

DEPARTMENT OF LAW AND PUBLIC SAFETY

DIVISION OF CRIMINAL JUSTICE

Arson Investigators: Training Requirements

Proposed Readoption: N.J.A.C. 13:76

Authorized by: Vaughn L. McKoy, Director

Division of Criminal Justice

Authority: N.J.S.A. 40A:14-7.1

Calendar Reference: See summary below for an explanation of the
exception to the calendar requirement.

Proposal Number PRN 2004-151

Interested persons may submit written comments relevant to
the proposed readoption on or before 5:00 p.m., JUNE 18, 2004.
Comments and any inquiries about submissions or response should
be addressed to:

Vaughn L. McKoy, Director

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All submissions must contain a return mailing address.

The Director of the Division of Criminal Justice may readopt this proposal without further notice. The readoption will become effective upon filing with the Office of Administrative Law.

Vaughn L. McKoy, Director
Division of Criminal Justice

Date: _____

The agency proposal follows:

Summary

N.J.A.C. 13:76 governs the training requirements and certification procedures for full-time paid members of a paid or part-paid municipal fire department or force who have been assigned full-time or part-time to an arson investigation unit. Pursuant to the provisions of N.J.S.A. 52:14B-5.1, this chapter expires on March 15, 2004. However, by the filing of this proposed readoption, the expiration date is extended to September 11, 2004. The Director of the Division of Criminal Justice, as the person responsible for the proposal, adoption and promulgation of these regulations, has reviewed the requirements set forth N.J.A.C. 13:76 and found them to be necessary, reasonable and proper for the purpose for which they were originally intended. Thus, the Director of the Division of Criminal Justice proposes to readopt N.J.A.C. 13:76, entitled "Arson Investigators: Training and Requirements", in its entirety and without amendment.

A synopsis of the contents of this chapter follows:

Subchapter 1, "General Provisions", N.J.A.C. 13:76-1.1 et seq. is described below.

N.J.A.C. 13:76-1.1 sets forth the scope of the chapter.

N.J.A.C. 13:76-1.2 governs the applicability of the rules.

N.J.A.C. 13:76-1.3 provides the appropriate definitions for

use in reading the chapter.

Subchapter 2, "Creation and Establishment of Arson Investigation Units", is described below.

N.J.A.C. 13:76-2.1 sets forth the notification requirements governing the establishment of arson investigation units. Municipalities contemplating the creation of an arson investigation unit must notify both the Division of Criminal Justice and the appropriate county prosecutor of its intention to create the unit. Notification to the county prosecutor must include the source of funding for the proposed unit, the number of arson investigators to be assigned to the unit and an outline of the training programs to be completed by members of the unit.

Subchapter 3, "Prerequisite Training Requirements", is described below.

N.J.A.C. 13:76-3.1 outlines the prerequisite training requirements for assignment as an arson investigator.

N.J.A.C. 13:76-3.2 sets forth the certification procedures for individuals who have assigned to an arson investigation unit. Municipalities which have created an arson investigation unit shall notify the appropriate county prosecutor of the specific individuals to be assigned to the unit. The county prosecutor shall review the application and, at the conclusion of his or her review, forward the application together with any information it might have with respect to the individual to the Director of the Division of Criminal Justice. Upon receipt of the application

and accompanying documentation, the Director may act to certify the individual.

Subchapter 4, "In-Service Training Programs", is described below.

N.J.A.C. 13:76-4.1 sets forth the mandatory minimum training requirements for individuals seeking re-certification as arson investigators.

N.J.A.C. 13:76-4.2 contains the procedures for the renewal of arson investigator certification. Arson investigators seeking renewal of their certification must attend and successfully complete the in-service training requirements established by the Division of Criminal Justice. In addition, the investigator's employing municipality must notify the county prosecutor of its intention to seek a renewal of the investigators' certification. Upon receipt of the municipality's notification, the county prosecutor shall review the application for renewal and, at the conclusion of his or her review, forward the application together with any information it might have with respect to the investigator to the Director of the Division of Criminal Justice. Upon receipt of the application and accompanying documentation, the Director may act to renew the investigator's certification.

Subchapter 5, "Costs and Expenses", is described below.

N.J.A.C. 13:76-5.1 allocates the costs of enrollment and attendance for arson investigators in basic and in-service training courses to the municipality that assigned them to an

arson investigation unit.

Subchapter 6, "Termination of Duty as an Arson Investigator", is described below.

N.J.A.C. 13:76-6.1 requires municipalities which have terminated the assignment of an individual as an arson investigator to notify the appropriate county prosecutor. The county prosecutor shall, in turn, notify the Director of the Division of Criminal Justice.

Subchapter 7, "Authority of the Attorney General", is described below.

N.J.A.C. 13:76-7.1 mandates that all arson investigators shall, while in the performance of their duties, comply with all applicable policies established by the Attorney General.

Social Impact

The investigation of incidents of alleged arson together with the apprehension, prosecution and conviction of individuals accused of committing arson serve a beneficial public service. By setting forth the training and certification requirements for arson investigators, these rules serve to advance the efficient investigation of arson offenders by ensuring that those individuals responsible for conducting arson investigations are properly trained and qualified to undertake such work. Properly trained and qualified arson investigators also increase the likelihood that those accused of arson will be successfully

prosecuted and convicted. Thus, the proposed regulations will have the effect of promoting the safety and welfare of the public while at the same time deterring the commission of arson. efficient law enforcement.

Economic Impact

The readoption of these rules will not impose any significant economic impact upon the State. In addition, there will be no new or additional economic impact upon those municipalities which choose to assign individuals to an arson investigation unit pursuant to N.J.S.A. 40A:14-7.1 as they have previously assumed the costs associated with the basic and in-service training of arson investigators.

Federal Standards Statement

A Federal standards analysis is not required because the regulations proposed for readoption were not issued: 1) under the authority of any Federal law or State statute that incorporates or refers to Federal law, Federal standards or Federal requirements; or 2) to implement, comply with or participate in any program established under Federal law or under a State statute that incorporates or refers to Federal law, Federal standards or Federal requirements.

Jobs Impact

It is anticipated that the rules proposed for readoption will not result in the creation of new jobs or the loss of existing jobs.

Agriculture Industry Impact

The rules proposed for readoption will not have any impact on the agricultural industry in New Jersey.

Regulatory Flexibility Statement

A regulatory flexibility analysis is not required because the rules proposed for readoption do not impose reporting, record-keeping or other compliance requirements on small businesses as that term is defined Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. Thus, the rules do not impact small businesses. The rules proposed for readoption apply only to those municipalities that have or intend to establish arson investigation units.

Smart Growth Impact

The rules proposed for readoption will not have an impact on the achievement of smart growth or the implementation of the State Development and Redevelopment Plan.

Full text of the readoption may be found in the New Jersey Administrative Code at N.J.A.C. 13:76.