

IDAPA 11 - IDAHO STATE POLICE

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

DOCKET NO. 11-1102-1201

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 19-5107, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 17, 2012.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Removes exception of physical disability in minimum employment standards, as that language is outdated and also conflicts with another provision in the rules. Changes term "must" to the more appropriate term "shall." Removes outdated language in reference to height and weight requirements. Establishes the Intermediate certificate and the requirements for achieving it.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: None.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because representatives of the affected parties were involved in the drafting and approval of the rule.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Trish Christy at (208) 884-7253.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 24, 2012.

DATED this 14th day of August, 2012.

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

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 11-1102-1201

030. JUVENILE DETENTION OFFICER CERTIFICATION.

01. Decertification. The council may decertify any juvenile detention officer in the same manner as provided in IDAPA 11.11.01, "Rules of the Idaho Peace Officer Standards and Training Council," Subsection 091.03.

(3-30-01)

02. Certification. The following dates govern voluntary and mandatory certification. (3-30-01)

a. From October 1, 2000 through September 30, 2002, any county Juvenile Detention Officer may receive voluntary certification from POST upon successful completion of the requirements outlined in Sections 031 or 032. (3-30-01)

b. If employed after October 1, 2002, any juvenile detention officer shall be certified by obtaining mandatory certification from the Peace Officer Standards and Training Council within one (1) year of the date the officer was first employed as a juvenile detention officer. (3-30-01)

c. Juvenile detention officers employed prior to October 1, 2002, shall comply with the training and certification provisions of Section 030 by September 30, 2004, however, the requirement for successful completion of the POST Basic Juvenile Detention Academy shall be waived if the officer scores a minimum of seventy-five percent (75%) on a challenge examination administered by POST and any other requirements for certification. The officer shall be allowed two (2) attempts to pass the examination. The attempts shall be no less than thirty (30) days apart and no more than six (6) months apart. If the officer fails both attempts or fails to retake the examination within six (6) months, the officer shall successfully complete the POST Basic Juvenile Detention Academy to be certified. (3-29-12)

03. Applications. All applications for award of the Juvenile Detention Officer Certificate shall be completed on the prescribed form "Application for Certification" as provided by the POST Council. (3-30-01)

04. Submission. The Application for Certification form shall be submitted by the officer/applicant to the applicant's department head, who shall forward the application to the Council. Certificates shall be issued to the department head for award to the applicant. (3-29-12)

05. Minimum Standards. (3-29-12)

a. Each applicant shall meet the minimum standards for employment and training as provided in IDAPA 11.11.01, "Rules of the Idaho Peace Officer Standards and Training Council," with the exception of fitness ~~and physical disability~~ which shall be left to the discretion of the employing agency. ~~(3-29-12)~~()

b. A POST-certified detention officer who does not change employers but simply takes on juvenile detention responsibilities, shall not be required to meet the hearing and vision standards again in order to qualify for juvenile detention certification. (3-29-12)

(BREAK IN CONTINUITY OF SECTIONS)

033. PART-TIME JUVENILE DETENTION OFFICER CERTIFICATION.

01. Certification. ~~The following dates govern mandatory certification:~~ ~~(4-11-06)~~

~~**a.** If employed after October 1, 2006, any A part-time juvenile detention officer ~~must shall~~ be certified by ~~obtaining mandatory certification from~~ the Idaho Peace Officer Standards and Training Council within one (1) year of the date the officer was first employed as a part-time juvenile detention officer. ~~(4-11-06)~~()~~

~~**b.** Part-time juvenile detention officers employed prior to October 1, 2006, must comply with the training and certification provisions of Section 033 by September 30, 2007. ~~(4-11-06)~~~~

02. Minimum Standards. Each applicant ~~must shall~~ meet the minimum standards for employment and training as provided in IDAPA 11.11.01, "Rules of the Idaho Peace Officer Standards and Training Council," with the exception of ~~height, weight, fitness, and physical disability~~ which ~~will shall~~ be left to the discretion of the employing agency. ~~(4-11-06)~~()

03. Eligibility. To be eligible for the award of the part-time juvenile detention officer certificate, each applicant ~~must~~ shall meet the definition of part-time juvenile detention officer as defined in Subsection 010.07.

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

04. Supervision. All certified part-time juvenile detention officers ~~must~~ shall be under the direct supervision of a certified full-time juvenile detention officer. This section is intended to limit the activity of a part-time juvenile detention officer. Each agency ~~must~~ shall draft its own individual agency policy in reference to the supervision of its certified part-time juvenile detention officers and that policy ~~must~~ shall be kept on file within each agency.

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

05. Limitation. A part-time juvenile detention officer's certification ~~will~~ shall be effective only during those periods when he is formally assigned by the appointing agency to perform the duties of a certified part-time juvenile detention officer.

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

(BREAK IN CONTINUITY OF SECTIONS)

035. HIGHER CERTIFICATION.

01. General Provisions. In addition to the requirements set forth above for the Basic Certificate, each applicant for the award of an Intermediate Certificate shall have completed the designated education and training, combined with the prescribed juvenile justice experience. ()

02. Education. Education shall be supported by copies of transcripts, certificates, diplomas, or degrees attached to the application. ()

03. Training Not Listed. Training not listed on the applicant's Idaho POST training record shall be supported by copies of certificates, course outlines, or other verifying documents attached to the application. ()

04. Probationary Period. The officer shall have completed the probationary period required by their agency when making application for Intermediate Certification. ()

036. INTERMEDIATE CERTIFICATE.

01. Requirements. ()

02. Basic Certificate. The applicant shall possess, or be eligible to possess, a Basic Certificate. ()

03. College Credits, Training Hours, and Experience. The applicant shall have acquired the following combination of college credits and/or POST training hours, combined with the prescribed years of juvenile justice experience, or the college degree designated from an accredited college or university, combined with the prescribed years of juvenile justice experience, and have graduated from the POST Basic Juvenile Detention Academy:

<u>POST Training Hours Including POST Basic Juvenile Detention Academy</u>	<u>200 hours</u>	<u>400 hours</u>	<u>600 hours</u>	<u>800 hours</u>	<u>1,000 hours</u>	<u>POST Basic Juvenile Detention Academy</u>	
<u>One College Credit Equals Twenty (20) POST Training Hours</u>	<u>The above may be a combination of College Credits and POST Training Hours</u>					<u>Academic Associate Degree</u>	<u>Academic Baccalaureate Degree</u>
<u>Years of Juvenile Justice Experience</u>	<u>8</u>	<u>7</u>	<u>6</u>	<u>5</u>	<u>4</u>	<u>4</u>	<u>2</u>

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037. (RESERVED)

0358. LAPSE OF JUVENILE DETENTION OFFICER CERTIFICATION.

The certification of any juvenile detention officer shall be considered lapsed if the officer does not serve as a juvenile detention officer in Idaho for three (3) consecutive years. Provided, however, that an Idaho POST-certified juvenile detention officer who remains in a juvenile probation officer, Juvenile Corrections direct care staff, or misdemeanor probation officer duty assignment with a law enforcement agency that is a part of or administered by the state of Idaho or any political subdivision thereof shall retain their POST certification provided they work at least sixty (60) hours per year in that capacity. The three-year period provided herein shall be tolled during any time period that a juvenile detention officer is the subject of a POST decertification investigation and is no longer employed in law enforcement. (4-7-11)

01. Three to Five Years. A juvenile detention officer who has been out of full-time juvenile detention officer employment status from three (3) to five (5) years and who wants to reactivate certification shall meet the following POST requirements: (4-7-11)

- a.** Submit a POST Certification Juvenile Detention Challenge Packet; (4-7-11)
- b.** Pass the POST juvenile detention certification examination approved by the POST Council, administered by a POST Training Specialist, and conducted in the manner set forth in Subsection 030.02.c.; and (4-7-11)
- c.** Satisfactorily complete a probationary period as set forth in Subsection 031.01. (4-7-11)

02. Over Five Years. A juvenile detention officer who has been out of full-time juvenile detention officer employment status for over five (5) years shall attend the POST Basic Juvenile Detention Academy and comply with the requirements of Sections 030 and 031 of these rules to reactivate certification. The Council may waive this requirement on a showing of good cause by the officer supported by clear and convincing evidence that during a substantial part of the time out of full-time juvenile detention officer employment, the officer was engaged in an occupation requiring juvenile justice training, skill, and experience. This evidence shall be submitted with a POST Certification Juvenile Detention Challenge Packet. Upon receiving a waiver, the officer shall meet the following POST requirements: (4-7-11)

- a.** Pass the POST juvenile detention certification examination approved by the POST Council, administered by a POST Training Specialist, and conducted in the manner set forth in Subsection 030.02.c.; and (4-7-11)
- b.** Satisfactorily complete a probationary period as set forth in Subsection 031.01. (4-7-11)

03. Over Eight Years. A juvenile detention officer who has been out of full-time juvenile detention officer employment status for over eight (8) years shall attend the POST Basic Juvenile Detention Academy and comply with the requirements of Sections 030 and 031 of these rules to reactivate certification. No waiver of this requirement shall be granted by the Council. (4-7-11)

04. Exceptions. (4-7-11)

- a.** The provisions of Subsections 038.01 through 038.03 shall not apply to officers holding a part-time Juvenile Detention certificate who work at least sixty (60) hours per year as a Juvenile Detention officer. (4-7-11)
- b.** The certification of a full-time Juvenile Detention officer transferring to part-time Juvenile Detention officer employment shall remain valid as long as the officer works at least sixty (60) hours per year as a Juvenile Detention officer. (4-7-11)

0369. -- 999. (RESERVED)