

STATE OF GEORGIA LAW ENFORCEMENT CERTIFICATION PROGRAM

PROGRAM RULES

RULE I – INFORMATION CONCERNING AGENCY NON-COMPLIANCE:

- A.** Should information be presented to the Committee, regardless of the source, that a certified agency is not in compliance with one or more standards, the following steps will be followed:
1. The information will be referred to the State Certification Committee for review and appropriate action;
 2. The State Certification Committee will make a preliminary inquiry into the matter and assess whether the allegation has merit or whether compliance is being satisfied;
 3. The State Certification Committee will then review the information. If the agency is found to be in compliance, no further action will be taken. However, should the Committee determine that the agency is in fact not in compliance with one or more standards, the CEO of the agency will be notified in writing by the Certification Committee Chairperson, requesting that the matter in question be addressed by providing a written response and/or by appearing before the Committee to respond in person;
 4. Should the Committee determine that the agency is in fact not in compliance with the standard(s) under review, the Committee shall refer the matter with a recommendation to the Chair of the Joint Review Committee for appropriate action.

RULE II – TRANSITION TO 4th EDITION:

- A.** The Fourth Edition Standards are effective on March 1, 2007.
- B.** Agencies previously certified under the 3rd Edition should have completed their transition to the 4th Edition by August 1, 2007. Such agencies will not be required to maintain compliance with any standard required in the 3rd Edition, but not required by the 4th Edition.

RULE III – ON-SITE ASSESSMENTS:

- A.** On-site assessments will be performed by two assessors identified by the Director, Georgia Law Enforcement Certification Program (GLECP). On-site assessment dates will be scheduled by the Director, GLECP, in coordination with the agency to be assessed. Each on-site assessment will be scheduled over a two-day period.
- B.** Agencies must demonstrate compliance with all standards for which a waiver has not been previously granted by the State Certification Committee prior to the departure of the on-site team members on the last day of the scheduled assessment in order to be recommended for certification.
- C.** An agency will be required to wait a minimum of 12 months from the date of a scheduled on-site before another on-site can be scheduled when:
 - 1.** An agency fails to demonstrate compliance with all applicable standards during its initial certification on-site assessment **OR**;
 - 2.** Following the arrival of the assessors, an agency terminates an initial or recertification on-site assessment before its scheduled completion date without compelling justification because of extenuating circumstances **OR**;
 - 3.** An agency cancels an initial or recertification on-site assessment previously scheduled by the Director without compelling justification because of extenuating circumstances.
- D.** The same assessors will not be scheduled to participate in assessments for the same agency when a second on-site is required.
- E.** Should an agency desire to request a waiver from the rule above that establishes the minimum time period between an initial and second initial on-site assessment, a written request must be submitted by the agency's CEO to the Director, GLECP. The request must clearly outline the special circumstances that mitigate the minimum time period specified. Following receipt, the Director will bring the written request to the next scheduled State Certification Committee meeting for review and consideration. The requesting agency may send a representative to appear before the Committee to further explain the reasons surrounding the request. The members of the committee will consider the facts presented. A waiver from this rule can only be granted for unique and special circumstances that are clearly of a compelling nature. Such a waiver will not be granted solely because the agency would be inconvenienced if the request was denied.

- F. Before an agency can schedule an initial or recertification on-site assessment, the certification manager or an agency employee otherwise designated as being responsible for the certification program, must have successfully completed the State Certification Manager Training Course.

- G. Agencies are strongly encouraged to undergo a pre-on-site assessment as a means to insure that they are properly prepared for the actual on-site. Pre-on-site assessments, or mocks, are a valuable way to identify problems or shortcomings and give agencies an opportunity to make necessary corrections prior to the arrival of on-site assessors. It is each agency's responsibility to take whatever steps are appropriate to prepare for an on-site. Should an agency desire to have a mock assessment, it is up to the agency to reimburse all expenses to the assessors. Assessors will be selected and scheduled through the Director, GLECP.

RULE IV – WAIVER REQUIREMENTS:

- A. An agency may submit a waiver request whenever it is determined that the agency is precluded by law or ordinance from performing a particular function required by a standard **OR** whenever the agency has no legal responsibility to perform the function **OR** whenever the agency has justifiable reason for not complying with the provisions of a particular standard.
 - 1. Waiver requests must be submitted in writing on agency letterhead. The request must identify each standard and/or bullet to be waived and must contain sufficient justification outlining the specific reasons why the agency should be exempt from complying with the standard. Waiver requests must be signed by the requesting agency's chief executive officer.
 - 2. Waiver requests must be submitted to the Director, GLECP, at least 90 days prior to the on-site assessment. Exceptions to this rule will be made on a case by case basis as decided by the Director, GLECP.
 - 3. It will be the responsibility of the Director to bring all properly submitted waiver requests to the State Certification Committee. It is the responsibility of the Committee's membership to determine the agency's eligibility for exemption. Normally, the State Certification Committee will review all waiver requests at the next scheduled monthly meeting following the receipt of the waiver. A minimum of three committee members must be present at a meeting approved by the Chair to review a waiver request.
 - 4. Agencies may send a representative to appear before the State Certification Committee in order to further explain the facts and circumstances supporting the request for exemption from a particular

standard(s). The State Certification Committee, after reviewing a particular waiver submission, may decide to postpone its final determination and request that the agency send a representative to further address the justification for the exemption. In either case, once an agency's representative has appeared before the committee, all deliberations concerning a waiver request will be held in executive session. All motions and decisions on motions will be presented in open session.

5. The Committee's decision concerning whether a particular waiver is granted or denied will be provided in writing to the requesting agency by the Director, GLECP.
6. An agency CEO may submit a written appeal to the Joint Review Committee should there be a disagreement with the State Certification Committee's waiver decision.

B. Waiver requests are required for "if any" standards.

C. Waiver requests are required for agencies seeking initial certification and recertification.

D. During the course of an agency's on-site assessment, it may be determined by the team leader of the assessment team that an agency may qualify for exemption from a particular standard(s), even though a written waiver request was not previously submitted by the agency.

1. In such cases, the team leader will document his/her determination for exemption in the On-Site Assessment Report. The team leader will also document the reasons why the agency failed to submit a written waiver request as prescribed above.
2. During the on-site, the team leader is to make contact with the Director, GLECP, and explain the reasons to justify granting the waiver. The Director will then take whatever action is appropriate to make a determination of whether to grant approval for the waiver before the end of the on-site.
3. The Director, GLECP, will communicate his decision to the team leader before the end of the on-site. Should the Director not concur with the team leader's recommendation to grant the waiver, then the agency will be required to demonstrate compliance with the standard under consideration before the end of the on-site.

- E. During the course of an on-site assessment, the team leader may determine that an agency is in fact required to be in compliance with a particular standard(s), even though a previous waiver request was properly submitted and granted by the State Certification Committee.
 - 1. In such cases the team leader will explain his/her findings to the agency and give the agency the opportunity to demonstrate compliance before the departure of the assessment team.
 - 2. Should the agency fail to demonstrate compliance with the standard in question before the end of the on-site then the agency will be held in non-compliance with the standard.

RULE V – SHADOWS

- A. Only one shadow should be scheduled per on-site assessment. Exceptions to this rule will be authorized on a case by case basis in consultation with and agreement by the designated assessment team leader and the Director, GLECP.
- B. The purpose of the shadow program is to prepare qualified applicants for their assessor duties. Accordingly, the following provisions should be followed when a shadow is assigned to an assessment team:
 - 1. The team leader will discuss with the shadow what is expected of him/her.
 - 2. The team leader will instruct the shadow on how to evaluate a certification file. One possible training technique that can be used is for the team leader or team member to perform and document the file review. Then the shadow should be instructed to perform and document the same review, without seeing the previous assessor's written remarks. Once the shadow has completed his/her review, the original assessor should then critique the shadow's documented work.
- C. Shadows will not address problem areas with agency personnel. Any problems associated with file maintenance or validation of proofs of compliance will be brought to the attention of the team leader for his/her appropriate action.
- D. Under no circumstances will shadows perform the primary review of agency certification files or be used to validate compliance of observation standards. Either the team leader or team member must perform these functions. Shadows will only be used as a secondary file reviewer.

RULE VI – ANNUAL COMPLIANCE REVIEW

- A.** Each certified agency is required to submit an Annual Compliance Report to the Director, GLECP. The report is to be submitted in accordance with the schedule provided by the Director.
- B.** Any agency reporting non-compliance with a particular standard must indicate the steps being taken to achieve compliance and the anticipated date when compliance is to be achieved. A period of 90 days should be sufficient to achieve compliance. Should an agency determine that additional time is required before compliance can be achieved, proper justification will be required.
- C.** Agencies are expected to make a good faith effort to maintain compliance with all applicable standards once initial certification is received.
- D.** The Director, GLECP, is to notify the Certification Committee in all cases when an agency submits an Annual Compliance Report indicating non-compliance with one or more standards.

RULE VII – ASSESSOR EVALUATION

- A.** During the course of on-sites, assessors are to informally critique each other and to make suggestions when appropriate.
- B.** The State Certification Committee has established assessor evaluation procedures. Formal evaluation reports are required for all assessors and shadows. The Director, GLECP, will maintain evaluation reports. The following evaluations will be performed:
 - 1.** The assessed agency will evaluate the team leader.
 - 2.** The team leader will evaluate the team member and shadow (if assigned).
 - 3.** The team member will also evaluate the shadow (if assigned).

RULE VIII – RECERTIFICATION PROCEDURES

- A.** On-site assessments for recertification should be requested from the Director, GLECP, no later than six months prior to the three year anniversary date of the previous certification.
- B.** Certified agencies will be required to initiate a new contract every three (3) years prior to the third (3rd) anniversary date.
- C.** Certified agencies will be required to retain only the files and records necessary to demonstrate compliance during each of the three years since

the previous certification award date. Once an agency is either certified or re-certified, all records must be retained in compliance with the State Records Retention Act. Additionally, the Standard Summary Report (SSR) associated with each standard should be filed as a permanent document in the appropriate file for all future assessment cycles.

- D. Should a certified agency fail to meet the requirements for re-certification without just cause, the Certification Committee will inform the Joint Review Committee and recommend that the certification be withdrawn. Upon receiving such a recommendation, the Joint Review Committee should communicate its final decision to the agency's CEO and to the senior governing official. Should the Joint Review Committee direct that the agency's certification be withdrawn, the Director will initiate steps to remove the plaque identifying the agency as being certified from the display at the Georgia Association of Chiefs of Police Headquarters.
- E. Should an agency fail its recertification on-site, the Certification Committee will notify the Joint Review Committee and recommend that it formally notify the CEO that the agency is being placed on six-month probation.
 - 1. During the six-month probationary period, the agency will be given an opportunity to correct all deficient standards noted during the on-site.
 - 2. The agency will then be required to demonstrate that the deficient standard(s) has been brought into compliance to the satisfaction of one seasoned assessor (not previously involved in the agency's on-site) who is appointed by the State Certification Director.
 - 3. Should the agency demonstrate compliance, the State Certification Director will forward the assessor's report to the Joint Review Committee with a recommendation that the probationary status be removed and that the agency be re-certified.
 - 4. Should the agency fail to demonstrate compliance, the State Certification Director will forward the assessor's report to the Joint Review Committee with a recommendation that the probationary status be removed and that the agency **not** be recertified.
- F. The Joint Review Committee is the final appellate authority for agencies that disagree with the findings of probationary review assessments.

RULE IX – AGENCIES NATIONALLY ACCREDITED BY THE COMMISSION ON ACCREDITATION FOR LAW ENFORCEMENT AGENCIES (CALEA)

- A.** Agencies nationally accredited by CALEA will be allowed to provide a copy of their final CALEA letter of notification as proof of compliance for those standards common to both the national and state programs. This rule applies to only those agencies that are nationally accredited by CALEA and that continue to maintain their national accreditation in accordance with established CALEA procedures.
- B.** Such agencies will be required to submit to the Director, GLECP, a copy of their final CALEA notification letter every three years immediately following each CALEA re-accreditation on-site.
- C.** No CALEA standard can be considered as optional if the State Certification Program requires the standard.
- D.** **Rule III A** above will be modified for agencies subject to these procedures in that only one assessor will be appointed by the Director to perform a re-certification on-site. The assessor will be scheduled to verify compliance with those standards unique to the State Certification Program, prior to the 3rd year anniversary date for state re-certification. In addition to a review of all unique standards, the assessor will also:
 - 1.** Review the entire CALEA report of the previous assessment to insure that the agency is in compliance with all common standards. The assessor may review any CALEA file related to State Certification.
 - 2.** Validate compliance with all observable standards identified in the Standards Manual currently in effect.
 - 3.** Review all State Certification waiver requests.
- E.** Should a CALEA accredited agency fail to demonstrate compliance with a common standard(s) or a unique standard, then it will be placed on six months probation and the procedures outlined in **Rule VIII E** above will be followed.
- F.** Agencies eligible to participate under this rule will be required to comply with **Rule VIII A** and **B**.
- G.** Agencies eligible to participate under this rule will only be required to maintain certification files for the unique standards of the State program. Should an agency subsequently become ineligible for continuation under this rule, then it will be required to establish files for all State Certification Program standards.

RULE X – THIRD PARTY REQUESTS FOR ASSESSMENT

Any third party request for a copy of an assessment report will be referred to the appropriate agency for release. However, should a request for an assessment report or other information concerning the State Certification Program be made to the Director of the State Certification Program under the State's Open Records Act, then the requested information will be provided in accordance with state law.

RULE XI – REAPPLICATION PROCEDURES

Agencies will be required to wait one year from the scheduled date of expiration or withdrawal before they will be eligible to reapply to the State Certification Program when one of the following conditions occurs:

1. Should an agency voluntarily withdraw after becoming initially certified from the State Certification Program;
2. Should an agency allow its initial certification status to expire by not applying for re-certification; **OR**
3. Should an agency fail to satisfy re-certification requirements in accordance with procedures adopted by the State Certification Committee.

RULE XII – ASSESSOR CRITERIA

A. EXPERIENCE: An individual must have the following experience to become a State Certification Assessor:

1. For sworn individuals who are employed by a law enforcement agency of the State of Georgia: a minimum of three years of Georgia POST Council recognized experience; **OR** a minimum of two years of Georgia POST Council recognized experience and be the full-time State Certification or CALEA Accreditation Manager for a minimum of two years.
2. For non-sworn individuals: a minimum of five years of experience, research, or background in law enforcement related areas of service.

B. TRAINING:

1. Successful completion of the State Certification Manager Course and State Certification Assessor Course: **AND**

2. Shadow a minimum of one assessment with favorable performance reviews by the assigned team leader and team member. The shadow assessments must be during a State Certification on-site assessment.

C. EXCEPTIONS: The above criteria are waived for any individual who satisfies one of the following:

1. An individual is a CALEA trained assessor, has been on at least two CALEA mock and/or on-sites and has attended the State Certification Assessor Course; **OR**
2. An individual is a CALEA trained assessor, has been on at least two CALEA mocks and/or on-site and has participated on one State Certification on-site as a shadow with a satisfactory evaluation by the team leader and team member; **OR**
3. An individual who is an active State Certification assessor, has served as a team leader or team member on one or more State Certification on-site assessments, and has attended the State Certification Assessor Course prior to January 1, 2003.

D. APPLICATION SUBMISSION AND SELECTION:

1. Assessor applications will be submitted on the State Certification Assessor Application form as approved by the State Certification Committee.
2. Applications must be signed by the applicant's agency CEO who signifies that the applicant will perform a minimum of one on-site assessment per calendar year.
3. Applications will be forwarded to the Director, GLECP for review and approval.

E. TEAM LEADER CRITERIA: Team leaders must satisfy all assessor criteria outlined above plus:

1. Must have successfully performed assessor duties on a minimum of three on-sites; must have received a favorable recommendation to become a team leader while performing assessor duties; **AND** must have at least five years of experience in law enforcement or as a civilian in a law enforcement related service area.
2. **EXCEPTION:** Any individual who has previously served as a State Certification or CALEA team leader prior to January 1, 2003 is exempt from the above guidelines.

3. The State Certification Director will designate individuals to be team leaders who satisfy above criteria.

F. PROBATION OR TERMINATION OF ASSESSOR OR TEAM LEADER STANDING:

1. The State Certification Committee has the authority to place any assessor or team leader on probationary status for cause.
2. The State Certification Committee has the authority to remove a previously qualified individual from assessor or team leader duties for cause.

RULE XIII – TECHNICAL ASSISTANCE:

- A. Agencies should establish contact with other previously certified agencies within their respective geographical area for advice and assistance.
- B. Agencies are also encouraged to join the Georgia Police Accreditation Coalition (GPAC) for training and technical assistance.
- C. Other assistance is available from the Director, GLECP.

RULE XIV – APPEALS:

The Joint Review Committee is designated as the final appeal authority for all matters related to the State Certification Program.

RULE XV – CERTIFICATION MANAGERS:

- A. Agencies under contract for initial certification and agencies that are maintaining their certification status are required to appoint a certification manager by the CEO and provide the name to the Director, GLECP.
- B. Whenever there is a change in the individual appointed to serve as the certification manager, the name of the new agency point of contact will be provided to the Director, GLECP.