.A. § 50-13-41(e) (3), any initial decision of the hearing officer which is identical to Council's initial action shall without further agency action become the final decision of the Council.

464-8-.07 Appeals. Amended. All appeals from final Council action shall be filed in accordance with O.C.G.A. 35-8-.7.2.

(a) A copy of any petition for judicial review brought by an officer or applicant shall be provided to the Office of State Administrative Hearings and the State Department of Law simultaneously with the service of the petition upon the Council. A petition for judicial review may be served upon the Council by personal service or certified mail upon the Executive Director of the Council.

(b) Upon receipt of a petition, the Office of State Administrative Hearings shall compile and certify the record to the reviewing court on behalf of the Council.

(c) It shall be the burden of the party filing a petition for judicial review to request and pay for a transcript of the evidentiary hearing if the transcript is to be made a part of the record sent to the reviewing court.

(d) Upon recommendation of the State Department of Law, the Chairman and Executive Director of the Council upon agreement thereof, may take action on the behalf of the Council on all matters, proceedings, civil actions, or other issues involving litigation.

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CHAPTER 464-9
ADOPTION OF RULES

464-9-.01 Right of Petition Established. Amended. Any interested person may petition the Council requesting the promulgation of a Rule or the amendment or repeal of a Rule already in force, as contemplated in the Administrative Procedure Act. (O.C.G.A. 50-13-9) .

464-9-.02 Form of Petition. Amended. Each such petition shall be filed with the Council in writing and shall set forth:

(a) the name and post office address of the Petitioner;

(b) the full text of the Rule requested to be amended or repealed, or the full text of the Rule desired to be promulgated;

(c) a paragraphed statement of the reasons such Rule should be amended, repealed or promulgated, including a statement of all pertinent and existing facts as to the petitioner's interest in the matter.

(d) citations of legal authorities if any, which authorize, support, or require the action requested by the petitioner. The petition shall be verified under oath by, or in proper behalf of, the petitioner.

464-9-.03 Proceeding on Petition. Amended. Upon receipt of the petition, the Chairman, Vice-Chairman, or Secretary of the Council, shall give the petition due consideration and present it to the Council, who shall decide upon the action to be taken. Within thirty days after the next Council meeting, the Council shall inform the petitioner by mail of the decision reached, and shall either decline to take the action requested, stating its reasons for so declining, or shall initiate rule making in accordance with the Administrative Procedure Act.

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CHAPTER 464-10
CERTIFICATION OF SPEED DETECTION DEVICE
OPERATORS AND INSTRUCTORS

464-10-.01 Forms of Certification, Requirements for Operator Certification. Amended. For the purpose of these rules there shall be four forms of certification by which an officer may become certified to operate speed detection devices as defined in the rules:

(a) VASCAR Certification-to be certified as a VASCAR operator an officer must:(1) complete a VASCAR Training Course approved by the Council and taught by a certified instructor; (2) meet the necessary certification requirements as approved by Council.

(b) RADAR Certification - to be certified as a RADAR operator an officer must:(1) satisfactorily complete a RADAR Training Course approved by the Council and taught by a certified instructor; (2) meet the necessary certification and re-certification requirements (to include refresher training) as approved by Council.

(c) Electronic Digital Speed Computer Timing Device (EDST) and Stopwatch Certification - to be certified as an EDST/Stopwatch operator an officer must: (1) satisfactorily complete an EDST/Stopwatch training course, as approved by Council, or satisfactorily complete a VASCAR Training Course as approved by Council; (2) meet the necessary certification requirements as approved by Council.

(d) LASER Certification - to be certified as a LASER operator an officer must:(1) satisfactorily complete a Laser Training Course approved by the Council and taught by a certified instructor; (2) meet the necessary certification and recertification requirements (to include refresher training) as approved by Council.

464-10-.02 RADAR Instructor Certification. Amended. In order that a person be certified as an instructor for RADAR speed detection devices, that person shall be a POST certified instructor and complete a RADAR instructor's course as approved by the Council.

464-10-.03 VASCAR Instructor Certification. Amended. In order that a person be certified as an instructor for VASCAR speed detection devices, that person shall be a POST certified instructor and complete a VASCAR instructor's course as approved by the Council.

464-10-.04 EDST/Stopwatch Instructor Certification. Amended. In order that a person be certified as an instructor for EDST/Stopwatch courses, that person shall be a POST certified instructor and complete an EDST/Stopwatch instructor's course, as approved by council, or be certified as a VASCAR instructor.

464-10-.05 Repealed

464-10-.06 LASER Instructor Certification. In order that a person be certified as an instructor for LASER speed detection devices, that person shall be a POST certified speed detection instructor and complete a LASER instructor's course as approved by the Council.

464-10-.07 Application for Certification. All applications for speed detection operator certification must be submitted within eighteen (18) months of speed detection operator course completion. Failure to submit an application within the required time frame will require the officer to retake the speed detection operator course.

464-10-.08 Repealed

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CHAPTER 464-11

REPEALED

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CHAPTER 464-12

REPEALED

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CHAPTER 464-13
SPECIALTY AND VOLUNTARY CERTIFICATIONS

464-13-.01 Specialty and Voluntary Certification. Every person requesting certification shall make application on forms furnished by the Council, and in connection therewith shall, under oath, answer all questions, supply all information, and furnish all certificates, affidavits and other supporting data as required. Any untrue, misleading or omitted statements contained in any such application shall be cause for denial.

464 13 .02 Crime Scene Technician Certification Requirements. Each person applying for Crime Scene Technician Certification must:

- (1) Complete the required core courses as prescribed by the Council;
- (2) Have one (1) year experience as a full time Crime Scene technician; and
- (3) Complete a forty (40) hour internship with a certified Crime Scene technician.

464-13-.03 Field Training Officer Certification Requirements. Amended. Each person applying for Field Training Officer Certification must:

- (a) Possess a minimum of three (3) years experience in law enforcement with a minimum of two (2) years with current agency; and
- (b) Complete a Council approved course of instruction for Field Training Officers.

464-13-.04 Departmental Training Officer Certification Requirements. Each person applying for Departmental Training Officer Certification must:

- (a) Possess P.O.S.T. certified General Instructor Status; and

(b) Successfully complete a P.O.S.T. certified Departmental Training Officer Course; and

(c) Possess P.O.S.T. certified Field Training Officer status or three (3) years experience in law enforcement.

464-13-.05 Senior Deputy Certification. Amended. Each person applying for Senior Deputy certification must:

(a) be a certified, registered or exempt peace officer currently employed by a Georgia law enforcement agency recognized by the Georgia Peace Officer Standards and Training Council;

(b) have successfully completed the required core courses conducted by a POST recognized training facility; and

(c) complete a minimum of 200 hours of POST recognized training other than required core courses, refresher or in-service training, or basic training required for any certification issued by POST Council. Any training used as electives must be approved by the applicant's chief executive. The core courses required for intermediate and advanced certification may be used as electives mentioned in this paragraph as long as they have not been used for previous issuance of the intermediate or advanced certification. Once an intermediate or advanced core course is used as an elective, pursuant to this rule, it may not be used for issuance of any future POST certification without re-attending the required course or an approved alternative which has been deemed equivalent.

464-13-.06 Intermediate Certification Requirements. Amended. Each person applying for Intermediate level certification must:

(a) Be a certified, registered or exempt officer currently employed by a Georgia Law Enforcement Agency certified by P.O.S.T.; and

(b) Have at least 2 years experience as a full-time, paid peace officer; and

(c) Have successfully completed the five (5) required core courses, as outlined in the application, at a P.O.S.T. recognized training facility; and

(d) Have a minimum of ten (10) quarter or six (6) semester hours from an accredited college or university.

464-13-.07 Advanced Certification Requirements. Amended. Each person applying for Advanced level

certification must:

- (a) Possess or be able to possess the Intermediate Certificate;
- (b) Be a certified, registered or exempt peace officer currently employed by a Georgia Law Enforcement agency certified by the Georgia Peace Officer Standards and Training Council;
- (c) Have at least four (4) years experience as a full-time, paid peace officer;
- (d) Have successfully completed the seven (7) required core courses (listed on the application) at a P.O.S.T. recognized training facility; and
- (e) Have a minimum twenty (20) quarter or twelve (12) semester hours from an accredited college or university.

464-13-.08 Supervisory Certification Requirements. Amended. Each person applying for Supervisory level certification must:

- (a) Currently hold a supervisory position and have done so for at least one year prior to certification. A supervisory position is defined as one where the holder of such a position is responsible for the direct supervision of personnel occupying basic operational line positions - patrol, investigation, or support. The Position title may be sergeant, corporal, officer-in-charge or team Leader. A person in this position commonly performs both the direct supervision of Personnel and actual law enforcement duties. Also included would be coordination of supervised personnel, evaluation, and record keeping. Determination will be based on job function and not position title.
- (b) Possess 45 college quarter or 30 semester hours from an accredited college or university ; and
- (c) Complete the 120-hour "P.O.S.T. Supervisory Development Course".

464-13-.09 Management Certification Requirements. Amended. Each person applying for Management level certification must:

- (a) Currently hold a management position and have done so for at least one year prior to certification. A management position is defined as one where the holder occupies a management position in a law

enforcement agency which falls between the supervisor and the executive. This position typically involves planning, organizing, public relations, discipline, and general administrative work. Determination will be based on job function and not position title.

(b) Possess 90 college quarter or 60 semester hours from an accredited college or university; and

(c) Complete the 120-hour "P.O.S.T. Management Development Course".

464-13-.10 Executive Certification Requirements. Amended. Each person applying for Executive level certification must:

(a) Currently hold an executive position and have done so for at least one year prior to certification. An executive position is defined as "the highest level official with direct operational responsibility for a law enforcement agency". Duty positions may be identified by the title of chief of police, sheriff, superintendent, warden, colonel, director, or commissioner. As general manager of a law enforcement agency, the executive has the administrative responsibility for the policies and performance of the Agency. Determination will be based on job function and not position title.

(b) Possess 90 college quarter or 60 semester hours from an accredited college or university; and

(c) Complete the 120-hour "P.O.S.T. Executive Development Course".

464-13-.11 Arson Investigator Certification. Each person applying for Arson Investigator certification must:

(a) Have a minimum of six (6) months experience as an arson investigator;

(b) Satisfactorily complete both basic and advanced arson investigator training courses;

(c) Be certified/registered as a peace officer or firefighter recommended by the departments chief executive; and

(d) Submit notarized application with agency head's signature.

464-13-.12 Training and Certification of Bomb Technicians, Explosive Ordnance Disposal Technicians, and Handlers of Animals Trained to Detect Explosives. Any person who is employed by an agency or

authority of this state or an agency or authority of a political subdivision of this state as a bomb technician, explosive ordnance disposal technician, handler of an animal trained to detect explosives, or any person who is assigned to such duties shall be required to successfully complete a training program prescribed by Council which shall consist of an initial training program, an apprenticeship, and annual recertification.

464-13-.13 Repealed.

464-13-.14 Jail Training Officer Certification Requirements. Each person applying for Jail Training Officer Certification must:

(a) Possess a minimum of three (3) years experience as a jail officer with a minimum of two (2) years with current agency; and

(b) Complete a Council approved course of instruction for Jail Training Officers.

(Authority § 35-8-7(23))

464-13-.15 Communications Training Officer Certification Requirements. Each person applying for Communications Training Officer Certification must:

(a) Possess a minimum of three (3) years experience as a communications officer with a minimum of two (2) years with current agency; and

(b) Complete a Council approved course of instruction for Communications Training Officers.

464 13 .16 Criminal Investigator Certification Requirements. Each person applying for Criminal Investigator Certification must:

(1) complete the required core courses as prescribed by the Council;

(2) have at least three years experience as a sworn law enforcement officer;

(3) have one year experience as a full-time Criminal Investigator; and

(4) currently assigned to Criminal Investigative duties.

464 13 .17 Narcotics Officer Certification Requirements. Each person applying for Narcotics Officer Certification must:

- (1) complete the required core courses as prescribed by the Council;
- (2) have one year experience as a full-time Narcotic Investigator; and
- (3) currently assigned to a Criminal Investigative Division assigned to investigate narcotic crimes or work for a Multi-Jurisdictional Drug Task Force.

464 13 .18 Traffic Accident Reconstruction Specialist Certification Requirements. Each person applying for Traffic Accident Reconstruction Specialist Certification must:

- (1) complete the required core courses as prescribed by the Council;
- (2) have at least three years experience as a sworn law enforcement officer; and
- (3) have one year experience conducting traffic accident investigations.

464-13-.19 Latent Print Examiner Certification. Each person applying for Latent Print Examiner Certification must:

- (1) Complete the required core courses as prescribed by the Council within 36 month of the start date of the first required course;
- (2) Currently assigned to Latent Print Examiner duties;
- (3) Complete the initial latent proficiency test from an ISO/IEC 17043 accredited provider; and
- (4) Maintain an administrative file documenting completion of required biannual latent proficiency tests.

464-13-.20 Special Weapons and Tactics (SWAT) Officer Certification. Officers applying for the SWAT Certification must:

- (1) Complete the required core courses as prescribed by the Council;
- (2) Have at least three years experience as a sworn law enforcement officer; and
- (3) Currently assigned to the departmental tactical unit.

RULES
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CHAPTER 464-14
CERTIFICATION OF COMMUNICATIONS OFFICERS

464-14-.01 Application for Certification as Communications Officer. Every person required or permitted to be certified as a communications officer shall make application on forms furnished by the Council, and in connection therewith shall, under oath, answer all questions, supply all information, and furnish all certificates, affidavits, waivers to obtain information and other supporting data as required. The written application for certification shall be a permanent record which the communications officer must maintain current. The application for certification shall be valid for only eighteen (18) months from the date of application. Should the applicant not be certified within said period, the applicant will be required to make a new application and in connection therewith; shall answer all questions, supply all information, and furnish all certificates, affidavits, and other supporting data as required. An application for certification shall be on file with the Council prior to the applicant's employment or appointment as a communications officer.

464-14-.02 Qualifications for Certification: Pre-employment Requirements.

(1) When initially accepted for employment or appointment by a Sponsoring Agency, any candidate seeking certification under these rules shall:

- (a) Be at least eighteen (18) years of age as evidenced by a certified copy of said candidate's birth certificate or other proof of birth acceptable to the Council.
- (b) Be a citizen of the United States or a repatriated or naturalized citizen of the United States as of the date employment commences as evidenced by a certified copy of said candidate's birth certificate or other certified proof of citizenship acceptable to the Council.
- (c) Have a high school diploma or its recognized equivalent or any approved college degree indicating successful completion of high school. A recognized equivalent means a diploma awarded by any state on the basis of a General Education Development (GED) Test.
- (d) Be fingerprinted and a search made of local, state, and national fingerprint files to disclose any criminal record;
- (e) Not have been convicted by any state or by the federal government of any crime the punishment for which could have been imprisonment in a federal or a state prison or institution nor have been convicted of sufficient misdemeanors to establish a pattern of disregard for the

law, provided that, for purposes of this paragraph, violations of traffic laws and other offenses involving the operation of motor vehicles when the applicant has received a pardon shall not be considered;

- (f) Possess good moral character as determined by investigation under procedure established by the Council;
- (g) Be found, after examination by a licensed physician or surgeon, to be free from any physical, emotional, or mental conditions which might adversely affect his/her exercising the duties of a communications officer, and;
- (h) Have an oral interview with the hiring authority or its representative to determine the applicant's appearance, background, and ability to communicate.

RULES
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CHAPTER 464-15
REGISTRATION OF COMMUNICATIONS OFFICERS

464-15-.01 Application for Registration.

(a) Every person required or permitted to be registered as a communications officer shall make application on forms furnished by the Council, and in connection therewith shall, under oath, answer all questions, supply all information, and furnish all certificates, affidavits, waivers to obtain information and other supporting data as required. Any untrue, misleading or omitted statement contained in any such application shall be cause for denial, and if any registration has been granted, it shall be cause for the revocation of same.

(b) All applications for registration as a communications officer must be received by the Council by July 1, 1999. No person shall be permitted to submit an application for registration after that date. All persons filing applications after that date shall be required to meet the certification requirements of a communications officer.

RULES
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STANDARDS AND TRAINING COUNCIL

CHAPTER 464-16
TRAINING OF COMMUNICATIONS OFFICERS

464-16-.01 Basic Course. The Council shall formulate and promulgate a program of instruction for each category of communications officers it deems necessary. The program will comprise fundamental communications skill and knowledge, and shall be designated the basic course. Those not employed with a communications center may be allowed to attend the basic course. All tuition and costs associated with attendance in the basic course by the pre-service attendee shall be paid by said attendee.

Individuals employed as a communications officer must attend the basic course within six (6) months of the initial date of employment in order to perform the duties of a communications officer.

464-16-.02 Basic, In-Service Training and Specialized/Advanced Course Administration. Basic, in-service, and specialized/advanced courses shall be administered by schools certified in accordance with these Rules, except that the Council may, in its discretion, recognize college, junior college, technical school, trade school, or similar institution which is substantially equivalent to that which the Council may establish. The Basic Communications Officer Training Course shall at all times be delivered on the premises of an academy certified in accordance with these Rules or sites specifically approved by Council, and be delivered to the entire class as a single entity except where certain remedial training is required by P.O.S.T. policy.

464-16-.03 Instructor Training Course. All Communications Officers wishing to instruct in the Basic Communications Officer Training Course must be certified P.O.S.T. instructors, having attended training specified in 464-05-.04 of these Rules, and in compliance with Chapter 464-6 of these Rules, as specified by Council.

464-16-.04 Schools Required to be Certified. Amended. All schools which intend to offer the Basic Communications Officer Training Course must meet the certification standards as outlined in 464-05-.05 of these Rules.

464-16-.05 All Other Rules of the Council Applicable. All rules of the Georgia Peace Officers Standards

and Training Council not specifically addressed in Chapter 16 are applicable and enforceable to all those entering or continuing employment as a Communications Officer with a Communications Center, as specified by Council Rules and the law.

**RULES
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CHAPTER 464-17

REPEALED

RULES
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STANDARDS AND TRAINING COUNCIL

CHAPTER 464-18
PETITIONS TO COUNCIL

464-18-.01 Petition for Reinstatement of Certification or Reconsideration of Application.

(a) After two (2) years (24 calendar months) in a revoked or denied status, a former officer or applicant may petition Council for reinstatement of certification or reconsideration of application. The written petition must contain the following information:

- (1) Name, Social Security Number, present address and telephone number of petitioner, and
- (2) A statement clearly outlining why the petitioner feels that a reinstatement or reconsideration is justified.

(b) The petitioner must personally appear before the Council. Even if represented by an attorney, the petitioner may be questioned by the Council.

(c) If a petition is denied, a new petition may not be presented to Council until two (2) years (24 calendar months) have passed from the date of the denial.

(d) If a petition is approved, the Council has the discretion to condition approval upon any of the disciplinary or corrective measures provided in the Georgia Peace Officer Standards and Training Act.

464-18-.02 Request for Waiver or Extension.

(a) Except as otherwise provided by law and for good cause shown, the Council may, in the exercise of its discretion, grant a waiver or waivers of an existing requirement or grant a reasonable period or periods of extension of any requirement imposed under these Rules. All requests for waivers or extensions must be submitted in writing.

(b) The written request must contain the following information:

- (1) Name, Social Security Number, present address and telephone number of person requesting waiver or extension, and
- (2) A statement clearly outlining why the requestor feels that a waiver or extension is justified.

464-18-.03 Administrative Fee. An administrative fee, as prescribed by the Council, must be submitted with the written request.