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**IDAPA 11
TITLE 11
CHAPTER 03**

**11.11.03 - RULES OF THE IDAHO PEACE OFFICER STANDARDS
AND TRAINING COUNCIL FOR JUVENILE PROBATION OFFICERS**

000. LEGAL AUTHORITY.

01. Section 20-504(14), Idaho Code. Pursuant to Section 20-504(14), Idaho Code, the Idaho Department of Juvenile Corrections, by rule, and in cooperation with the courts and the counties, shall establish uniform standards, criteria and operating procedures for county juvenile probation services, as well as qualifications for and standards for the training of juvenile probation officers. (5-3-03)

02. Section 19-5109(6), Idaho Code. Pursuant to Section 19-5109(6), Idaho Code, the Peace Officer Standards and Training Council may, upon recommendation of the Juvenile Training Council, implement minimum training and certification standards for juvenile probation officers. (5-3-03)

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as IDAPA 11.11.03, "Rules of the Idaho Peace Officer Standards and Training Council for Juvenile Probation Officers," IDAPA 11, TITLE 11, Chapter 03. (5-3-03)

02. Scope. These rules are established to provide the opportunity for all county juvenile probation officers in the state to receive quality, consistent training to ensure that juveniles receive appropriate supervision. (5-3-03)

002. WRITTEN INTERPRETATIONS.

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, any written statements which might pertain to the interpretations of these rules will be available for public inspection to the extent allowed by Title 9, Chapter 3, Idaho Code, and will be available at the Idaho Department of Juvenile Corrections, 954 W. Jefferson St., Boise, Idaho 83720. Additional written interpretations are available for public inspection at the Idaho State Police, Peace Officer Standards and Training, 700 South Stratford Drive, Meridian, Idaho 83642-6202. (5-3-03)

003. ADMINISTRATIVE APPEALS.

Any appeals allowed under these rules shall be governed by the Idaho Administrative Procedure Act and by the IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General." (5-3-03)

004. INCORPORATION BY REFERENCE.

There are no documents that have been incorporated by reference into this rule. (5-3-03)

005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS -- WEBSITE.

01. Idaho State Police, Peace Officer Standards and Training. The principal place of business of the Idaho State Police, Peace Officer Standards and Training, is in Meridian, Idaho. The office is located at 700 South Stratford Drive, Meridian, Idaho and is open from 8 a.m. to 5 p.m., except Saturday, Sunday and legal holidays. The mailing address is: Peace Officer Standards and Training Academy, 700 South Stratford Drive, Meridian, Idaho 83642-6202. The telephone number of administration is (208) 884-7250 and the telephone number of the basic academy is (208) 884-7337. The facsimile number of administration is (208) 884-7295 and the facsimile number of basic academy is (208) 884-7398. The Peace Officer Standards and Training website at <http://www.post.idaho.gov>. (5-3-03)

02. Idaho Department of Juvenile Corrections. The principal place of business of the Idaho Department of Juvenile Corrections is in Boise, Idaho. The office is located at 954 W. Jefferson St., Boise, Idaho and is open from 8 a.m. to 5 p.m., except Saturday, Sunday and legal holidays. The mailing address is: Idaho Department of Juvenile Corrections, P.O. Box 83720, Boise, Idaho 83720-0285. The telephone number of the office is (208) 334-5100. The facsimile number of the office is (208) 334-5120. (5-3-03)

006. PUBLIC RECORDS ACT COMPLIANCE.

The rules contained herein have been promulgated according to the provisions of Title 67, Chapter 52, Idaho Code, and are public records. (5-3-03)

007. -- 009. (RESERVED)

010. DEFINITIONS.

01. Basic Juvenile Probation Academy. A basic course of instruction for Juvenile Probation Officers as recognized by POST Council. (5-3-03)

02. Challenge Exam. A test to determine a person's competence for waiver of the basic Juvenile Probation Academy. (5-3-03)

03. Juvenile Probation Department. Any public or private agency administered by or contracted with the court, made up of one (1) or more staff to provide juvenile probation services to a county at the expense and concurrence of the county commissioners. Services may include intake, diversion, supervision, restitution, and community service work. (5-3-03)

04. Juvenile Probation Officer. Any full- or part-time employee of a county juvenile probation department who is responsible for preparing social history reports to the court, making recommendations regarding conditions of probation and the supervision of juvenile offenders' compliance with court orders. (4-7-11)

05. Juvenile Training Council. An advisory group to the POST Council that is represented by the Director of the Department of Juvenile Corrections, a Magistrate, a county Juvenile Detention Director, a county Chief Probation Officer, a county Commissioner, a county Clerk, and a county Sheriff. The purpose of the Juvenile Training Council is to advise POST Council in the planning, development, and operation of the Juvenile Probation Academy. (3-30-07)

06. Mandatory Certification. To issue a certificate to a juvenile probation officer based upon successful completion of the mandatory training requirements established by POST Council. (5-3-03)

07. Voluntary Certification. To issue a certificate to a juvenile probation officer based upon successful completion of the voluntary training requirements established by POST Council. (5-3-03)

011. -- 029. (RESERVED)

030. JUVENILE PROBATION OFFICER CERTIFICATION.

01. Decertification. The council may decertify any juvenile probation 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. (5-3-03)

02. Certification. (4-7-11)

a. Any full-time juvenile probation officer employed on or after October 1, 2003, shall be certified by the Peace Officer Standards and Training Council within one (1) year of their initial hire date as a full-time juvenile probation officer. (4-7-11)

b. Any full-time juvenile probation officer employed prior to October 1, 2003 shall be certified by the Peace Officer Standards and Training Council by September 30, 2005; however, the requirement for successful completion of the POST Basic Juvenile Probation Academy shall be waived if the officer scores a minimum of seventy-five percent (75%) on the POST juvenile probation certification examination. 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, he shall successfully complete the POST Basic Juvenile Probation Academy to be certified. (4-7-11)

c. Any part-time juvenile probation officer employed on or after October 1, 2010 shall be certified by the Peace Officer Standards and Training Council within one (1) year of their initial hire date as a part-time juvenile probation officer. (4-7-11)

d. Any part-time juvenile probation officer employed prior to October 1, 2010 shall be certified by the Peace Officer Standards and Training Council by September 30, 2012; however, the requirement for successful completion of the POST Basic Juvenile Probation Academy shall be waived if the officer successfully completes the challenge procedure requirements prescribed in Section 032 of these rules. (4-7-11)

03. Applications. All applications for award of the Juvenile Probation Officer Certificate shall be completed on the prescribed form "Application for Certification" as provided by the POST Council. (5-3-03)

04. Submission. The Application for Certification form shall be submitted by the applicant to his agency head, who shall review it for accuracy prior to signing it and forwarding it to the Council. Certificates shall be issued to the agency head for award to the applicant. (4-7-11)

05. Minimum Standards. Each applicant shall meet the minimum standards for employment and basic 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. (4-7-11)

06. Retaining Certification. A certified juvenile probation officer shall work sixty (60) hours annually in a juvenile probation officer capacity to retain certification. Documentation of hours worked shall be kept on file at the employing agency. Any juvenile probation officer working less than sixty (60) hours annually shall complete all requirements set forth in Section 033 to be recertified. (4-7-11)

031. THE BASIC CERTIFICATE.

The following requirements are necessary for award of the basic certificate: (5-3-03)

01. Probation. The applicant must have completed at least a six (6) month satisfactory probationary period (may include basic training academy time). Probationary period may be extended by the agency which could delay certification until the probationary period is satisfactorily completed. This six (6) months' time must be continuous with the department the officer is employed with when applying for certification. Probationary period may not extend over one (1) year for certification purposes. (5-3-03)

02. Basic Training. The applicant shall have completed the POST Basic Juvenile Probation Academy and shall have passed the POST juvenile probation certification examination approved by the Council. The applicant shall be allowed two (2) attempts to pass the examination with a minimum score of seventy-five percent (75%). The attempts must be no less than thirty (30) days apart and no more than six (6) months apart. If an applicant fails both attempts, the applicant must reapply and successfully complete the POST Basic Juvenile Probation Academy to be certified. (5-3-03)

03. Juvenile Probation Training Manual. Successful completion of forty (40) hours of supervised juvenile probation training in the employing department, or another department if necessary, is required. Evidence of such training must be submitted by applicant's employer to POST Council. (5-3-03)

032. CHALLENGE PROCEDURE.

Any juvenile probation officer employed by an Idaho juvenile probation department who has, within the last five (5) years, been employed by another county, state, or the federal government as a juvenile probation officer or a student who has satisfactorily completed a Basic Juvenile Probation Academy equivalent to Idaho's POST Basic Juvenile Probation Academy within the last three (3) years shall be eligible for certification in the state of Idaho without attending the Basic Juvenile Probation Academy, provided the officer: (5-3-03)

01. Documents. Submits a POST Juvenile Probation Certification Challenge Packet to POST Council, which must include copies of transcripts, certificates, diplomas, or other documents that substantiate the officer's training and experience; (5-3-03)

02. Examination. Passes the POST juvenile probation certification examination approved by the Council and administered by a POST Training Specialist, conducted in the manner set forth in Subsection 030.02; (5-3-03)

03. Training. Attends and passes the Idaho POST Juvenile Probation Academy's "Legal and Liability Issues" and "Appropriate Use of Physical Force" training or POST-approved equivalent; and (5-3-03)

04. Probation Period. Satisfactorily completes the probationary period, as required by Subsection 031.01. (5-3-03)

033. LAPSE OF JUVENILE PROBATION OFFICER CERTIFICATION.

The certification of any juvenile probation officer shall be considered lapsed if the officer does not serve as a juvenile probation officer in Idaho for three (3) consecutive years. Provided, however, that an Idaho POST-certified juvenile probation officer who remains in a juvenile detention 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 probation 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 probation officer who has been out of juvenile probation 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 Probation Challenge Packet; (4-7-11)

b. Pass the POST juvenile probation certification examination approved by the POST Council, administered by a POST Training Specialist, and conducted in the manner set forth in Subsection 030.02.b.; 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 probation officer who has been out of juvenile probation officer employment status for over five (5) years shall attend the POST Basic Juvenile Probation 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 juvenile probation 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 Probation Challenge Packet. Upon receiving a waiver, the officer shall meet the following POST requirements: (4-7-11)

a. Pass the POST juvenile probation certification examination approved by the POST Council, administered by a POST Training Specialist, and conducted in the manner set forth in Subsection 030.02.b.; 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 probation officer who has been out of juvenile probation officer employment status for over eight (8) years shall attend the POST Basic Juvenile Probation 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)

034. -- 999. (RESERVED)

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