

# STATE OF GEORGIA LAW ENFORCEMENT CERTIFICATION PROGRAM

## PROGRAM RULES

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### ***RULE I – INFORMATION CONCERNING AGENCY STATUS:***

- A. Should information be presented to the State Certification Committee (SCC), 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 SCC for preliminary review. The SCC will assess whether the allegation has merit as related to State Certification Standards.
  2. If the agency is found to be in compliance, or the complaint is without merit, no further action will be taken.
  3. If the preliminary review by the SCC cannot determine the agency to be in compliance, one of the following will apply:
    - a. If the alleged non-compliance is an issue being investigated by the Federal Bureau of Investigation, GBI, POST, DA or other investigative body, the SCC's recommendation to the Joint Review Committee (JRC) will be to place the agency under Administrative Review pending the outcome of the investigation. Should the agency be due for a recertification on-site during the Administrative Review, the on-site will not occur until the issue is resolved.
    - b. If the alleged non-compliance issue is not being investigated by an outside agency, the CEO of the agency will be notified in writing by the SCC 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. The CEO will have 30 days to respond. Failure to respond may

result in the agency's removal from the State Certification program.

4. Should the SCC determine that the agency is in fact not in compliance with the standards under review, the committee shall refer the matter with a written recommendation to the Chairperson of the JRC for appropriate action, which could include administrative probation or revocation. The SCC will recommend to the JRC the conditions of the probation and/or revocation.
  5. All documentation related to the above actions will be placed in the SCC files.
- B.** Agency may request an extension of their re-certification date of a maximum of 90 days from their originally contracted date for extenuating circumstances. The request must be made in writing to the State of Georgia State Certification Committee and must outline the circumstances and/or reasons to justify the request for extension.

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***RULE II – TRANSITION TO 5<sup>th</sup> EDITION:***

- A.** The Fifth Edition Standards are effective on March 15, 2011.
- B.** Agencies previously certified under the 4th Edition shall have completed their transition to the 5th Edition by January 1, 2012.

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***RULE III – INITIAL 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.** During a re-certification on-site an agency must demonstrate compliance with all standards for which a waiver has not been previously granted by the State Certification Committee. Compliance must be demonstrated 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.

During the initial on-site, if an agency is not in compliance with all standards, those not in compliance must be in compliance prior to the submittal of the final report by the team leader. The compliance must be verified by one of the two original team members, whether by re-visit or by review of written documentation. This final compliance review must be completed within 30 calendar days of the last day of the on-site. If within the 30 day period all standards are not in compliance, the agency will be required to wait twelve months from the date of the last on-site to reschedule a new on-site.

If an agency has been involuntarily removed from the program, the JRC may determine a minimum time period before the agency can re-apply to the program which may exceed twelve months.

- C.** An agency will be required to wait a minimum of twelve 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. **OR**;
3. An agency cancels an initial or recertification on-site assessment previously scheduled by the Director without compelling justification.

- 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.** Within twelve months of being appointed or assigned, the certification manager or other agency employee 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 the responsibility of the agency to reimburse all expenses to the assessors. Assessors for mocks will be selected and scheduled by the agency desiring a mock. Agencies may contact the GLECP Director for a list of trained/experienced state assessors.
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#### ***RULE IV – WAIVER REQUIREMENTS:***

- A.** Waiver requests are required for agencies seeking initial certification and recertification.

A standard is Not Applicable (NA) to an agency when 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.

Waivers must be requested for those standards an agency determines to be NA.

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 each on-site assessment. Exceptions to this rule will be made on a case by case basis 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. The State Certification Committee will review all waiver requests at the next scheduled 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.

If an agency's obligations or practices change in a manner that requires compliance with any standard for which a waiver was previously granted, the waiver is immediately void and the agency is required to comply with said standard.

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 JRC should there be a disagreement with the State Certification Committee's waiver decision. Any appeal to the JRC will have to be satisfied prior to the agency's on-site. The JRC decision is final and will be communicated in writing to the State Certification Committee and the agency.
- B.** Waiver requests are required for agencies seeking initial certification and recertification.
- C.** 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 a waiver 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 the waiver 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 of GLECP or his designee, 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 of GLECP or his designee 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.
- D.** 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. During the on-site, the team leader is to make contact with the Director of GLECP or his designee, and explain the reasons to justify denying the waiver. The Director will then take whatever action is appropriate to make a determination of whether to maintain the approval of the waiver or concur with the team leader and rescind the waiver before the end of the on-site.
3. Should the agency fail to demonstrate compliance with the standard in question then the agency will be held in noncompliance with the standard.

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## ***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 an agreement by the designated assessment team leader and with the approval of 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.

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## ***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 within 30 days of the agency's certification anniversary. An Annual Compliance Report is not required for the year the agency is scheduled for an on-site assessment.
- 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 maintain compliance with all applicable standards once initial certification is received.
- D. The Director, GLECP, is to notify the State Certification Committee in all cases when an agency submits an Annual Compliance Report indicating non-compliance with one or more standards. The State Certification Committee will determine if compliance has been re-established or if the matter should be forwarded to the JRC.

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## ***RULE VII – ASSESSOR EVALUATION***

- A. During the course of on-sites, assessors are to informally critique each other and 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 and submit it directly to GACP
  2. The team member will evaluate the team leader and submit it directly to the Director, GLECP.
  3. The team leader will evaluate the team member and shadow (if assigned). These evaluations will be submitted by the team leader with the final report.
  4. The team member will also evaluate the shadow (if assigned) and provide it to the team leader at the on-site to be submitted with the final report.

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## ***RULE VIII – RECERTIFICATION PROCEDURES***

- A.** Agency requests for an on-site assessment for recertification should be submitted to 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 their 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 recertified, all records must be retained in compliance with the State Records Retention Act. Each certification file will contain the current Standard Summary Report (SSR) as well as the SSR from the previous on-site assessment.
- D.** Should a certified agency fail to meet the contractual program requirements for re-certification without just cause the SCC will inform the JRC and recommend that the certification be withdrawn. Upon receiving such a recommendation, the JRC will 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. The Director, GLECP will inform the agency in writing that all items/references identifying the agency as a certified agency must be removed.

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## ***RULE IX FINAL REPORTS AND RECOMMENDATIONS***

**A.** Final reports and all supporting documents will be sent electronically to the Director, GLECP who will forward the reports to SCC and the JRC members for review. The SCC will send any comments or concerns to the JRC. The JRC will then administer one of the following decisions:

1. Initial certification;
2. Recertification; or
3. Deny Certification/Recertification
4. Probation: If the JRC believes the agency can achieve compliance with all non-compliant standards within six months, the JRC will place the agency on a six-month probationary period.

During the six month probationary period, the agency will be given an opportunity to correct all deficient standards noted during the on-site. The agency will then be required to demonstrate that the deficient standard(s) has been brought into compliance to the satisfaction of one experienced assessor, preferably a team leader, (not previously involved in the agency's on-site) who is appointed by the Director, GLECP. The assessor will electronically forward his/her report to the Director, GLECP, who will forward to the JRC. If the agency has demonstrated compliance with the deficient standard(s), the JRC will lift the probation and certify the agency. If the agency fails to comply due to an issue for which there is no remedy, the JRC will not approve the agency for certification.

**B.** The JRC will take all comments and/or concerns made by the SCC into consideration, but the JRC will make the final decisions regarding an agency's certification status.

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***RULE X – 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 applicable to the State Certification Program, prior to the 3<sup>rd</sup> year anniversary date for state re-certification. In addition to a review of all applicable 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 an applicable standard, then it will be placed on six month 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 applicable 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.

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### ***RULE XI – THIRD PARTY REQUESTS FOR ASSESSMENT REPORTS***

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, GLECP under the State Open Records Act, then the requested information will be provided in accordance with state law.

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### ***RULE XII – 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.

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### ***RULE XIII – 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 State Certification Manager for a minimum of two years; or

2. For non-sworn individuals: a minimum of three years of experience, research, or background in law enforcement related areas of service and be the State Certification Manager for a minimum of two years.

**B. TRAINING:**

1. Successful completion of the State Certification Manager Course and State Certification Assessor Course: **AND**
2. Shadow a minimum of two assessments with favorable performance reviews by the assigned team leader and team member. At least one of the shadow experiences must be during a State Certification on-site assessment. The shadow can be on a State Certification mock if approved prior by the Director, GLECP and if the mock team leader is certified as a State Certification Team Leader.
3. Assessors are required to attend Assessor Refresher Training at a minimum of every three years. This training must be approved by GACP.

**C. APPLICATION SUBMISSION AND SELECTION:**

1. Assessor applications must be submitted on the State Certification Assessor Application form.
2. Applications must be signed by the applicant's agency CEO who signifies that the applicant will perform a minimum of one (or two if agency has more than 25 sworn employees) on-site assessment(s) per calendar year.
3. Applications will be forwarded to the Director, GLECP for review and approval.

**D. 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. **The CEO of the applicant's agency must prepare a letter of recommendation for the applicant to become a team leader. The letter must include the applicant's rank or management position, number of years involved with the State Certification, and the number of successful on-sites completed, if applicable.**
3. **The letter must be sent to the State Certification Committee for consideration and recommendation to the Director, GLECP.**
4. **Once the applicant is approved to become a team leader, he/she must attend and successfully complete Team Leader Training provided by GACP. The team leader must attend Assessor Refresher Training a minimum of every three years.**
5. EXCEPTION: Any individual who has previously served as a State Certification team leader prior to January 1, 2003, is exempt from the above guidelines. This individual must still attend Assessor Refresher Training at a minimum of every three years.
6. The Director, GLECP will designate individuals to be team leaders who satisfy above criteria.

**E. 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.

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***RULE XIV – SELECTION OF ASSESSMENT TEAM***

- A.** The Director, GLECP will have the responsibility for selecting the assessors for all on-site assessment teams. The team must be comprised of a team leader and an assessor who are not currently employed by the same agency.
- B.** The assessment team will not be comprised of assessors from an agency which is located in the same county as the agency being assessed.
- C.** Exceptions to Rule XIII A and B can be made at the discretion of the Director, GLECP.

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***RULE XV – TECHNICAL ASSISTANCE:***

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

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***RULE XVI – JOINT REVIEW COMMITTEE – REVIEWS & APPEALS:***

- A.** The JRC will meet quarterly to review onsite reports. To ensure a consistent review schedule, the JRC will meet during the months of January, April, July and October, on a date specified by the Director, GLECP. All onsite must be concluded at least 30 days prior to the JRC quarterly review in order to be considered for certification/recertification for that quarter. The 30-day rule may be waived at the discretion of the Director, GLECP.
- B.** The Joint Review Committee is designated as the final appeal authority for all matters related to the State Certification Program.

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***RULE XVII – 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.

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The program rules and guidelines are intended to lend consistency to the State Certification Program. In some circumstances the Director, GLECP, in consultation with the SCC or JRC, may modify a rule or condition.

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