Emergency Rules
of the
Tennessee Peace Officer Standards and Training Commission – 1110

Chapter 1110-2
Certification

Pursuant to T.C.A. § 4-5-208, I am promulgating emergency rules amending the grounds under which the Tennessee peace officer standards and training commission can initiate proceedings to suspend or revoke POST certifications.

I have made a finding that there is an emergency creating a danger to the public welfare in that the existing rules provide a loophole, allowing an officer who is allowed to resign in lieu of termination to avoid any disciplinary action with regard to the officer's POST certification. In a case where an officer avoids termination or long-term suspension by submitting a resignation, there are not sufficient grounds to allow the commission to initiate the necessary proceedings to make a determination as to the professional competence of an officer. This lack of enforceability constitutes a danger to the health, safety and welfare of the public.

For copies of the entire text of the proposed amendments, contact: Brian Grisham, Executive Secretary, Tennessee peace officer standards and training commission, 3025 Lebanon Road, Nashville, Tennessee 37214, telephone (615) 741-4448.

Leslie A. Newman
Commissioner
Tennessee Department of Commerce and Insurance

Chapter 1110-2
Certification
Amendments

Part (2)(a)(3) of rule 1110-2-.04 Denial, Suspension, and Revocation of Certification is amended by adding text to part (3) so that, as amended, the part shall read:

(3)   Be suspended for thirty (30) days or longer, resign in lieu of termination, or be discharged by his employing law enforcement agency for disciplinary reasons; or

Authority: T. C. A. §§ 38-8-104(b), 38-8-105, and 38-8-106.

The emergency rules set out herein were properly filed in the Department of State on this the 11th day of March, 2008, and will be effective from the date of filing for a period of 165 days. These emergency rules will remain in effect through the day of 23rd day of August, 2008. (FS 03-06-08; DBID)