

ALABAMA PEACE OFFICERS STANDARDS AND TRAINING COMMISSION

ADMINISTRATIVE CODE

CHAPTER 650-X-6 HEARING OF CONTESTED CASES

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650-X-6-.01 Procedure For Hearing Contested Cases.

(1) Before the Commission can deny an individual certification as a law enforcement officer, the Commission shall follow the requirements set forth in the Alabama Administrative Procedure Act concerning contested cases as defined in the Code of Ala. 1975, Title 41-22-1 through 41-22-27.

(2) Without limiting the scope of Rule 650-X-6-.01, the following shall apply to contested cases:

(a) The Commission may at its discretion, appoint some person to act as a hearing officer. In the event a hearing officer is appointed, he/she shall preside at the hearing and shall rule on all questions of evidence and procedure, notwithstanding any other provisions of these rules to be contrary.

(b) The Commission shall be allowed the right to examine any witnesses called by either party.

(c) The Commission shall issue an order within thirty (30) days of the date of the final hearing, which shall include findings

of fact, official notice taken and conclusions of law, separately stated. The individual shall be delivered a copy of the order by certified mail, return receipt requested, and a copy shall be mailed first class to each attorney of record.

(d) Evidence. Evidence shall be admitted in accordance with the Code of Ala. 1975, Title 41-22-13.

(3) Emergencies. The Commission may in an emergency situation, when danger to the public health, safety and welfare required, deny certification without a hearing or with an abbreviated hearing in accordance with the Code of Ala. 1975, Title 41-22-19(d).

Author: Peace Officers Standards and Training Commission

Statutory Authority: Code of Ala. 1975, §§36-21-41, 36-21-45, 36-24-45.

History: Effective date: September 29, 1983. **Repealed and Replaced:** Filed May 8, 1995; effective June 12, 1995.

650-X-6-.02 Revocation Of Certification.

(1) The certification or authority of any law enforcement officer certified by the Alabama Peace Officers Standards and Training Commission or otherwise exempt from the minimum standards pursuant to subsection (b) of Section 36-21-46 of the Code of Ala. 1975, shall be revoked by the commission when a law enforcement officer is convicted of a felony.

(2) Any law enforcement officer whose certificate or authority is revoked pursuant to this section may request a hearing before the commission concerning the revocation. The only issue at the hearing shall be whether the revocation was based on a felony conviction of the officer.

(3) In the event the felony conviction is reversed or a new trial granted, the officer whose certificate has been revoked will have his/her certificate restored upon notification of the Commission by certified mail. The notification will include a certified copy of the court record of reversal or granting of a new trial.

Author: Alabama Peace Officers Standards and Training Commission

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

History: Effective date: September 29, 1983. **Repealed:** Filed May 8, 1995; effective June 12, 1995. **New Rule:** Filed April 4, 1997; effective May 9, 1997.

650-X-6-.03 What Should Be Included In The Request For A Hearing. Repealed (6/12/95)

Author:

Statutory Authority: Code of Ala. 1975, §§36-21-41, 36-24-45.

History: Effective date: September 29, 1983. **Repealed:** Filed May 8, 1995; effective June 12, 1995.

650-X-6-.04 Pre-Hearing Discovery. Repealed (6/12/95)

Author:

Statutory Authority: Code of Ala. 1975, §§36-21-41, 36-24-45.

History: Effective date: September 29, 1983. **Repealed:** Filed May 8, 1995; effective June 12, 1995.

650-X-6-.05 Contested Hearings Or Appeals. Repealed (6/12/95)

Author:

Statutory Authority: Code of Ala. 1975, §§36-21-41, 36-24-45.

History: Effective date: September 29, 1983. **Repealed:** Filed May 8, 1995; effective June 12, 1995.

650-X-6-.06 Revocation Of Certificates. Repealed (6/12/95)

Author:

Statutory Authority: Code of Ala. 1975, §§36-21-41, 36-24-45.

History: Effective date: September 29, 1983. **Repealed:** Filed May 8, 1995; effective June 12, 1995.

650-X-6-.07 Cost. Repealed (6/12/95)

Author:

Statutory Authority: Code of Ala. 1975, §§36-21-41, 36-24-45.

History: Effective date: September 29, 1983. **Repealed:** Filed May 8, 1995; effective June 12, 1995.

650-X-6-.08 Conflict And Bias. Repealed (6/12/95)

Author:

Statutory Authority: Code of Ala. 1975, §§36-21-41, 36-24-45.

History: Effective date: September 29, 1983. **Repealed:** Filed May 8, 1995; effective June 12, 1995.