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**IDAPA 11
TITLE 11
CHAPTER 06**

**11.11.06 - RULES OF THE IDAHO PEACE OFFICER STANDARDS AND TRAINING COUNCIL
FOR MISDEMEANOR PROBATION OFFICERS**

000. LEGAL AUTHORITY.

Pursuant to Section 19-5109(8), Idaho Code, the Peace Officer Standards and Training Council may, upon recommendation of the Misdemeanor Probation Training Council, establish minimum basic training and certification standards for misdemeanor probation officers. (4-7-11)

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as IDAPA 11.11.06, "Rules of the Idaho Peace Officer Standards and Training Council for Misdemeanor Probation Officers," IDAPA 11, Title 11, Chapter 06. (4-7-11)

02. Scope. These rules constitute the minimum standards of training, education, employment, and certification of misdemeanor probation officers in Idaho. (4-7-11)

002. WRITTEN INTERPRETATIONS.

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, any written statements which might pertain to the interpretation of the rules of this chapter or to the documentation of compliance with the rules of this chapter are available for public inspection and copying at cost at the Idaho State Police, Peace Officer Standards and Training, 700 South Stratford Drive, Meridian, Idaho, 83642-6202. (4-7-11)

003. ADMINISTRATIVE APPEALS.

Any appeals allowed under these rules shall be governed by the Idaho Administrative Procedures Act (Title 67, Chapter 52, Idaho Code) and by IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General." (4-7-11)

004. INCORPORATION BY REFERENCE.

There are no documents that have been incorporated by reference into this rule. (4-7-11)

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

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, 700 S. Stratford Dr., Meridian, Idaho 83642-6202. The telephone number of administration is (208) 884-7250 and the telephone number of basic academy training is (208) 884-7337. The facsimile number of administration is (208) 884-7295 and the facsimile number of basic academy training is (208) 884-7398. The Peace Officer Standards and Training website at <http://www.post.idaho.gov>. (4-7-11)

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. (4-7-11)

007. -- 009. (RESERVED)

010. DEFINITIONS.

01. Basic Misdemeanor Probation Academy. A basic course of instruction for Misdemeanor Probation Officers as recognized by POST Council. (4-7-11)

02. Misdemeanor Probation Department. Any public or private agency administered by or contracted with the county, made up of one (1) or more staff to provide misdemeanor 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. (3-29-12)

03. Misdemeanor Probation Officer. Any employee of a misdemeanor probation department who is responsible for preparing reports to the court, making recommendations regarding conditions of probation, and the supervision of misdemeanor offenders' compliance with court orders. (4-7-11)

04. Misdemeanor Probation Training Council. An advisory group to the POST Council that is comprised of a Magistrate, two (2) county commissioners, three (3) misdemeanor probation department administrators, a representative of the Idaho Association of Counties, a representative of the Idaho Department of Correction, and a representative of the Administrative Office of the Courts. The purpose of the Misdemeanor Probation Training Council is to advise POST Council in the planning, development, and operation of the Basic Misdemeanor Probation Academy. (4-7-11)

05. Part-Time Misdemeanor Probation Officer. Any employee of a misdemeanor probation department who is responsible for preparing reports to the court, making recommendations regarding conditions of probation, or the supervision of misdemeanor offenders' compliance with court orders, and is employed less than full time or does not meet the definition of "employee" as defined in Section 59-1302, Idaho Code. (4-7-11)

011. -- 029. (RESERVED)

030. MISDEMEANOR PROBATION OFFICER CERTIFICATION.

01. Decertification. The POST Council may decertify any misdemeanor probation officer in the same manner as provided in IDAPA 11.11.01, "Rules of the Idaho Peace Officer Standards and Training Council." (4-7-11)

02. Eligibility. To be eligible for the award of the Basic Misdemeanor Probation Certificate, an applicant shall be a full-time misdemeanor probation officer employed by an Idaho misdemeanor probation department. To be eligible for the award of the Part-Time Basic Misdemeanor Probation Certificate, an applicant shall be a part-time misdemeanor probation officer employed by an Idaho misdemeanor probation department. (4-7-11)

03. Certification. (4-7-11)

a. Any full-time or part-time misdemeanor probation officer employed on or after January 10, 2011 shall be certified by the Peace Officer Standards and Training Council within one (1) year of their initial hire date as a full-time or part-time misdemeanor probation officer. (4-7-11)

b. Any full-time or part-time misdemeanor probation officer employed prior to January 10, 2011 shall be certified by the Peace Officer Standards and Training Council by January 9, 2014; however, the requirement for successful completion of the POST Basic Misdemeanor Probation Academy shall be waived if the officer has been continuously employed as a misdemeanor probation officer in Idaho since January 10, 2006 and successfully completes the following: (4-7-11)

i. Submits a POST Certification Misdemeanor Probation Challenge Packet to POST Council, which shall include copies of training records, transcripts, certificates, diplomas, or other documents that substantiate the officer's training, education, and experience; (4-7-11)

ii. Passes the POST misdemeanor probation certification examination approved by the POST Council, administered by a POST Training Specialist, and conducted in the manner set forth in Subsection 031.03 of these rules; (4-7-11)

iii. Attends and passes the Idaho POST Misdemeanor Probation Academy's "Legal and Liability Issues" and "Appropriate Use of Physical Force" training or POST-approved equivalent; and (4-7-11)

iv. Satisfactorily completes a probationary period as set forth in Subsection 031.01 of these rules. (4-7-11)

04. Applications. All applications for award of a Misdemeanor Probation Certificate shall be completed by the applicant on the prescribed form "Application for Certification" as provided by the POST Council.

(4-7-11)

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

06. 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 department. (4-7-11)

07. Limitation of Part-Time Officers. A part-time misdemeanor probation officer's certification shall be effective only during those periods when he is formally assigned by the employing department to perform the duties of a part-time misdemeanor probation officer. (4-7-11)

08. From Full-Time to Part-Time Status. The certification of a full-time Misdemeanor Probation officer transferring to part-time Misdemeanor Probation officer employment shall remain valid as long as the officer works at least sixty (60) hours per year as a Misdemeanor Probation officer. (4-7-11)

09. From Part-Time to Full-Time Status. To be certified as a full-time misdemeanor probation officer, a currently certified part-time misdemeanor probation officer, upon appointment to full-time misdemeanor probation officer status, shall submit an Application for Certification as prescribed in Subsections 030.04 and 030.05 of this rule. (4-7-11)

031. THE BASIC AND PART-TIME BASIC MISDEMEANOR PROBATION CERTIFICATE.

The following requirements are necessary for award of the basic and the part-time basic misdemeanor probation certificate: (4-7-11)

01. Probation. The applicant shall have satisfactorily completed at least a six (6) month probationary period, which may include Basic Misdemeanor Probation Academy time. The probationary period may be extended by the employing department which could delay certification until the probationary period is satisfactorily completed. This six (6) months' time shall be continuous with the department the officer is employed by when applying for certification. The probationary period shall not extend over one (1) year for certification purposes. (4-7-11)

02. Basic Training. The applicant shall have satisfactorily completed the POST Basic Misdemeanor Probation Academy. (4-7-11)

03. Certification Exam. The applicant shall have passed the POST misdemeanor probation certification examination approved by the POST Council. The applicant shall be allowed two (2) attempts to pass the examination with a minimum score of seventy-five percent (75%). The attempts shall be no less than thirty (30) days apart and no more than six (6) months apart. If an applicant fails both attempts or fails to retake the examination within six (6) months, he shall reapply and successfully complete the POST Basic Misdemeanor Probation Academy prior to taking the certification examination again. (4-7-11)

04. Misdemeanor Probation Training Manual. The applicant shall have satisfactorily completed forty (40) hours of POST-approved, supervised misdemeanor probation training in the employing department, or another department if necessary. Evidence of the successful completion of such training shall be submitted to POST Council. (4-7-11)

032. LAPSE OF MISDEMEANOR PROBATION OFFICER CERTIFICATION.

The certification of any misdemeanor probation officer shall be considered lapsed if the officer does not work as a misdemeanor probation officer in Idaho a minimum of sixty (60) hours per year for three (3) consecutive years. Provided, however, that an Idaho POST-certified misdemeanor probation officer who remains in a juvenile 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 misdemeanor 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 misdemeanor probation officer who has been out of misdemeanor 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 Misdemeanor Probation Challenge Packet; (4-7-11)

b. Pass the POST misdemeanor probation certification examination approved by the POST Council, administered by a POST Training Specialist, and conducted in the manner set forth in Subsection 031.03 of this rule; and (4-7-11)

c. Satisfactorily complete a probationary period as set forth in Subsection 031.01 of this rule. (4-7-11)

02. Over Five Years. A misdemeanor probation officer who has been out of misdemeanor probation officer employment status for over five (5) years shall attend the POST Basic Misdemeanor Probation Academy and comply with the requirements of Section 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 misdemeanor probation officer employment, the officer was engaged in an occupation requiring criminal justice training, skill, and experience. This evidence shall be submitted with a POST Certification Misdemeanor Probation Challenge Packet. Upon receiving a waiver, the officer shall meet the following POST requirements: (4-7-11)

a. Pass the POST misdemeanor probation certification examination approved by the POST Council, administered by a POST Training Specialist, and conducted in the manner set forth in Subsection 031.03 of this rule; and (4-7-11)

b. Satisfactorily complete a probationary period as set forth in Subsection 031.01 of this rule. (4-7-11)

03. Over Eight Years. A misdemeanor probation officer who has been out of misdemeanor probation officer employment status for over eight (8) years shall attend the POST Basic Misdemeanor Probation Academy and comply with the requirements of Section 031 of these rules to reactivate certification. No waiver of this requirement shall be granted by the Council. (4-7-11)

033. -- 999. (RESERVED)

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