

**RULES  
OF  
THE TENNESSEE PEACE OFFICER STANDARDS  
AND TRAINING COMMISSION**

**CHAPTER 1110-02  
CERTIFICATION**

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**1110-02-.01 PERSONS REQUIRED TO BE CERTIFIED.**

- (1) All persons, who are employed as full-time law enforcement officers on or after July 1, 1982, shall comply with and maintain the pre-employment standards and meet the Basic Law Enforcement Training requirements before being certified as law enforcement officers.
- (2) All presently uncertified persons who were employed as a law enforcement officer prior to July 1, 1982, are exempt from the pre-employment and basic training requirements; however, they cannot be certified unless they meet the pre-employment and basic training requirements.

**Authority:** T.C.A. §38-8-105. **Administrative History:** Original rule filed December 20, 1982; effective January 19, 1983. Amendment filed April 19, 2002; effective August 28, 2002. Amendment filed October 2, 2006; effective February, 28, 2007.

**1110-02-.02 FAILURE TO COMPLY.** Any person who shall appoint any applicant who to the knowledge of the appointor fails to meet the minimum standards as set forth herein or required by the Commission, and any person who signs the warrant or check for the payment of the salary of any person who to the knowledge of the signer fails to meet the qualifications as a police officer as provided herein or required by the Commission, shall be guilty of a misdemeanor and upon conviction shall be subject to a fine not exceeding one thousand dollars (\$1,000).

**Authority:** T.C.A. §38-8-105. **Administrative History:** Original rule filed December 20, 1982; effective January 19, 1983.

**1110-02-.03 LAW ENFORCEMENT OFFICER CERTIFICATION REQUIREMENTS.** All full-time commissioned law enforcement officers employed by an agency required to meet minimum standards must meet pre-employment requirements and, upon completion of the required basic training, will be issued a POST Certification.

- (1) Full-time Commissioned Law Enforcement Officer Pre-employment Requirements. The Commission shall issue a certificate of compliance to any person who meets the qualifications for employment and satisfactorily completes a POST certified Basic Law Enforcement Training Academy. All persons employed as a full-time law enforcement officer, after July 1, 1982, must be certified by POST and shall comply with the following pre-employment requirements:
  - (a) Be at least eighteen (18) years of age;
  - (b) Be a citizen of the United States;

(Rule 1110-02-.03, continued)

- (c) Be a high school graduate or possess equivalence. No waivers will be granted for minimum education requirements;
- (d) Not have been convicted of or pleaded guilty to or entered a plea of nolo contendere to any felony charge or to any violation of any federal or state laws or city ordinances relating to force, violence, theft, dishonesty, gambling, liquor and other alcoholic beverages or controlled substances;
- (e) The agency must present a copy of any DD-214s, DD-215s and DD873s along with the application for certification.
  - 1. The commission may consider a waiver from pre-employment requirements for a person who has been convicted of, or entered a plea of nolo contendere to any felony charge or to any violation of any federal or state laws or city ordinances relating to force, violence, theft, dishonesty, gambling, liquor and other alcoholic beverages or controlled substances when the offense was classed as a misdemeanor.
  - 2. No waiver shall be granted while officer is under the jurisdiction of the court or considered on probation, whether supervised or unsupervised, and in the case of "driving while intoxicated" the officer shall have met all the requirements of the Tennessee Department of Safety and have been restored his/her permanent driving privileges under the laws of the State of Tennessee.
  - 3. No waiver will be granted for a narcotics violation that could result in a felony charge.
  - 4. The agency must present a written request for waiver for these charges and provide a copy of the final court disposition of the case.
- (f) Not have been released or discharged under any other than honorable discharge from any of the armed forces of the United States;
- (g) Have his fingerprints on file with the Tennessee Bureau of Investigation;
- (h) Have passed a physical examination by a licensed physician;
- (i) Have good moral character as determined by a thorough investigation conducted by the employing agency; and/or the POST Commission; and
- (j) Have been certified by a Tennessee Licensed Health Care Provider qualified in the psychiatric or psychological fields as being free from any disorder, as set forth in the current edition of the DSM at the time of the examination, that would, in the professional judgment of the examiner, impair the subject's ability to perform any essential function of the job.
  - 1. No waiver will be granted for mental disorders.
  - 2. A new evaluation shall be required:
    - a. after a six (6) month break in full-time law enforcement service, or
    - b. upon the request of the employing agency, for good cause.
- (k) Not have been previously decertified as a law enforcement officer by the POST Commission.

(Rule 1110-02-.03, continued)

- (l) Not have previously voluntarily surrendered their certification as a law enforcement officer.
- (2) Training Requirements. Any officer seeking certification under these rules who conforms to pre-employment requirements shall, within six months of initial employment as a law enforcement officer, satisfactorily complete the Basic Law Enforcement Course as established in accordance with these rules. During this initial six-month period prior to attending the Basic Law Enforcement Course, the recruit must be paired with a Field Training Officer or other certified senior officer.

Commencing July 1, 1982, any time served as a full-time commissioned law enforcement officer in any Tennessee law enforcement agency is accumulative and will count as part of the six-month time limit.

- (3) Application Requirement. No officer shall be certified under these rules unless application is made at such time and in such form as the Commission may require (T.C.A. § 38-8-104).

If after enrolling in an academy an officer does not successfully complete basic police training, he/she must return to the same academy under the following circumstances:

- (a) to make up any portion not successfully completed.
- (b) if dropped for academic or disciplinary reason.
- (c) in the event an officer fails to successfully complete basic police training after returning for makeup he/she must retake the entire school.
- (4) Verification Requirement. No officer shall be certified under these rules unless (T.C.A. § 38-8-104):
  - (a) The law enforcement agency employing said officer when the Basic Law Enforcement Course is begun shall submit, at such time and in such form as the Commission may require, verification that the officer (at the time the officer was employed) met the pre-employment requirements set forth in this chapter.
  - (b) The Director of the Academy where said officer satisfactorily completed Basic Law Enforcement School, established in accordance with these rules, shall submit verification, in such form as the Commission may require, that the officer has met the Basic Training requirements set forth in this chapter.
  - (c) The Commission may certify any person who has received training in another state when the Commission has determined that such training was at least equivalent to that required by the Commission for approved law enforcement education and training programs in this state and when such person has satisfactorily complied with all other requirements (T.C.A. § 38-8-107). Established criteria shall be that which governs the requirements set forth for completion of the Basic Law Enforcement Recruit School, as outlined in Chapter 7 of POST Rules.
    - 1. Beginning July 1, 2010, any person whose basic training from another state has been substituted for Tennessee requirements must successfully attend the POST's three (3) week transition school within six (6) months of employment.
- (5) Substitution of Experience for exempt/exempted officers. No officer shall be certified under these rules unless:

(Rule 1110-02-.03, continued)

- (a) The law enforcement agency employing said officer shall submit an Application for Certification, Confirmation of Psychological Examination, and Confirmation of Physical Examination, to verify that all preemployment requirements have been met.
  - (b) Beginning July 1, 2010, any person applying for substitution of experience must successfully attend the POST's three (3) week transition school within six (6) months of employment.
- (6) Break in Full-Time Law Enforcement Service.
- (a) Beginning July 1, 2010, certified officers who have had a five-year break, but less than a ten-year break in full-time law enforcement service must successfully attend the POST's three (3) week transition school within six (6) months of employment before their certification is reinstated. Officers with over a ten-year break in full-time law enforcement service shall be required to attend a Basic Law Enforcement Academy.
  - (b) Beginning July 1, 2010, officers who were certified under the Grandfather Clause of July 1, 1970, and have attended an approved basic law enforcement school, must successfully attend the POST's three (3) week transition school within six (6) months of employment if they have a five-year break in full-time service.
  - (c) Officers who were certified under the Grandfather Clause of July 1, 1970, and have not attended an approved basic law enforcement school, lose their grandfathered status if they have a break in service. However, these officers may apply for certification if they have had ten years of full-time experience since July 1, 1970, and have had no longer than a five-year break in service. Beginning July 1, 2010, they are required to successfully attend the POST's three (3) week transition school within six (6) months of employment.
- These officers may separate directly from one law enforcement agency and be employed as a full-time law enforcement officer by another law enforcement agency with no loss of certification as long as there is no break in service.
- (d) Beginning July 1, 2010, officers who have attended an approved basic law enforcement school and who were not required to be certified at that time, may apply for certification based on this training within two (2) years of the date of completion of the basic law enforcement school. These officers must successfully attend the POST's three (3) week transition school within six (6) months of employment to qualify for certification after two (2) years and less than ten (10) years from the date of completion of the basic law enforcement school. Officers with over a ten-year break from the date of completion of the basic law enforcement school shall be required to attend a Basic Law Enforcement Academy.
  - (e) An officer's certification expires after separation of full-time employment from a law enforcement agency. A new application for certification is required for each new employment as a law enforcement officer.

**Authority:** T.C.A. §§38-8-104, 38-8-105, 38-8-106, 38-8-107, 38-8-111, and 38-8-111(f). **Administrative History:** Original rule filed December 20, 1982; effective January 19, 1983. Amendment filed January 28, 1986; effective April 15, 1986. Amendment filed September 17, 1987; effective December 29, 1987. Amendment filed January 6, 1989; effective May, 1, 1989. Amendment filed November 13, 1989; effective February 28, 1990. Amendment filed August 4, 1992; effective November 29, 1992. Amendment filed October 25, 1993; effective March 1, 1994. Amendment filed April 19, 2002; effective August 28, 2002. Amendment filed October 2, 2006; effective February 28, 2007. Amendment filed March 18, 2010; effective June 16, 2010. Amendments filed March 11, 2011; effective June 9, 2011.

**1110-02-.04 DENIAL SUSPENSION, AND REVOCATION OF CERTIFICATION.**

- (1) Denial of Certification. The Commission shall deny certification to any officer required to comply with the certification provisions of this Chapter who fails to do so. The Commission may deny certification to any officer supplying false information or acquiescing to false information being supplied to the Commission regarding eligibility for certification (T.C.A. §§ 38-8-104 and 38-8-105).
- (2) Suspension or Revocation of Certification. The Commission may initiate disciplinary action upon receipt of a complaint or on its own initiative. Complaints received by POST Commission are to be documented and if allegations are warranted, the proper investigating authority will be notified, and the proper action taken (T.C.A. §§ 38-8-104(b)).
  - (a) Grounds for Suspension or Revocation. The Commission may suspend or revoke the certification of any officer who shall, subsequent to certification under these Rules:
    1. Be convicted by any state or by federal government of any crime the punishment for which could have been imprisonment in a federal or state prison or institution; or
    2. Be convicted of or plead guilty or enter a plea of nolo contendere to any felony charge or to any violation of any federal or state laws or city ordinances relating to force, violence, theft, dishonesty, gambling, liquor and other alcoholic beverages, controlled substances, or a sufficient number of misdemeanors to establish a pattern of disregard for the law;
    3. Be suspended for thirty (30) days or longer, resign in lieu of termination, resign with disciplinary action pending that could have resulted in termination, or be discharged by his employing law enforcement agency for disciplinary reasons; or
    4. Be found to have supplied or acquiesced in false information being supplied to the Commission regarding eligibility for certification;
    5. Fail to participate in a 40 hour in-service training program each calendar year; or
    6. Fail to maintain pre-employment requirements.
  - (b) Notification Required. Law enforcement agencies suspending for fifteen (15) days or longer, discharging certified law enforcement officers for disciplinary reasons or accepting the resignation in lieu of termination of certified law enforcement officers, shall inform the Commission within ten (10) days. Law enforcement agencies with knowledge of a certified law enforcement officer's violation of the pre-employment standards shall inform the Commission within ten (10) days. Any change in the status of this disciplinary action should also be reported to the Commission within ten (10) days. Change of status form shall be submitted on any change in this disciplinary action.
- (3) Notice of Denial, Suspension, or Revocation (T.C.A. §§ 38-8-104 and 38-8-105).
  - (a) Notice of Denial. The Commission shall, within thirty (30) days after denying an application for certification, serve written notice upon an affected officer and his employing agency, by mail, specifying the reasons for denial of the application.
  - (b) Notice of Suspension or Revocation. The Commission shall, within ten (10) days of suspending or revoking certification, serve notice upon an affected officer, in person or by certified mail, and upon the law enforcement agency employing said officer, by

(Rule 1110-02-.04, continued)

certified mail, specifying the action taken and remedies available. The Commission shall stay final action until the period for requesting a hearing expires.

- (c) Notice for Final Action. The Commission shall notify the officer and the law enforcement agency involved by certified mail of the final action regarding suspension or revocation
- (4) Suspension or Revocation Hearing (T.C.A. §§ 38-8-105 and 38-8-106). Any law enforcement officer whose certification has been suspended or revoked may, within thirty (30) days of receipt of notice served by the Commission, request by certified mail, a hearing which shall be granted by the Commission. Upon receipt of such request, the Commission shall set a date, time, and place for hearing within thirty (30) days and serve notice, by certified mail, upon the affected law enforcement officer. The affected officer may appear, present information relevant to the proceedings, question those presenting information, and be represented by counsel. In the absence of request for hearing, suspension or revocation shall, without further proceedings, become final thirty (30) days after the initial notice called for in this Chapter.
- (a) Hearing Committee. The Sub-Committee shall serve as the Commission's authorized representative for conduction such hearings
  - (b) Final Commission Review. In the event of an adverse decision, said law enforcement officer may, within thirty (30) days of the initial decision, request final Commission review.
  - (c) Final Decision After Request for Hearing. The Commission shall render a final decision with thirty (30) days.
- (5) Judicial Review. All appeals shall be governed by the relevant portions of the Uniform Administrative Procedures Act.
- (6) Any and all documents which evidence certification under these Rules are the exclusive property of the Commission and shall be surrendered upon demand pursuant to the proceedings under these Rules (T.C.A. §§ 38-8-104 and 38-8-105).
- (7) Reapplication after Denial. Any officer denied certification for failure to meet pre-employment requirements may reapply at such time as the requirements are met. Officers denied certification for failure to meet the Basic Law Enforcement training requirements may reapply after satisfactory completion of the training called for by these Rules (T.C.A. §§ 38-8-104 and 38-8-105).
- (8) Reinstatement after suspension. Any officer whose certification is suspended in accordance with these Rules may upon expiration of the period of suspension, petition the Commission for reinstatement (T.C.A. §§ 38-8-104 and 38-8-105).

**Authority:** T.C.A. §§38-8-104, 38-8-104(b), 38-8-105, and 38-8-106. **Administrative History:** Original rule filed December 20, 1982; effective January 19, 1983. Amendment filed January 6, 1989; effective May 1, 1989. Amendment filed April 19, 2002; effective August 28, 2002. Amendment filed October 2, 2006; effective February 28, 2007. Emergency rule filed March 11, 2008, effective through August 23, 2008. Emergency rule filed March 11, 2008; expired effective August 24, 2008; rule reverted to its previous status. Amendment filed September 18, 2008; effective December 2, 2008. Amendment filed March 18, 2010; effective June 16, 2010. Amendment filed March 11, 2011; effective June 9, 2011.