

# PEACE OFFICER STANDARDS AND TRAINING POLICY AND PROCEDURE MANUAL

## WAIVER

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### 3210 WAIVER POLICY

#### POLICY

1. Utah law provides that the Director of POST may waive the required basic peace officer or dispatcher training course and certify an applicant who:
  - a. provides proof they meet the requirements under section 53-6-203 or 53-6-302,
  - b. provides proof that they have completed a basic training program that in the director's judgment is equivalent to the POST course
  - c. passes the certification examination; and
  - d. for peace officer certification, passes a physical fitness test. (Utah Code Ann. §53-6-206).
2. Waiver applicants will be required to furnish POST with a copy of the training curriculum from the institution where they received basic training and proof of successful completion of the program.

#### PROCEDURE

##### 1. WAIVER

Waiver applies to a person who has completed a peace officer or dispatcher training program other than one already certified by the director of Utah POST and requests Utah POST to recognize their training and waive the normal basic training requirement. All or any part of the training program may be waived.

##### 2. LAPSED CERTIFICATE

A peace officer or dispatcher whose certification has lapsed is not eligible for Waiver. In the case of a lapsed certificate, the officer or dispatcher shall re-attend and complete all requirements of the basic training program including the certification examination and physical fitness test.

*Note: The certificate of a peace officer or dispatcher “lapses” if they have not been actively engaged in performing the duties of a peace officer or dispatcher for four continuous years or more.*

## **3220 WAIVER ELIGIBILITY**

### **POLICY**

The Training Bureau Chief, or designee, will evaluate peace officer and dispatcher training programs for waiver eligibility. Generally, the following rules will apply:

1. Applicants who, within the last four years have completed a basic peace officer or dispatcher training program in another state that, in the judgment of the director of POST, is equivalent to the program required for certification in Utah; or, have been certified and actively engaged as a city, county, state, federal, or military law enforcement officer or dispatcher within the last four years, and have left in good standing, may be eligible for waiver.
2. All out-of-state waiver applicants are required to complete the POST waiver process. The waiver process includes an application, background check, a written certification test and, for peace officers, a physical fitness assessment.

## **3230 WAIVER APPLICATION PROCEDURE**

### **POLICY**

1. Applicants for waiver will complete the application electronically, via the POST web site, and submit assessed fees directly to POST.
2. When the application is approved by POST, the applicant may receive a copy of the performance objectives taught in basic training, information on accessing the Utah traffic and criminal code on-line, information on the required physical fitness standards and other study materials to help them prepare for the Waiver written exam and physical fitness assessment. The written exam will be based on the basic training performance objectives. The physical fitness assessment will be based on the physical fitness standards for certification as approved by the POST Council.
3. All Waiver applicants must complete and submit the following forms to POST:
  - a. Application and Background Clearance for POST Approved Basic Training Programs. This form shall be signed by the applicant. A recent

photograph, a copy of the applicant's high school diploma, applicant's driving record (if driving record is from outside of Utah), DD 214 form (if veteran), and a birth certificate, must be provided.

- b. Medical Release. A medical release must be signed by a physician before taking the physical assessment test. The medical release is only valid for six months from the date signed by the physician.
  - c. Fingerprint Card. A criminal record search shall be completed prior to certification. Fingerprint cards shall be filled out completely. Note: Despite an initial negative criminal record search and your application subsequently being approved; the FBI's Next Generation Identification (NGI) Rap Back Service could still discover a positive criminal record search months, and in some circumstances, years after the application has been approved.
  - d. Request for Certification. The chief administrative officer of the agency shall complete this form electronically. This form is to be submitted to POST only after the applicant is hired by a Utah public safety agency.
  - f. Waiver and Authorization to Release Information. This form shall be signed by the applicant and notarized.
4. Fees
- a. A \$75.00 fee will be assessed for the written exam and physical fitness assessment.
  - b. The fee is payable at the time of testing. The fee is waived if the individual has a written, conditional offer of employment from a Utah law enforcement agency.

## **3240 WAIVER TESTING PROCEDURE**

### **POLICY**

1. Waiver applicants must pass a written examination. This examination will include questions concerning many of the performance objectives taught in basic training. The written examination is composed of true/false, multiple choice and matching questions. The applicant will be allowed two hours to complete the SFO examination, two hours to complete the BCO examination and three hours to complete the LEO examination. The applicant must achieve a score of 80% to pass each test. If the applicant is eligible for the LEO examination, they will not be required to take a separate SFO examination.

2. The applicant shall have two opportunities to pass the examination (initial test and retake) The examination must be passed within one year of the application approval. The one year does not apply beyond the four-year lapse in service period.
3. Waiver applicants must complete this process before the four-year time limit has expired.
4. Subject to Utah Code Ann. § 53-6-206(3) or 53-6-304(2) If an applicant fails the written examination [after two attempts] the director shall not waive the required basic training course and the applicant shall complete the basic training requirement including the certification examination and physical fitness test before they may be certified.
5. If the applicant fails the written exam, POST staff may provide the applicant with the missed learning objectives but will not review individual questions.
6. All waiver applicants for peace officer certification shall also pass a physical fitness assessment at the established basic training exit standard in each fitness category in accordance with Policy 2390.
7. Waiver applicants for peace officer certification who fail the physical fitness assessment will have one year from the date of application approval to meet the approved standard. Re-testing during the one-year period will be conducted on regularly scheduled waiver test dates.

*Note: See POST Policy 2091 for Licensing/Certification Examination Accommodation*

## **3250 WAIVER OFFICE PROCEDURES**

### **POLICY**

1. The Waiver test will be given at POST on the second Wednesday of each month, except state holidays. The testing process will begin at 0900 hours unless otherwise directed.
1. Applicants will have two hours to complete the SFO examination, two hours to complete the BCO examination and three hours to complete the LEO examination.
2. Waiver testing at POST will not be scheduled at any other time without the approval of the In-Service Bureau Chief.