APA-4
Revised 4/2018

CERTIFICATION OF EMERGENCY RULES
FILED WITH LEGISLATIVE SERVICES AGENCY
OTHNI LATHRAM, DIRECTOR

Pursuant to Code of Alabama 1975, §§41-22-5(b) and 41-22-6(c)(2)a. and b.

I certify that the attached emergency (amendment, new rule, new chapter, repeal or adoption by reference) is a correct copy as promulgated and adopted on the 7th day of May, 2020.

AGENCY NAME: **Alabama Peace Officers' Standards and Training Commission**

RULE NO. AND TITLE: **650-X-12-.02.01ER; Continuing Education during the COVID-19 State of Emergency**

EFFECTIVE DATE OF RULE: **May 15, 2020**

EXPIRATION DATE (If less than 120 days):

NATURE OF EMERGENCY:
This action is proposed to add a new emergency rule to comply with Code of Alabama 1975, §§36-21-40 et seq., and to further define the requirements for Continuing Education and Previously Certified Officers in response to COVID-19.

STATUTORY AUTHORITY: **Code of Alabama 1975, §§36-21-40 et seq.**

SUBJECT OF RULE TO BE ADOPTED ON PERMANENT BASIS __YES **X** NO

NAME, ADDRESS, AND TELEPHONE NUMBER OF PERSON TO CONTACT FOR COPY OF RULE:

Chief R. Alan Benefield
100 North Union Street, Suite 600
Montgomery, Alabama 36130
(334)242-4045

R. Alan Benefield, Executive Secretary

FILING DATE
(For APA Use Only)

REC'D & FILED

MAY 15 2020

LEGISLATIVE SVC AGENCY

650-X-12-.02.01ER Continuing Education during the COVID-19 State of Emergency. Due to the ongoing state of emergency resulting from COVID-19, this Emergency Rule shall be effective for a minimum of 120 days unless extended by supplemental emergency proclamation by the Governor.

(1) The Commission authorizes its Executive Secretary to adjust the regulatory requirements relating to Continuing Education for Law Enforcement Officers. Specifically, relating to the maximum of six (6) hours currently allowed for video, computer, multimedia, or satellite-based training, this emergency rule allows for that maximum to be increased to twelve (12) hours. Agency heads will be allowed to approve this exception, and they will also be allowed to waive the requirement that a training coordinator be present during the training. The agency head may approve training which does not include a post-viewing examination, as long as the training is of the type that includes participation/accountability protocols and provides for documentation (i.e., email, electronic certificate, etc.) upon completion of training. Documentation shall be retained by the agency.

(2) The Commission further authorizes its Executive Secretary to waive the provisional appointment restrictions for previously certified officers who have been out of Alabama law enforcement for more than two (2) years and less than four (4) years until such point the said officer can attend a refresher class. The Chief Law Enforcement Officer of the employing agency must submit a letter to the Executive Secretary requesting the waiver of provisional restrictions and confirm that the officer has been qualified to Commission standards with his/her service weapon, that the formerly certified officer has filed a refresher application with the Commission, and acknowledge that following their appointment, the officer will be required to attend the first available academy refresher class. Any individual officer who receives this waiver and fails to attend the refresher class when enrolled will be required to forfeit his/her waiver for provisional appointment.

(3) The Commission may extend the six-month (180 days) provisional appointment time for these officers to complete the refresher training class when it is necessary and convenient to the Commission in providing such class. Any officer who fails to attend the first available academy

refresher class for which he/she is enrolled and who has exceeded his/her six-moth (180 days) provisional appointment time shall be required to attend the complete 520-hour basic academy course.

Author: R. Alan Benefield, Executive Secretary

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

History: Effective May 15, 2020.