



STATE OF TENNESSEE
PEACE OFFICER STANDARDS AND TRAINING COMMISSION
3025 LEBANON ROAD
NASHVILLE, TENNESSEE 37214-2217
PHONE: 615-741-4461 FAX: 615-532-0502

January 20, 2011

Sheriff James Berrong
Blount County Sheriff's Office
940 East Lamar Alexander Parkway
Maryville, TN 37804

RE: POST Certification of an Emergency Management Director

Dear Sheriff Berrong:

This letter is in response to your inquiry as to whether an Emergency Management Director employed by someone other than a law enforcement agency could be POST Certified. In order to be so certified, an individual would have to be a "law enforcement officer" as defined in T.C.A. § 38-8-101 and POST Rules and Regulations Chapter 1110. That definition states that individuals must be "commissioned, sworn and/or otherwise lawfully enjoined to uphold the laws of the state...who is employed by any municipality or political subdivision [county] of the State..."

Commissioning authority comes, by Tennessee Code, from the Sheriff of a county, or the chief of a city. Absent a specific statute regarding a particular county to the contrary, in order to be POST Certified an Emergency Services Director in Blount County would have to be in the employ of and commissioned by a county or city law enforcement agency. Such individual would also have to be supervised by a POST certified supervisor.

This question was similarly posed in two recent Attorney General Opinions regarding court officers. In these opinions, the employment of court officers by judges or other divisions of county government other than the Office of Sheriff was deemed improper absent specific statutory authority in particular counties.

Please let me know if you require further information.

Sincerely,

A handwritten signature in black ink that reads "Brian Grisham".

Brian Grisham, J.D.
Executive Secretary