

# WORKSHOP IN POLITICAL THEORY & POLICY ANALYSIS

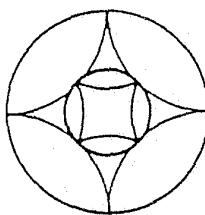
## Police Services Study Technical Report

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A SYMPOSIUM OF RECRUITMENT SYSTEMS FOR PEACE OFFICERS

by

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1976 JK

May, 1976

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NCJRS

OCT 5 1976

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The authors thank William Tabor and Bruce Coles for their assistance in researching the legislation summarized in this report. Comments from Elinor Ostrom, Roger Parks, Gordon Whitaker, Jnana Hodson, Nancy Neubert, and others involved in the Police Services Study have been very helpful. The author also appreciates the support provided by the Research Applied to National Needs Division of the National Science Foundation in the form of Grant Number GI-43949 for making this study possible. The opinions are the author's, and do not necessarily reflect those of the National Science Foundation or Indiana University.

## A SYMPOSIUM OF RECRUITMENT SYSTEMS FOR PEACE OFFICERS

by

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How one goes about becoming a peace officer depends upon the system a particular agency uses to hire new officers. This report presents the major types and distribution of systems for hiring peace officers, as well as some of the more common restrictions imposed by state law.

Research for this report has focused on and covered the state statutory law of all 50 states. While the type of system used in recruitment and appointment of law enforcement is uniformly defined by state statutory law, the restrictions on such recruitment and appointment are often delineated by state administrative rule or regulation and/or state statutory law. Therefore, wherever applicable, the rules or regulations promulgated by state administrative agencies have been appropriately noted.

Additionally, the caveat must be added that this report focuses on legislation and rules or regulations promulgated and effective as of June 30, 1974, inclusive. But changes in state statutory law and state administrative rules or regulations after June 30, 1974, either in the form of deletions or additions, are appropriately identified by footnote.

Type of System

The type of system for hiring law enforcement officers varies from state to state. Variation often continues within the state, with different

systems for different types of law enforcement officers or different sizes of jurisdictions. The two most common systems are merit and patronage. The merit system is often a form of civil service, with stringent requirements to be met prior to appointment. The patronage system, on the other hand, is not governed by such uniform sets of requirements, although individual departments may impose their own standards.

Some systems cannot be classified as either merit or patronage. In South Dakota, for instance, the members of the State Highway Patrol are appointed through and receive the benefits of the State Civil Service system. In New Jersey and Rhode Island, the State Police and deputy sheriffs are members of an "unclassified civil service." According to *State Troopers Fraternal Association v. State*, 115 N.J. Super. 503, 280 A.2d 235 (1971), these law enforcement officers are not subject to civil service requirements, but are entitled to the benefits received by civil service employees. North Carolina Highway Patrol officers are appointed by the Commissioner of the Division of Motor Vehicles with the approval of the Governor. In South Carolina, officers of the Highway Patrol are commissioned by the Governor upon the recommendation of the Chief Highway Commissioner. In Hawaii, the Attorney General appoints the State Sheriff and his deputies.

Other factors may complicate the system. In most states the system varies according to the type of agency the recruit applies to. A common pattern requires a merit system for state and municipal peace officers, but allows deputy sheriffs to be appointed--and removed--at the pleasure of duly-elected county Sheriff.

The population of the county or municipality served by the appropriate

agency may be another factor. Illinois, for instance, mandates a merit system for counties having one million or more population, and all municipalities having 5,000 to 250,000 population. The Pennsylvania legislature requires a merit system for all first and second class cities.

A final factor to consider is whether a certain type of system has been mandated by law or is merely a possible alternative within the range of available systems. Cities in California, for example, may establish personnel, merit, or civil service systems. Counties and cities in Iowa may--but are not required to--set up a merit system. This "mandatory v. optional" factor can be compounded by the population factor: civil service is required for cities of the first, second, and third class in Kentucky, but is optional for fourth, **fifth, and sixth class cities.**

The following chart summarizes the types of entry systems found in each state. County sheriffs are generally elected officials and have been omitted.

CHART I

TYPES OF ENTRY SYSTEMS

STATE NAME	ANALYSIS OF ENTRY SYSTEMS
Alabama	Merit system mandated for Highway Patrol; counties and municipalities are authorized to establish merit systems for deputy sheriffs and municipal police respectively.
Alaska	Merit system mandated for State Patrol; there are no counties; municipalities are authorized to set up a merit system, but there is no uniform merit system.

## CHART I (continued)

STATE NAME	ANALYSIS OF ENTRY SYSTEMS
Arizona	Merit system mandated for Highway Patrol; counties with a population in excess of 250,000 must adopt a merit system for deputy sheriffs; cities with a population in excess of 15,000 and with a police force of more than 15 officers must adopt a merit system.
Arkansas	Merit system mandated for State Police; sheriffs appoint deputies according to patronage system; first class cities (cities with a population greater than 1,500) may adopt a merit system.
California	Merit system mandated for Highway Patrol and State Police; counties may establish a merit system; cities may establish a personnel, merit, or civil service system.
Colorado	Merit system mandated for State Patrol; sheriffs may appoint deputies according to patronage, but counties may adopt a merit system; the Chief of Police may appoint municipal officers, or cities may adopt a merit system.
Connecticut	State Police and deputy sheriffs appointed according to patronage system; cities may establish a Board of Police Commissioners for the hiring of officers.
Delaware	State Police appointed by Department of Public Safety; sheriffs appoint deputies according to patronage system; there is no legislation specifying the hiring system at the municipal level,
Florida	Merit system mandated for Highway Patrol, deputy sheriffs, and municipal police.
Georgia	Merit system mandated for State Patrol; sheriffs appoint deputies according to patronage system; merit system mandated for county police and municipal police.
Hawaii	The Attorney General appoints the State Sheriff and his deputies; merit system mandated for county

## CHART I (continued)

STATE NAME	ANALYSIS OF ENTRY SYSTEM
Hawaii (con't)	police; there is no legislation applicable to municipal police.
Idaho	Merit system mandated for State Police; appoint deputies according to patronage system; merit system optional for municipalities.
Illinois	Merit system mandated for State Police; merit system mandatory in counties only if the population is one million or more; all cities with a population of at least 5,000 and not more than 250,000 must adopt a merit system.
Indiana	Merit system mandated for State Police and county deputy sheriffs; merit system mandated for consolidated first class cities and counties, second class cities in counties with a population range of 128,000 to 138,000, second class cities with a population range of 109,000 to 112,000, second class cities with a population greater than 176,000 in counties with a population range of 280,000 to 450,000, second class cities with a population greater than 125,000 in counties with at least two other second class cities, second class cities in counties with a population range of either 160,000 to 180,000 or 95,000 to 120,000 and with at least one third class city, second class cities in counties with a population range of 160,000 to 180,000 and with one second class city, second class cities in counties with a population range of 110,000 to 125,000 and third class cities in counties with a population range of 95,000 to 105,000; third and fourth class cities may set up Metropolitan Police Boards; all other general second, third, fourth, and fifth class cities have a patronage system.
Iowa	Merit system mandated for State Police; merit system optional for all counties and cities.
Kansas	Merit system mandated for Highway Patrol; urban area counties, counties with a population greater than 300,000, and counties with a population range

## CHART I (continued)

STATE NAME	ANALYSIS OF ENTRY SYSTEMS
Kansas (con't)	of 65,000 to 180,000; <sup>1</sup> merit system optional for all other counties and municipalities.
Kentucky	Merit system mandated for State Police; sheriffs appoint deputies according to patronage system; merit system mandated for county police and cities of the first, second, and third class; merit system optional for fourth, fifth, and sixth class cities.
Louisiana	Merit system mandated for State Police; sheriffs appoint deputies according to patronage system; merit system mandated for all cities.
Maine	Merit system mandated for State Police; sheriffs appoint deputies according to patronage system; merit system optional for all municipalities.
Maryland	Merit system mandated for State Police; counties are listed by name and assigned a system; all municipalities are required to use a merit system, but Baltimore city police are not members of the classified civil service.
Massachusetts	Merit system mandated for State Police; sheriffs appoint deputies according to patronage system; merit system mandated for all cities.
Michigan	Merit system mandated for State Police; merit system optional for counties and municipalities.
Minnesota	Merit system mandated for Highway Patrol; merit system optional for all counties; all cities except first class cities may adopt a merit system by ordinance.
Mississippi	Highway Safety Patrol appointed by public service commission after competitive examinations; sheriffs appoint deputies according to patronage systems; merit system mandated for some municipalities, optional for others.
Missouri	Highway Patrol appointed according to patronage system on a bipartisan basis; sheriff appoints



## CHART I (continued)

STATE NAME	ANALYSIS OF ENTRY SYSTEMS
Missouri (con't)	deputies, but must have the approval of circuit court judges in second, third, and fourth class counties; merit system required in Kansas City and second class cities; merit system optional for cities of third and fourth class; appointments in cities with a population greater than 500,000 made by a Board of Police Commissioners.
Montana	Highway Patrol appointed by the Department of Justice; sheriffs appoint deputies according to patronage system; Police Commission or similar authority used in municipalities.
Nebraska	Merit system mandated for State Patrol, all counties with a population of at least 150,000, and all municipalities with a population of at least 5,000 unless under home rule.
Nevada	Merit system mandated for Highway Patrol and all counties with a population greater than 100,000; municipalities can adopt a merit system.
New Hampshire	Merit system mandated for State Police; Sheriff appoints deputies according to patronage system; governing body appoints in municipalities.
New Jersey	State Police appointed by Superintendent of State Police and are in unclassified civil service; sheriffs appoint deputies, who are also members of the unclassified civil service; merit system optional for municipalities.
New Mexico	Merit system mandated for State Police; Sheriff appoints deputies according to patronage system; merit system optional for all municipalities.
New York	Merit system mandated for State Police, deputy sheriffs, and municipal police.
North Carolina	Highway Patrol appointed by Commissioner of Motor Vehicles Division with the approval of the Governor; sheriffs appoint deputies according to patronage system; chiefs of local departments appoint officers.

## CHART I (continued)

STATE NAME	ANALYSIS OF ENTRY SYSTEMS
North Dakota	Highway Patrol appointed by Superintendent of Highway Patrol; sheriffs appoint deputies according to patronage system; municipalities with a population of more than 4,000 can opt for a merit system.
Ohio	Merit system mandated for Highway Patrol and municipal police; sheriffs appoint deputies according to patronage system.
Oklahoma	Merit system mandated for Highway Patrol; sheriffs appoint deputies according to patronage system; chiefs of local departments appoint officers.
Oregon	State Police appointed by superintendent with approval of the Governor; merit system mandated in counties with a population greater than 300,000; chiefs of local departments appoint officers.
Pennsylvania	Merit system mandated for State Police, county police of second class counties, and first and second class cities; merit system optional for boroughs; sheriffs appoint deputies according to patronage system.
Rhode Island	State Police and deputy sheriffs are members of unclassified civil service; municipal officers appointed by a Board of Police.
South Carolina	Highway Patrol commissioned by Governor upon recommendation of the Chief Highway Commissioner; sheriffs appoint deputies, with the approval of the circuit court judge in some counties; merit system mandated for municipalities with a commission form of government unless the population range is 2,000 to 4,000.
South Dakota	Civil Service system mandated for Highway Patrol; deputy sheriffs appointed by Board of County Commissioners upon the written recommendation of the Sheriff; merit system optional for municipalities.

## CHART I (continued)

STATE NAME	ANALYSIS OF ENTRY SYSTEMS
Tennessee	Merit system mandated for Highway Patrol and municipalities with a city-manager form of government; merit system optional for counties.
Texas	Merit system mandated for Highway Patrol and Rangers; sheriffs appoint deputies according to patronage system; municipalities can adopt a merit system.
Utah	Merit system mandated for Highway Patrol and cities of the first and second class; merit system optional in counties with fewer than 130 employees not covered by such a system.
Vermont	State Police appointed by Commissioner of Public Safety; sheriffs appoint deputies according to patronage system; municipal officers appointed by local legislative body.
Virginia	State Police appointed by Superintendent of State Police; sheriffs appoint deputies according to patronage system; no specific legislation on recruitment at the local level.
Washington	State Patrol appointed by Chief of State Patrol; merit system mandated for counties, and all cities with a police force of more than two persons.
West Virginia	Merit system mandated for State Police, all counties with a population of at least 25,000, and all cities with a population of at least 10,000.
Wisconsin	State Traffic Patrol appointed by the Administrator of the Motor Vehicle Division; merit system optional for counties with a population of less than 500,000; Chief of local departments appoints officers subject to approval of Board of Police Commissioners.
Wyoming	Act dealing with Highway Patrol repealed before effective date; no specific legislation for appointment of deputy sheriffs; merit system optional for municipal officers.

The following pattern emerges from Chart I:

- Of the 49 states having legislation on the hiring of state-level peace officers, 40 are based on some type of merit system;
- Of these 40, three states--New Jersey, Rhode Island, and South Dakota--mandate that their state-level peace officers receive the benefits of civil service employees; with New Jersey requiring such officers be appointed through the state civil service system;
- Only two states--Connecticut and Missouri--have a patronage system for the appointment of state-level peace officers;
- Of the 48 states with legislation for hiring deputy sheriffs, only four states--Florida, Hawaii, New York, and Washington--require a merit system for all counties;
- Of the 47 states with applicable legislation at the municipal level, only five states--Florida, Georgia, Louisiana, New York, and Ohio--require merit systems for the appointment of all municipal and local peace officers;
- But 38 of these states require or authorize the use of merit systems at some municipal level;
- Only four of the 47 states--Connecticut, North Carolina, Oklahoma, and Oregon--rely solely on patronage systems for municipal level peace officer appointment.

#### Miscellaneous Requirements

There are, of course, other requirements a prospective peace officer faces. Although much depends on the applicable type of hiring system, additional considerations include the following four:

- Must recruits be fingerprinted?
- Will a criminal record bar the appointment of a recruit?
- What residency requirements are in effect?
- What level of education must a recruit attain?

Table I shows those states that require a prospective peace officer to be fingerprinted to determine whether he has a criminal record. Table II shows those states where the existence of a criminal record will or probably will disqualify the potential peace officer recruit from being

appointed. Although the specific language of state legislative, law and state administrative rules and regulations varies a great deal on this point, conviction of a felony or misdemeanor involving force, violence, or moral turpitude generally disqualifies. Additionally, the moral character of the potential recruit is considered and often investigated. Although Table I shows that relatively few states require the fingerprinting of a recruit, Table II illustrates that the majority of states will not permit the hiring of a person as a peace officer who does have a criminal record.

Table III presents data collected on the issue of residency requirements for peace officer recruits. The majority of states require residence beyond that of United States citizenship. As the area to be served by an agency decreases in size, the residency requirements become relatively more stringent. Residency beyond United States citizenship includes United States citizenship; for example, if county residency is required, United States citizenship and state residency is also required.

The statutorily-designated minimum standards of education for peace officer recruits are represented in Table IV.

Such standards as set by state administrative rules or regulations, as well as by state legislation, are included.

TABLE I

## FINGERPRINTS

STATE NAME	Fingerprints Required			STATE NAME	Fingerprints Required		
	State	County	Local		State	County	Local
Alabama				Nevada			
Alaska		▲		New Hampshire			●
Arizona	*	*	*	New Jersey			
Arkansas				New Mexico			
California	●	●	●	New York	●	●	●
Colorado				North Carolina			
Connecticut				North Dakota			
Delaware				Ohio			
Florida	●	●	●	Oklahoma	●	●	●
Georgia	●	●	●	Oregon			
Hawaii			▲▲	Pennsylvania			
Idaho				Rhode Island			
Illinois				South Carolina	●	●	●
Indiana				South Dakota	*	*	*
Iowa				Tennessee	●	●	●
Kansas <sup>2</sup>	●		●	Texas			
Kentucky				Utah	●	●	●
Louisiana				Vermont			
Maine				Virginia			
Maryland				Washington			
Massachusetts				West Virginia			
Michigan				Wisconsin			
Minnesota				Wyoming			●
Mississippi	●						
Missouri	*						
Montana	*	*	*				
Nebraska	●	●	●				

●--state statutory law or legislation

\*--rules and regulations

▲--no counties

▲▲--not applicable

The breakdown for Table I is as follows:

- 17 states require the fingerprinting of potential peace officer recruits at one or more levels of government;
- 15 states require the fingerprinting of potential state peace officers;
- 12 states require the fingerprinting of potential county peace officers;
- 15 states require the fingerprinting of potential municipal or local peace officers;
- 12 states require the fingerprinting of prospective peace officer recruits at the state, county, and local level.

TABLE II

## CRIMINAL RECORD

STATE NAME	Criminal Record Disqualifies			STATE NAME	Criminal Record Disqualifies		
	State	County	Local		State	County	Local
Alabama	•	•	•	Nevada	•	•	•
Alaska	•	▲	•	New Hampshire			•
Airzona	•	•	•	New Jersey	•		•
Arkansas	•			New Mexico	•	•	•
California	•	•	•	New York	•	•	•
Colorado	•	•	•	North Carolina			
Connecticut				North Dakota	•	•	
Delaware				Ohio			
Florida	•	•	•	Oklahoma	•	▲	•
Georgia	•	•	•	Oregon	•	•	•
Hawaii		•	▲▲	Pennsylvania	•	•	
Idaho	•	•	•	Rhode Island			
Illinois	•			South Carolina	•	•	•
Indiana				South Dakota	•	*	*
Iowa	•			Tennessee	•	•	•
Kansas	•	φ	•	Texas	•	•	•
Knetucky	•	•	•	Utah	•	•	•
Louisiana			•	Vermont			
Maine				Virginia			
Maryland				Washington		•	•
Massachusetts	•			West Virginia	•	•	•
Michigan				Wisconsin		•	
Minnesota	•			Wyoming			•
Mississippi	•	•	•				
Missouri	•	•	•				
Montana <sup>3</sup>		•	•				
Nebraska	•	•	•				

•--state statutory law or legislation

\*--rules and regulations

▲--no counties

▲▲--not applicable



The breakdown for Table II is as follows:

- 39 states require the disqualification of a potential peace officer at one or more levels of government if the potential recruit has a criminal record;
- 32 states require that a potential state peace officer be disqualified if he has a criminal record;
- 29 states require that a potential county peace officer be disqualified if he has a criminal record;
- 30 states require that a potential municipal or local peace officer be disqualified if he has a criminal record;
- 24 states do not permit the recruitment of individuals as peace officers at the state, county, and local level who have criminal records

TABLE III

## RESIDENCY REQUIREMENTS

STATE NAME	Residency Requirements			STATE NAME	Residency Requirements		
	State	County	Local		State	County	Local
Alabama	b	b	b	Nevada	c	c	d
Alaska		▲		New Hampshire			c
Arizona	a*	c	b	New Jersey	b	c	a
Arkansas	b			New Mexico	b	c	d
California <sup>4</sup>	a	a	a	New York	a	a	a
Colorado	b	c	d	North Carolina			
Connecticut		b		North Dakota	a	c	a
Delaware		c		Ohio	b	c	b
Florida	a	a	a	Oklahoma	b	c	b
Georgia	a	c	a	Oregon	b	c	e
Hawaii	b	b	▲▲	Pennsylvania	a	c	
Idaho				Rhode Island		c	d
Illinois	a	b		South Carolina	b	c	c
Indiana		c		South Dakota	b*	b*	b*
Iowa	b	b	b	Tennessee	a	c	a
Kansas <sup>5</sup>	a		a	Texas	a	c	d
Kentucky	b	c	c	Utah	b	c	a
Louisiana		c	b	Vermont			
Maine	b			Virginia	b	c	b
Maryland	b	e		Washington	a	a	
Massachusetts	b			West Virginia	b	b	d
Michigan	b	b		Wisconsin	b	b	b
Minnesota	b	c	b	Wyoming			
Mississippi	b	b	b				
Missouri	b	b	e				
Montana	b	c	d				
Nebraska	a	b	b				

a--Recruit must be a U.S. citizen.

b--Recruit must be a resident of the state.

c--Recruit must be a resident of the county.

d--Recruit must be a resident of the municipality.

e--Residency varies.

\*--Denotes residency requirement mandated by rules and regulations

▲--No counties.

▲▲--Not applicable.

The breakdown for Table III is as follows:

- 30 states require a form of residency of all potential state, county, and local peace officers;
- Of the 39 states imposing residency requirements on potential state peace officers, 25 states require U.S. citizenship and residency in the state and 13 states require only U.S. citizenship;
- Of the 40 states imposing residency requirements on potential county peace officers, 23 states require U.S. citizenship and residency in the state and county, 12 states require U.S. citizenship and residency in the state, and four states require only U.S. citizenship;
- Of the 33 states imposing residency requirements on potential municipal and local peace officers, seven states require U.S. citizenship and residency in the state, county, and municipality, three states require U.S. citizenship and residency in the state and county, 12 states require U.S. citizenship and residency in the state, and nine states require only U.S. citizenship.

TABLE IV

## MINIMUM EDUCATION STANDARD

STATE NAME	Minimum Education Standard			STATE NAME	Minimum Education Standard		
	State	County	Local		State	County	Local
Alabama	c	c	c	Nevada			
Alaska		▲		New Hampshire			c
Arizona	c*	c*	c*	New Jersey			a
Arkansas <sup>6</sup>				New Mexico	c	c	c
California	c	c	c	New York		c	c
Colorado	c	c	c	North Carolina			c
Connecticut				North Dakota			
Delaware				Ohio			
Florida	c	c	c	Oklahoma	d		
Georgia	c	c	c	Oregon			
Hawaii				Pennsylvania	c		
Idaho			▲▲	Rhode Island			
Illinois				South Carolina	c	c	c
Indiana				South Dakota	c*	c*	c*
Iowa <sup>7</sup>	a			Tennessee	c	c	c
Kansas	c		c	Texas	c*	c*	c*
Kentucky	c		a	Utah	c	c	c
Louisiana				Vermont			
Maine				Virginia			
Maryland				Washington			
Massachusetts	c		c	West Virginia			
Michigan	b	b	b	Wisconsin			
Minnesota				Wyoming			c
Mississippi	c						
Missouri	c		e				
Montana	c*	c	c*				
Nebraska	c	c	c				

a--Read and write English

b--8th grade

c--High school or equivalent

d--College: 30 hours or more

e--varies

▲ --No counties

▲▲ --Not applicable

\*--Rules and regulations

The breakdown for Table IV is as follows:

- Only 14 states require all potential state, county, and local peace officers to have a high school degree or its equivalent;
- 23 states require minimum educational standards for state peace officer recruits;
- 20 of these states require a high school degree or its equivalent;
- One state--Iowa--requires only that state peace officer recruits be able to read and write English;
- One state--Michigan--requires only that state peace officer recruits have completed eighth grade;
- Only one state--Oklahoma--requires state peace officer recruits to have at least 30 hours of college credit;
- 16 states require minimum educational standards for county peace officer recruits;
- 15 of these states require a high school degree or its equivalent;
- One state--Michigan--requires only that county peace officer recruits have completed eighth grade;
- 23 states require minimum educational standards for municipal and other local peace officer recruits;
- 20 of these states require a high school degree or its equivalent;
- Two states--Kentucky and New Jersey--require only that local peace officer recruits be able to read and write English;
- One state--Michigan--requires only that local peace officer recruits have completed the eighth grade.

Footnotes

<sup>1</sup>Civil service system mandated for Highway Patrol and for counties by state legislation effective July 1, 1975.

<sup>2</sup>Effective July 1, 1975, sheriffs and their deputies of each county are required to be fingerprinted by statutory law.

<sup>3</sup>Effective May 1, 1975, by regulations promulgated by the Montana Board of Crime Control, Highway Patrol recruits shall "be of good moral character as determined by a thorough background investigation" and shall "not have been convicted of a crime for which he could have been imprisoned in a federal penitentiary or state prison."

<sup>4</sup>Although Section 1031(a) of the Government Code requires all peace officers in California to be citizens of the United States and Section 12021(a) of the Penal Code makes it a criminal offense to own or carry a concealed handgun or firearm, recent California case law indicates that alienage cannot be a bar to public employment in California.

<sup>5</sup>Recent state legislation (1975), requires that county sheriffs and their deputies shall be U.S. citizens and residents of the county wherein they are respectively elected and appointed.

<sup>6</sup>Effective January 1, 1975, regulations promulgated by the California Commission on Peace Officers Standards and Training require all full-time peace officers in California to have been awarded, at date of hire or within 24 months thereafter, no less than six semester or nine quarter hours from a college and/or university as authorized by the Commission.

<sup>7</sup>Iowa legislation passed and effective in 1975 now requires county sheriffs and their deputies to possess a high school degree or its equivalent. Also, the Iowa Law Enforcement Council has the authority to promulgate rules and regulations prescribing the minimum educational standards for all peace officers in the state.