

**ALABAMA PEACE OFFICERS STANDARDS AND TRAINING COMMISSION
ADMINISTRATIVE CODE**

**CHAPTER 650-X-1
ORGANIZATION, ADMINISTRATION AND PROCEDURE**

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RULE 650-X-1-.01 Definitions. As used by the Peace Officers Standards and Training Commission, the following words and phrases shall have the following meanings respectively.

(1) **Approved Academy**: A school certified and authorized by the Commission to conduct law enforcement training.

(2) **Certification**: A written statement issued by the Commission testifying to the accreditation of an approved academy, instructor, or applicant.

(3) **Commission**: The Peace Officers Standards and Training Commission or employees thereof acting on its behalf.

(4) **Curriculum**: A program of study that conforms to the Commission's promulgated requirements.

(5) **Instructor**: An individual possessing a certificate issued by the Commission to instruct in an approved academy.

(6) **Academy Director**: The individual appointed or approved by the Commission to administer the operation of an approved academy.

(7) **Subject**: A specific course of instruction within the curriculum required by the Commission.

(8) **Applicant**: An individual seeking admittance to an approved academy as a trainee and/or certification as a law enforcement officer.

(9) **Trainee**: An individual undergoing training at an approved academy.

(10) **Law Enforcement Agency**: Means and includes the State Department of Public Safety, the Alabama Department of Corrections, the police department of each incorporated city or town, the department of each sheriff of the state, including all deputy sheriffs, the enforcement division of the State Department of Conservation and each public agency in the state charged with the enforcement of any laws and the officers or employees of which have power as such officials or employees to make arrests. Such term does not include the National Guard or any military organization.

(11) **Law Enforcement Officer**: Means and includes a police officer, deputy sheriff, deputy constable, and other officials who have authority as such official to make arrests. Such term includes Alabama State Troopers or members of the State Department of Public Safety.

Authority: Code of Alabama 1975, §36-21-40, §36-21-51.

Effective Date: September 29, 1983. Amended: June 12, 1995. Amended: May 9, 1997.

RULE 650-X-1.02 Purpose. The Peace Officers Standards and Training Commission was created to insure that law enforcement officers receive training in their vocation, thereby providing better service to the public. These goals are obtained by empowering the Commission with authority to promulgate rules in the selection, recruitment and training of law enforcement officers and the work of law enforcement agencies in the State; to prescribe standards for law enforcement officers; to grant to the Commission power to establish standards and issue and promulgate rules and regulations; to make the violation of certain provisions of the Code of Alabama 1975, Sections 36-21-40 through 36-21-50 or the standards, rules and regulations of the Commission a misdemeanor.

Authority: Code of Alabama 1975, §36-21-40, §36-21-51.

Effective Date: September 29, 1983. Amended: May 9, 1997.

RULE 650-X-1.03 Composition and Selection of Commission. The Commission is composed of seven members, each of whom must be a qualified elector of the State who is over the age of 19 years. The State Fraternal Order of Police shall designate one member of the Commission to serve for a term of four years; the Alabama Peace Officers Association shall designate one member to serve for a term of four years; the Law Enforcement Planning Association shall designate one member to serve for a term of four years; and the Governor shall designate four members to serve for terms of four years.

Authority: Code of Alabama 1975, § 36-21-41, § 36-21-45.

Effective Date: September 29, 1983. Amended June 12, 1995. Amended February 14, 2013.

RULE 650-X-1.04 General Description of Organization and Operation. The Commission is an independent agency of the State of Alabama. All costs of operating the Commission, including administrative, secretarial, clerical and investigative are paid from legislative appropriations. The Attorney General and his assistants provide legal services to the Commission.

Authority: Code of Alabama 1975, §36-21-40, §36-21-51.

Effective Date: September 29, 1983.

RULE 650-X-1-.05 Rules of Order. All proceedings of the Commission shall be governed by Roberts Rules of Order, except during disciplinary hearings and except where otherwise provided in these rules.

Authority: Code of Alabama 1975, §36-21-40, §36-21-51.

Effective Date: September 29, 1983.

RULE 650-X-1-.06 Quorum. Four members of the Commission shall constitute a quorum.

Authority: Code of Alabama 1975, §36-21-40, §36-21-51.

Effective Date: September 29, 1983.

RULE 650-X-1-.07 Election of Officers. The Commission shall elect a Chairman and Vice-Chairman from among its members on the first meeting after January 1st of each year.

Authority: Code of Alabama 1975, §36-21-40, §36-21-51.

Effective Date: September 29, 1983.

RULE 650-X-1-.08 Meetings.

(1) The Commission shall meet in regular sessions, quarterly, at a time and place in the State of Alabama, to be designated by the Chairman of the Commission.

(2) Special Meetings may be called by the Chairman, the Vice-Chairman or any three members, by giving notice of the time, place and purpose of such meeting to each member.

(3) Each member of the Commission shall be given at least five days notice of the time, place, and purpose of quarterly or Special Meetings. Such notice may be waived by all members of the Commission either before or after a Special Meeting.

Authority: Code of Alabama 1975, §36-21-40, §36-21-51.

Effective Date: September 29, 1983.

RULE 650-X-1-.09 Use of Forms. All applications and requests for which the Commission has prescribed a form must be made on the prescribed form. Forms used by the Commission may be acquired from the Executive Secretary.

Authority: Code of Alabama 1975, §36-21-40, §36-21-51.

Effective Date: September 29, 1983.

RULE 650-X-1-.10 Executive Secretary. The Executive Secretary of the Commission is a certified law enforcement officer with the power of arrest as defined in Rule 650-X-1-.01(11) and shall be responsible for the administration of Commission policy. The Executive Secretary is designated as agent for the Commission for service of legal process upon the Commission. The Executive Secretary shall be custodian of the seal and shall have authority to affix the seal to agreements and obligations of the Commission and to certify copies of proceedings of the Commission. All correspondence to the Commission, including requests for information and all submissions and other requests, should be made to the Executive Secretary at the Commission's headquarters.

Authority: Code of Alabama 1975, §36-21-40, §36-21-51.

Effective Date: September 29, 1983. Amended June 12, 1995. Amended September 5, 2000.

RULE 650-X-1-11 Records.

(1) "Public Record" for the purpose of these Rules means all Commission records which are reasonably necessary to record the business and activities required to be done or carried on by the Commission so that the status and condition of such business and activities can be known by the public. Records which do not constitute "public records" include, but are not limited to, those received by a public officer in confidence, sensitive personal and criminal records, complaints against law enforcement officers and individuals seeking certification as law enforcement officers, and records, the disclosure of which would be detrimental to the best interests of the public.

(2) Specific public records are available for inspection at Commission headquarters during regular business hours.

(3) Any person wishing to obtain copies of specific public records may request same from the Executive Secretary, and upon payment of the cost of copying, which cost shall be estimated and set from time to time by resolution of the Commission, will be supplied copies.

Authority: Code of Alabama 1975, §36-21-40, §36-21-51.

Effective Date: September 29, 1983.

RULE 650-X-1-12 Employment of Agents, etc. The Commission may employ investigators, inspectors, attorneys and any other agents, and employees and assistants as may from time to time be necessary, and may use any other means necessary to bring about and maintain a rigid administration and enforcement of the Code and these rules.

Authority: Code of Alabama 1975, §36-21-40, §36-21-51.

Effective Date: September 29, 1983.

RULE 650-X-1-13 Grants and Appropriations. The Commission is authorized to accept grants from the Federal Government, its departments and agencies as well as grants and appropriations by the State, any county or municipality, or any individual, corporation or fund.

Authority: Code of Alabama 1975, §36-21-40, §36-21-51.

Effective Date: September 29, 1983.

RULE 650-X-1-14 Declaratory Rulings.

(1) The Commission may issue declaratory rulings to any person substantially affected by a Rule with respect to the validity of the Rule, or with respect to the applicability to any person, property, or state of facts of any rule or statute enforceable by the Commission, or with respect to the meaning and scope of any order of the Commission. Such ruling shall be issued provided:

- (a) The petitioner shows that he/she is substantially affected by the Rule in question,
 - (b) Sufficient facts are supplied in the request to permit the Commission to make a valid determination, and
 - (c) The request arises from an actual question or controversy.
- (2) A request for a declaratory ruling must be in writing and must specifically state that it is

a "request for a declaratory ruling".

(3) Such rulings will be made in accordance with the Alabama Administrative Procedure Act §11.

Authority: Code of Alabama 1975, §36-21-40, §36-21-51.

Effective Date: September 29, 1983.

RULE 650-X-1-15 Functions and Duties of the Commission. The Commission shall have the following functions and duties together with all powers necessary or convenient for the performance thereof:

(1) To study, obtain data, statistics, and information and to make reports concerning the recruitment, selection and training of law enforcement officers in the state and to make improvements in methods of recruitment, selection, and training of law enforcement officers;

(2) To review from time to time the standards described in Section 36-21-46 for applicants for and appointees as law enforcement officers;

(3) To consider, hold public hearings on, adopt and promulgate standards relating to the physical, mental and moral fitness of any applicant for or appointee as a law enforcement officer as do not lower the standards in Section 36-21-46 or as otherwise permitted by Section 36-21-46;

(4) To study, consider, and make reports from time to time concerning the work and the curriculum and courses offered by law enforcement training schools in the State and to make recommendations for improving the schools, curriculum, and courses;

(5) To encourage the establishment of law enforcement training schools and courses on law enforcement in existing institutions of learning;

(6) To gather statistics and data relative to standards and training and make the same available to governmental entities upon request;

(7) To revoke its approval or certification of any person appointed or certified pursuant to this article for failure to meet the continuing training or education requirements set forth in the rules of the Commission or for failure to meet the requirements of Section 36-21-46;

(8) To make investigation to determine whether the requirements of this article and the rules, regulations and standards of the Commission issued pursuant to this article are being observed and followed;

(9) To enforce this article and the rules, regulations, and standards issued by the commission with appropriate civil and criminal actions by the Attorney General, district attorneys or other appropriate officials;

(10) To enter into cooperative agreements with federal, state and local law enforcement agencies for effective training; and

(11) To obtain the services and advice of experts in the field of law enforcement for the purpose of aiding the Commission in its studies, considerations, reports and recommendations, and in the adoption of standards, rules and regulations.

Authority: Code of Alabama 1975, §36-21-40, §36-21-51.

Effective Date: September 29, 1983. Amended: June 12, 1995. Amended: May 9, 1997.

RULE 650-X-1-16 Responsibilities of Each Law Enforcement Agency.

(1) Each law enforcement agency shall have the responsibility of seeing that all required

forms and necessary information are properly submitted to the Commission in a timely manner.

(2) Each law enforcement agency shall have the responsibility of assuring that each of its employees who are law enforcement officers, receive the training required by the Code of Alabama 1975, Title 36-21-40 through Title 36-21-52 or by the rules of the Commission.

(3) Each law enforcement agency shall cooperate with the Commission and its Executive Secretary in carrying out the provisions and responsibilities of the Code of Alabama 1975, Title 36-21-40 through Title 36-21-52 and the rules and regulations of the Commission.

(4) It shall be the responsibility of each law enforcement agency to submit an application to the Commission on the day the applicant is employed.

(5) It shall be the responsibility of each law enforcement agency to submit a notice of employment, within 10 days of employment, to the Commission on any law enforcement officer previously certified by the Commission.

(6) Each law enforcement agency shall file, within 10 days of the termination of a law enforcement officer, a notice of termination form with the Commission.

(7) It shall be the sole responsibility for each law enforcement agency to hire and/or terminate persons as law enforcement officers and not the responsibility, duty or obligation of the Commission.

(8) It shall be the responsibility of each law enforcement agency to conduct a thorough background investigation on each applicant.

Authority: Code of Alabama 1975, §36-21-40 through §36-21-52.

Effective Date: September 29, 1983. Amended: June 12, 1995. Amended: February 4, 1999. Amended: August 4, 1999.