

LAW AND PUBLIC SAFETY

POLICE TRAINING COMMISSION

School Certification; Instructor Certification; School Administration; Responsibilities of Law Enforcement Agencies and Other Agencies

Proposed Amendments: N.J.A.C. 13:1-3.1 through 3.7, 4.5, 4.6, 7.2, and 8.4

Proposed New Rules: N.J.A.C. 13:1-8.5 and 13:1-8 Appendix

Authorized By: Police Training Commission, by the Honorable Jeffrey S. Chiesa, Attorney General and Chair, Stephen J. Taylor, Attorney General's Designee.

Authority: N.J.S.A. 52:17B-71h and P.L. 2011, c. 158.

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

Proposal Number: PRN 2012-093.

Submit written comments via overnight or regular mail only by September 14, 2012 to:

Stephen J. Taylor, Chairman

Police Training Commission

Department of Law and Public Safety

Division of Criminal Justice

P.O. Box 085

Trenton, New Jersey 08625-9919

Attn: Police Training Commission Rule Proposal (Public Comments)

The agency proposal follows:

Summary

The Police Training Act, N.J.S.A. 52:17B-66 et seq., (Act) provides for the training of newly appointed county and municipal police officers, State and county corrections officers, juvenile corrections officers, and juvenile detention officers. Under the Act, newly appointed police officers and corrections officers must attend and successfully complete a basic training course before they accept permanent appointment as a law enforcement officer. The Police Training Commission (Commission) is responsible for implementing the provisions of the Act.

The Commission is specifically responsible for the administration and supervision of basic training courses mandated by the Police Training Act. For example, the Commission approves those schools authorized to provide training, prescribes the curriculum and minimum courses of study for approved basic training courses, and certifies those trainees that attend and successfully complete a basic training course. The Commission also certifies the instructors who teach the training courses.

At present, the Commission supervises the operation of 17 schools that provide basic training to every newly appointed police officer and corrections officer in New Jersey. In addition, the Commission supervises the administration of 30 training courses and certifies over 5,000 instructors. During 2009, the Commission supervised the training and certification of 1,125 newly appointed police officers and corrections officers.

The rules provide for the certification of schools that conduct basic training courses, the certification of instructors who teach during basic training courses, and the certification of trainees who successfully complete basic training courses. The rules further provide for the establishment of basic training courses, the adoption of the minimum curriculum for each course, and the operation and administration of schools approved to conduct basic training courses. The rules also outline the responsibilities of law enforcement agencies that send trainees to approved

schools for basic training courses and the procedures for individual trainees to appeal their dismissal from a basic training course.

The Commission proposes to amend certain provisions of the current rules to reflect the Commission's continuing commitment to providing quality basic training courses for newly appointed police officers and corrections officers.

The proposed amendments are summarized as follows:

The Commission proposes to amend various provisions of Subchapter 3 regarding school certification. The Commission proposes to conform the rules for recertification of a school with the rules for initial certification. The Commission always incorporated Subchapter 3 criteria for certification in its recertification process, but the proposed amendments will formalize that practice. In addition, the amendments will establish additional criteria for the certification and recertification of schools.

Specifically, the Commission proposes to amend N.J.A.C. 13:1-3.1 to allow State, county, or municipal law enforcement agencies or a State, county, or municipal government agency to apply to the Commission for certification or recertification to operate a school. The Commission expands the type of governmental agencies eligible to apply for certification to operate a school by including non-law enforcement governmental agencies. Under the existing rules, a law enforcement agency, a combination of law enforcement agencies, or an institution of higher learning could apply to the Commission for certification or recertification to operate a school. Under the proposed revisions, the Commission clarifies that any State, county, or municipal law enforcement agency or State, county, or municipal government agency can apply to operate a school.

The Commission proposes to amend N.J.A.C. 13:1-3.2 to require the signature of the

chief executive of the agency tendering the application and the school director when submitting an application for school certification or recertification. This amendment insures all interested parties are involved in the certification process. By proposing this amendment, the Commission requires school directors and chief executive officers of the agency tendering the application to demonstrate: a need for the school; available resources needed to operate the school; and the ability and the resources to administer basic training courses. This amendment allows the Commission to certify and recertify only those schools prepared to administer and operate basic training courses.

The Commission proposes to amend N.J.A.C. 13:1-3.3 to require every applicant for certification and recertification to comply with existing notice requirements.

The Commission proposes to amend the application review process found at N.J.A.C. 13:1-3.4. Specifically, the Commission proposes to amend subsection (a) to require Commission staff to interview the chief executive of the agency tendering the application and the school director to determine whether the school will have the necessary financial and instructional resources to operate the school. The amendment also requires Commission staff to inspect the facility where training will be performed to determine if the facility conforms to Commission standards. This proposed amendment allows the Commission to evaluate a school's available resources to successfully implement the mandatory curriculum in an appropriate facility. It is particularly important to have continuity and quality in training academies of this nature, and the Commission will be able to discern from the application process whether the school has the resources to meet the needs of its trainees and the requirements of the Police Training Act.

The Commission also proposes to formalize the application requirements by adding new subsections (b), (c), and (d). New subsection (b) requires Commission staff to submit a written

report to the Commission containing a recommendation for each pending application for certification or recertification, and requires the Commission to evaluate the application and either approve or disapprove the application. Paragraphs (b)1 through 11 have been added to list the eligibility requirements to receive certification or recertification.

The requirements for certification and recertification are as follows: 1. applicants must demonstrate a commitment to conducting at least two basic courses annually; 2. Applicants for recertification must demonstrate that in each of the three years prior to the application the school conducted at least two basic training classes annually; 3. applicants must demonstrate the ability and commitment to schedule basic training courses on a regular and predictable basis to coordinate with law enforcement agency hiring, and applicants for recertification must demonstrate that in the three years prior to the application, the school conducted basic training courses on a regular and predictable basis; 4. applicants must demonstrate that each of its basic training courses will be conducted with a minimum of 25 trainees and applicants for recertification must demonstrate that in each of the three years prior to the application, the school conducted basic training courses with a minimum of 25 trainees; 5. the age, location, condition, and suitability of the physical facilities where the training is to be conducted will be evaluated; 6. when two or more applicants intend to serve the same jurisdiction, preference will be given to those applicants whose facilities are deemed superior in terms of age, location, physical condition, and suitability; 7. the number, qualifications, and sufficiency of the faculty will be considered; 8. where two or more applicants intend to serve the same jurisdiction, preference will be given to those applicants that can staff basic training courses with faculty who are subject matter experts in various disciplines, and that can consistently staff courses with sufficient faculty drawn from a variety of law enforcement agencies and disciplines; 9. whether or not an

applicant has an affiliation with an institute of higher learning will be evaluated; 10. where two or more applicants intend to serve the same jurisdiction, preference will be given to applicants that have an established affiliation with an institution of higher learning; and 11. preference will be given to applicants who can demonstrate the ability to provide a regular schedule of in-service training programs to law enforcement agencies within its jurisdiction.

By formalizing the requirements for certification, the Commission is seeking to clarify the criteria for certification, and provide for a uniform and complete application review process. Paragraphs (b)1 through 11 reflect the criteria currently considered by the Commission when certifying a school. By placing the current criteria into a rule, the Commission is seeking to improve the quality of police training throughout the State by certifying and recertifying only those applicants that can demonstrate the ability to provide consistent, sustained, and quality training programs to become certified. In addition, the amendment will conform the rule to the current practice of the Commission.

New subsections (c) and (d) are proposed to require the applicant to appear before the Commission, if necessary, in support of its application and allows the Commission to impose any conditions on a school certification or recertification it believes is necessary or appropriate. By proposing these additions, the Commission is seeking the ability to thoroughly and completely review an application, and to continue to monitor the schools for compliance with Commission standards during the certification time period.

The Commission proposes to amend N.J.A.C. 13:1-3.5 to permit a hearing when good cause is shown for both certification and recertification of a school. The Commission also proposes to amend N.J.A.C. 13:1-3.6 to change the length of school certification and recertification from a period of three years to a period of three years “which may be lessened at

the time of certification or recertification, as deemed necessary on a case-by-case basis”. This change allows the Commission to certify a school for less than three years while the Commission evaluates the implementation of training programs and the utilization of facilities at the school.

The Commission also proposes to amend N.J.A.C. 13:1-3.7 governing the suspension or revocation of a school certification. In subsection (a) the Commission proposes to delete the adjective “temporarily” before the term “suspended” as surplusage. The Commission also proposed to delete paragraphs (a)2, 3, and 4 and add new paragraph (a)2, which condenses the provisions that were originally found in the existing text of paragraph (a)2 and 4 and since the proposed amendment to N.J.A.C. 13:1-3.4 requires at least two basic courses to be run in a one year period, failure to do so would be a basis for revocation or suspension under paragraph (a)1, for failure to comply with Commission requirements.

The Commission proposes to amend various provisions in Subchapter 4 concerning instructor certification. A proposed amendment to N.J.A.C. 13:1-4.5(a) requires an instructor applying for recertification to receive the endorsement of the school director at the school where the instructor taught. School directors are often in the best position to gauge the effectiveness of an instructor and should be given an opportunity to comment on the instructor’s performance and to offer recommendations concerning the instructor’s recertification. Existing subsection (b) is proposed for deletion and new subsection (b) clarifies that certifications are granted at the discretion of the Commission and a certification does not provide the instructor with any employment rights with respect to the Commission, the school at which the instructor teaches, or at the instructor’s employing agency.

Existing subsection (c) is proposed for deletion and new subsection (c) codifies the reasons an instructor certification may be suspended or revoked. Specifically, the new

subsection adds the following reasons for suspension or revocation: 1. the instructor violates the Standards of Conduct for Instructors adopted by the Commission; 2. the instructor has been charged with or convicted of a crime or disorderly or petty disorderly persons offense, which will include admission to a pre-trial diversion program; 3. the instructor is under investigation by a law enforcement agency; 4. the instructor is the subject of major disciplinary action by the instructor's employing agency or disciplinary action has been imposed by the instructor's agency; 5. the instructor has at any time engaged in misconduct or other inappropriate behavior that reflects adversely on the law enforcement profession, the Commission, or the school at which the instructor teaches; and 6. other good cause. New subsection (d) is also proposed to include that every instructor has an obligation to advise the school director and the Commission if he or she is the subject of a criminal investigation, major disciplinary action, or if he or she has received major disciplinary action, or has been convicted of a crime or disorderly persons offense or petty disorderly persons offense. This places instructors on notice why a certification may be revoked or suspended and requires them to advise their school director and the Commission if they are in violation of the amendment. New subsection (e) is the right of an instructor to appeal any Commission decision that denies, suspends, or revokes certification.

Amendments are proposed to N.J.A.C. 13:1-4.6 regarding the certification requirements for instructors of certain subjects, such as firearms and physical conditioning. Changes are proposed to insure the most qualified candidates are teaching basic training courses. Subsection (a) adds a three-year minimum experience requirement in the criminal justice profession to become a certified specialist. Additionally, to obtain certification as a firearms instructor, one must: 1. score an average of 95 or higher without remedial training on three consecutive firings conducted by a school range master; and 2. score 80 or higher on the Commission-required low

light handgun course. For recertification, the proposed amendment adds the requirement that the instructor must have taught at least 40 hours in basic firearms training courses during the previous certification period. The amendments would modify previous practice, which permitted instructors to score less than 95 and did not require instructors to complete a low light handgun course. In addition, instructors were not required to teach a minimum number of hours during each certification period. The amendments clarify the requirements for firearms instructor certification and update the requirements to correspond with Commission required courses. The Commission proposes requiring 240 hours teaching in a basic firearms course as a firearms instructor before the instructor can be certified as a range master. The proposed amendment requires the school director to certify that the individual has completed the 240 hour requirement. This amendment will make certain that range masters are qualified and experienced firearms instructors, which is a necessity for the individual who is responsible for all aspects of firearms instruction, the operation and maintenance of the firearms range, and the safety of trainees receiving instruction on the range.

The Commission proposes to amend N.J.A.C. 13:1-4.6(a)7 to require candidates seeking certification as a vehicle operations senior instructor to possess a minimum of five years of experience teaching vehicle operations at a Commission-approved school. The amendment is intended to increase the competency of vehicle operations instructors by mandating a minimum amount of experience providing instruction in the topic at a Commission-approved school as a condition of certification. The Commission also proposes to delete “Functional Area 7.0” from subparagraph (a)7i and to add “in a training course.”

The Commission proposes amendments to Subchapter 7 concerning school administration. An amendment is proposed to N.J.A.C. 13:1-7.2(a)5 to make trainee records

available to Commission staff upon request. This amendment authorizes Commission staff to review and inspect trainee records as necessary to insure that the standards of the Commission are being met. An amendment is proposed to paragraph (a)13 to add “RADAR” (motor vehicle speed enforcement) to the subjects that must be taught by a certified instructor, even in an emergency or compelling circumstance. The addition of RADAR to the subjects that must be taught by a certified instructor insures that the trainees receive instruction from competent instructors in the complex and highly technical aspects of speed enforcement.

The Commission proposes to amend Subchapter 8 concerning the responsibilities of law enforcement agencies and other agencies for waiver determinations found at N.J.A.C. 13:1-8.4. The Commission proposes to codify its existing criteria for granting waivers and to incorporate the provisions of P.L. 2011, c. 158, which extends the period of waiver eligibility for police officers who have been terminated for reasons of economy or efficiency. Under the proposed amendments, the period of eligibility for a waiver will be limited in most instances to three years. N.J.A.C. 13:1-8.4(b) is proposed for amendment to extend the period of eligibility for police officers who have been terminated for reasons of economy or efficiency to five years to conform with P.L. 2011, c. 158. Subsection (b) is further amended to prohibit a waiver if involuntarily separated for “other than economy or efficiency.” The Commission also proposes to delete existing subsection (c) and to codify its criteria in determining whether to grant full and partial waivers of training through the addition of new subsection (c). To make the criteria easier to understand and follow, the Commission proposes a matrix, which lists the eligibility requirements, and whether an individual is eligible for a waiver as new N.J.A.C. 13:1-8 Appendix. This matrix is a comprehensive and simple chart that will assist individuals to understand the criteria governing waiver eligibility. The criteria are self-explanatory. The

Commission proposes to delete existing subsection (d) and replace it with new subsection (d), which discusses requests for waivers. The Commission also provides the addition of new subsection (e) through (h), which further discuss the waivers; including, partial waivers, appeals, waiver training, and waiver credit.

New N.J.A.C. 13:1-8.5 is proposed to require law enforcement agencies to notify the Commission of new appointments whose permanent appointment is conditioned upon successful completion of the basic training course. Law enforcement agencies should notify the Commission within 90 days of appointment. This proposed rule is consistent with current practice and promotes efficient training of new appointed officers.

A 60-day comment period is provided and pursuant to N.J.A.C. 1:30-3.3(a)5, this notice of proposal is excepted from the provisions of N.J.A.C. 1:30-3.1 and 3.2 governing rulemaking calendars.

Social Impact

The proposed amendments and new rules reflect the current policies and procedures of the Police Training Commission. The proposed amendments and new rules govern the administration of basic training courses, the certification of trainees who successfully complete a basic training course, the certification of instructors, and the approval of schools that wish to conduct basic training courses.

The proposed amendments and new rules will benefit both the State's law enforcement agencies and the public for the reasons stated below.

First, the proposed amendments upgrade the quality of certified schools and certified instructors. The Commission believes that by improving the quality of instruction and quality of training overall, newly appointed police officers will be better equipped to serve their

communities.

Second, the purpose of many of the proposed amendments and new rules is to codify the existing practice and policy of the Commission. By codifying policy, the Commission is offering clarity and consistency in its implementation of the Police Training Act.

The Commission anticipates that the the proposed amendments and new rules will have a positive impact on law enforcement agencies that enroll individuals in training courses approved by the Commission, as well as the trainees who successfully complete training. In turn, the public whom these officers serve will also benefit. No adverse social impact is expected from the proposed amendments and new rules.

Economic Impact

The proposed amendments and new rules should not have a negative economic impact on any State, county, or municipal law enforcement agency or other government entity. No increase in the cost of administering and conducting basic training courses is expected to accrue to any government agency that operates a school approved by the Commission. Most of the schools approved by the Commission employ a very limited number of people. The bulk of the training and instruction is conducted by volunteer instructors. In addition, the cost of training newly appointed officers is not expected to increase for State, county, or municipal law enforcement agencies. For the most part, training costs for State, county, and municipal law enforcement agencies consists of two expenses. First, schools may charge law enforcement agencies enrollment fees to cover the cost of training officers sent by that agency for basic training. Second, every law enforcement agency is required by N.J.S.A. 52:17B-69 to provide newly appointed officers with a leave of absence with pay to attend basic training. Because the proposed amendments do not alter the curriculum used in basic training courses, the length of

time required for basic training and the substance of the training will not change. Thus, there should be no need for schools to increase the fees they charge. Nor will there be a need for law enforcement agencies to extend the length of the leaves they grant officers to attend training.

As for the Commission, the purpose of amending the rules is to improve the efficiency and operation of the Commission and its staff. The administration of basic training courses and the supervision of schools approved to conduct basic training by Commission staff will improve. The proposed amendments and new rules will serve to conform the rules to the current practices and procedures utilized by Commission staff to perform its duties. The net result should be no change in cost of implementing the provisions of the Police Training Act.

Federal Standards Statement

A Federal standards analysis is not required because the proposed amendments and new rules were not issued under the authority of any Federal law or State statute that incorporates or refers to Federal law, Federal standards, or Federal requirements; or 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

The Commission anticipates that the proposed amendments and new rules will not result in the creation of new jobs or cause the loss of existing jobs.

Agriculture Industry Impact

The proposed amendments and new rules will not have any impact on the agriculture industry in New Jersey or elsewhere.

Regulatory Flexibility Statement

A regulatory flexibility analysis is not required because the proposed amendments and

new rules do not impose reporting, recordkeeping, or other compliance requirements on small businesses, as defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed amendments and new rules apply only to those government agencies that operate schools authorized to conduct basic training courses approved by the Police Training Commission or enroll individuals in basic training courses approved by the Commission. The proposed amendments and new rules do not impact small businesses.

Housing Affordability Impact Analysis

The proposed amendments and new rules will have an insignificant impact on affordable housing in New Jersey and there is an extreme unlikelihood that the rules would evoke a change in the average costs associated with housing because the proposed rules concern the basic training of law enforcement officers.

Smart Growth Development Impact Analysis

The proposed amendments and new rules have no impact on the achievement of smart growth in New Jersey and the rules will not evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan in New Jersey because the proposed rules concern the basic training of law enforcement officers.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 3. SCHOOL CERTIFICATION

13:1-3.1 Eligibility for certification

A [law enforcement agency] **State, county, or municipal law enforcement agency**, a combination of law enforcement agencies, an institution of higher learning, or a [recognized governmental entity] **State, county, or municipal government agency** is eligible to apply to the Commission for certification **or recertification** to operate a school.

13:1-3.2 Application for certification **or recertification**

An application for certification **or recertification** shall be submitted on a form prescribed by the Commission **and signed by the chief executive of the agency tendering the application and the school director**. The application shall require the applicant to demonstrate a need for the school and the availability of [necessary] **the resources necessary** to operate the school **and administer basic training courses**. The application shall conform with the Commission's requirements with respect to buildings, grounds, facilities, firearms ranges, equipment, personnel, and insurance.

13:1-3.3 Notice of application

[The] **Every applicant for certification or recertification** shall send a written notice, on a form prescribed by the Commission, to every law enforcement agency within the county wherein certification **or recertification** for a school is sought, indicating the applicant's intent to seek Commission certification **or recertification** to operate a school. A written notice shall be forwarded to the Commission stating that this section has been complied with.

13:1-3.4 Application review

(a) Commission staff shall review the application to determine if the applicant has demonstrated a need for the school[, shall inspect the facility where the training is to be conducted and determine if the applicant has the necessary resources to operate the school. Commission staff shall submit a written report to the Commission which shall contain a recommendation with respect to the request. The Commission shall approve or disapprove the certification request with any conditions it believes to be appropriate]. **In addition, Commission staff shall interview the chief executive of the agency tendering the application and the school director, to determine whether the school will have the necessary financial and instructional resources to operate the school. An inspection by Commission staff of the facility where the training is to be conducted shall be performed to determine if the facility conforms to the Commission standards.**

(b) Commission staff shall submit a written report to the Commission that shall contain a recommendation with respect to the application for certification or recertification. Upon receipt of the report, the Commission shall evaluate the application and either approve or disapprove the application. Successful applicants must satisfy the following requirements to receive certification or recertification:

1. Applicants for certification must demonstrate a commitment to conduct at least two basic courses annually. The basic courses must consist of one or more of the following:

- i. Basic training course for police officers;**
- ii. Basic training course for class two special law enforcement officers; and/or**
- iii. Basic training course for county corrections officers;**

2. Applicants for recertification must demonstrate that in each of the three years prior to the application the school conducted at least two basic training classes annually.

The Commission may exempt from (b)2i, ii, and iii below, a State law enforcement agency that intends to operate a school that will conduct just one basic training course if that course is unavailable at any other approved school. The basic courses must consist of one or more of the following:

- i. Basic training course for police officers;**
- ii. Basic training course for class two special law enforcement officers; and/or**
- iii. Basic training course for county corrections officers;**

3. Applicants for certification must demonstrate the ability and commitment to schedule basic training courses on a regular and predictable basis, so that law enforcement agencies can coordinate the hiring of newly appointed officers with scheduled training courses. Applicants for recertification must demonstrate that in the three years prior to the application, the school conducted basic training courses on a regular and predictable basis, so that law enforcement agencies could coordinate the hiring of newly appointed officers with scheduled training courses;

4. Applicants for certification must demonstrate that each of its basic police training courses, basic training courses for class two special law enforcement officers, or basic training courses for county corrections officers will be conducted with a minimum of 25 trainees. The total number of trainees may include waiver candidates and alternate route trainees. Applicants for recertification must demonstrate that in each of the three years prior to the application the school conducted each of the foregoing basic training courses with a minimum of 25 trainees;

5. Applicants for certification and recertification will be evaluated in part on the age, location, condition, and suitability of the physical facilities where the training is to be conducted;

6. Where two or more applicants intend to serve the same jurisdiction, preference will be given to the applicant or applicants whose facilities are deemed to be superior in terms of age, location, physical condition, and suitability;

7. Applicants for certification and recertification will be evaluated in part on the number, qualifications, and sufficiency of the faculty;

8. Where two or more applicants intend to serve the same jurisdiction, preference will be given to the applicant or applicants that can staff basic training courses with faculty who are subject matter experts in the various disciplines that are taught during the basic course. Preference will also be given to the applicant or applicants that can consistently staff basic training courses with sufficient faculty drawn from a variety of law enforcement agencies and other disciplines;

9. Applicants for certification and recertification will be evaluated in part on whether or not they have an affiliation with an institution of higher learning;

10. Where two or more applicants intend to serve the same jurisdiction, preference will be given to the applicant or applicants that have already established an affiliation with an institution of higher learning. Permissible affiliations will include the use of faculty, instructional resources, and physical facilities of the institution of higher learning; and

11. An applicant for certification or recertification will receive preference if it can demonstrate the ability to provide a regular schedule of in-service training programs to law

enforcement agencies within its jurisdiction. These programs shall include, but are not limited to, in-service training mandated by statute, policy, or directive.

(c) Every chief executive of the agency tendering an application for certification or recertification, and/or the school director, may be required to appear before the Commission in support of the application.

(d) Following a review of the report submitted by staff and based on an evaluation of the factors set forth in (b)1 through 11 above, the Commission shall approve or disapprove the application and, if necessary, impose any conditions it believes to be appropriate.

13:1-3.5 Hearing on application

In the event a law enforcement agency interposes an objection with respect to [school] **the certification or recertification of a school** or there is more than one application for certification of a school within the same or adjoining counties, Commission staff may, for good cause, schedule a hearing by the Commission on the matter after due notice to the affected parties. The Commission shall approve or disapprove the certification request with any conditions it believes to be appropriate.

13:1-3.6 School recertification

Initial certification or recertification of a school by the Commission shall be for a period of three years **which may be lessened at the time of the certification or recertification, as deemed necessary on a case-by-case basis.** [An application for recertification shall be the same as that provided in N.J.A.C. 13:1-3.2 through 3.5 together with a determination by Commission staff that a school has complied with all Commission requirements.]

13:1-3.7 Suspension or revocation of certification

(a) School certification may be [temporarily] suspended or revoked by the Commission for:

1. (No change.)

[2. Failure to substantiate that the school reasonably serves the needs of the law enforcement agencies within the locale where the school is situated;

3. Failure to operate a basic course for a period exceeding 18 months;

4. Failure to maintain the school's facilities, including any buildings, grounds, equipment and firearms range in a reasonably clean, safe and operational condition according to Commission standards; or]

2. Failure to maintain the school's facilities, including any buildings, grounds, equipment, and firearm range in a reasonably clean, safe, and operational condition according to Commission standards; or

[5.] **3.** (No change in text.)

(b) (No change.)

SUBCHAPTER 4 INSTRUCTOR CERTIFICATION

13:1-4.5 Certification

(a) Initial instructor certifications and renewals shall expire on December 31 of the third year of the initial certification or renewal. As a condition of recertification, an instructor must teach at least once during the prior certification period **and receive the endorsement of the school director where the instructor taught.**

[(b) The Commission may impose conditions with respect to any certification and may withdraw certification at any time, or deny renewal, for good cause.

(c) An instructor denied certification or renewal, or whose certification was withdrawn by the Commission, may appeal to the Commission in accordance with the provisions of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.]

(b) Certifications are granted at the discretion of the Commission. The Commission may withdraw a certification at any time or deny its renewal for good cause. The Commission may impose any conditions it deems necessary with respect to any certification or renewal. The granting of a certification by the Commission does not provide the instructor with any employment rights with respect to the Commission, the school at which the instructor teaches, or at the instructor's employing agency.

(c) A certification may be suspended or revoked by the Commission for any of the following reasons:

1. The instructor has violated the Standards of Conduct for Instructors adopted by the Commission;

2. The instructor has been charged with or convicted of a crime or disorderly or petty disorderly persons offense or its equivalent in this State, another state, or the United States. For purposes of this paragraph, admission into a pre-trial diversion program will provide the Commission with the basis to suspend or revoke an instructor's certification;

3. The instructor is under investigation by a law enforcement agency of this State, another state, or the United States for the Commission of a crime or disorderly persons offense or its equivalent;

4. The instructor is the subject of major disciplinary action by the instructor's employing agency or disciplinary action has been imposed by the instructor's agency;

5. The instructor has at any time engaged in misconduct or other inappropriate behavior that reflects adversely on the law enforcement profession, the Commission, or the school at which the instructor teaches; or

6. Other good cause.

(d) Instructors have an affirmative duty to advise the school director and the Commission if he or she is the subject of a criminal investigation or a major disciplinary action.

Instructors have a corresponding affirmative duty to advise the school director and the Commission that he or she has received major discipline, has been convicted of a crime or a disorderly persons offenses or its equivalent in this State, another state, or the United States, or has applied for or been enrolled in a pre-trial diversion program.

(e) An instructor denied certification or renewal, or whose certification was withdrawn by the Commission, may appeal the decision to the Commission in accordance with the provisions of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and 52:14F-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

13:1-4.6 Certification requirements for instructors of certain subjects

(a) Applicants who seek certification to instruct in certain subjects must have a minimum of three years experience in his or her criminal justice profession, be certified as an instructor, and meet the following requirements:

1. An individual seeking certification as a firearms instructor must successfully complete a Commission-recognized Firearms Instructors Course. In addition, under the immediate supervision of a school's range master, the individual must successfully:

i. - iv. (No change.)

v. Score no less than **an average of 95 [in] on three consecutive firings of the Commission-required firearms course[.], which average shall be attained during testing by the school's range master prior to admission to the Firearms Instructors Course and without remedial training; and**

vi. Score no less than 80 on the Commission-required low light handgun course.

2. An individual seeking recertification as a firearms instructor must annually satisfy the range master of his or her ability to perform the requirements as set forth in (a)1i through [iv] **vi** above and comply with an appropriate firearms requalification program **and have taught at least 40 hours in basic firearms training courses at a Commission-approved school during the previous certification period.**

3. An individual seeking certification as a range master must be certified by the Commission as a firearms instructor and meet each of the following requirements:

i. (No change.)

ii. Have served in the capacity of a certified firearms instructor under the supervision of a certified range master during at least [six] **240 hours** in basic firearms courses at a Commission-approved school **as certified by the school director; and**

iii. (No change.)

4. - 6. (No change.)

7. An individual seeking certification as a vehicle operations senior instructor shall be certified as a vehicle operations instructor and meet each of the following requirements:

i. Possess a minimum of five years of active experience as an instructor teaching vehicle operations [(Functional Area 7.0)] **in a training course** at a Commission-approved school. The Commission may waive this requirement for compelling reasons;

ii. - iii. (No change.)

8. - 9. (No change.)

SUBCHAPTER 7 SCHOOL ADMINISTRATION

13:1-7.2 Operating entity responsibilities

(a) The law enforcement agency, combination of law enforcement agencies, institution of higher learning, or [recognized governmental entity] **State, county, or municipal government agency** certified to operate a school is vested with **the** power, responsibility, and duty:

1. - 4. (No change.)

5. To maintain appropriate records for each trainee, which shall include, but not be limited to, attendance, written examination grades, firearms qualification scores, behavior, and [counseling] **counseling. These records shall be made available for inspection by**

Commission staff upon request;

6. - 7. (No change.)

8. To dismiss a trainee who has demonstrated that he or she will be ineligible for Commission certification, for unacceptable behavior or for other good cause. In such cases:

i. - iii. (No change.)

iv. Upon the written request of a trainee, the Commission Chairman may, after consultation with the school director and for good cause, permit a trainee to remain in school pending the appeal of a dismissal except that a trainee dismissed following a positive drug screen may not remain in school; **and**

v. (No change.)

9. - 12. (No change.)

13. To verify that all instructors have Commission certification. In an emergency or compelling circumstances, a non-certified instructor may be used except that an emergency certification will not issue for firearms, vehicle operations, first responder, [or] physical conditioning instruction, **and RADAR**. In the event an emergency certification is necessary, Commission staff shall be notified as soon as possible and prior to any teaching by such individual and informed of the reason for this exception;

14. - 23. (No change.)

SUBCHAPTER 8. RESPONSIBILITIES OF LAW ENFORCEMENT AGENCIES AND OTHER AGENCIES

13:1-8.4 Waivers

(a) (No change.)

(b) A request to waive training shall be submitted by the appointing authority to the Commission on a form prescribed by the Commission together with official documentation from the institution where the training was obtained. **An individual who has voluntarily separated in good standing from service as a police officer is eligible for a waiver of training for a period of three years from the date of separation to the date of employment. An individual who**

has been involuntarily separated from employment by a State or interstate law enforcement agency due to reasons of economy or efficiency is eligible to request a waiver of training for a period of five years from the date of separation to the date of employment.

An individual who has been involuntarily separated from employment for reasons other than economy or efficiency is ineligible for a waiver of training.

[(c) In order to maintain uniformity, the Commission shall, from time to time consistent with existing law, establish criteria for granting a waiver of training by Commission staff. These criteria shall be available at any time to an appointing authority upon request.

(d) Commission staff shall inform employing agencies of the requirements necessary for a waiver of training.]

(c) Subject to the time limitations set forth in (b) above, the following criteria shall be utilized by the Commission and its staff in reviewing requests for waivers of training submitted by law enforcement agencies:

1. Individuals who must complete a basic training course for police officers are eligible for a partial waiver of training provided they have previously completed a basic training course for police officers approved by the Commission;

2. Individuals who must complete a basic training course for police officers are eligible for a partial waiver of training provided they have previously completed a basic training course for class two special law enforcement officers approved by the Commission and at least one year has elapsed since the individual has completed the class two basic course;

3. Individuals who must complete a basic training course for police officers are eligible for a partial waiver of training provided they have previously completed a basic

training course for State troopers conducted by the New Jersey State Police Academy and have been separated from service as a State trooper for less than three years;

4. Individuals who must complete a basic training course for police officers are eligible for a partial waiver of training provided they were previously employed by an interstate law enforcement agency with jurisdiction in the State of New Jersey and they have completed a basic training course as a condition of employment for the interstate agency;

5. Individuals who must complete a basic training course for police officers are eligible for a partial waiver of training provided they previously completed a basic training course for investigators approved by the Commission;

6. Individuals who must complete a basic training course for investigators are eligible for a partial waiver of training provided they previously completed a basic training course for police officers approved by the Commission;

7. Individuals who must complete a basic training course for investigators are eligible for a partial waiver of training provided they have previously completed a basic training course for State troopers conducted by the New Jersey State Police Academy and have been separated from service as a State trooper for less than three years;

8. Individuals who must complete a basic training course for county corrections officers are eligible for a partial waiver of training provided they previously completed a basic training course for State corrections officers approved by the Commission; and

9. Individuals who must complete a basic training course for county corrections officers are eligible for a partial waiver of training provided they previously completed a basic training course for State juvenile corrections officers approved by the Commission.

(d) Requests for waivers of training submitted by law enforcement agencies on behalf of individuals who previously completed a basic training course conducted by a Federal law enforcement agency will be reviewed by the Commission on a case-by-case basis. Requests for waivers of training submitted by law enforcement agencies on behalf of individuals who previously completed a basic training course conducted by a law enforcement agency of another state will be reviewed by the Commission on a case-by-case basis. All requests for waivers of training submitted under this subsection must comply with the time limitations set forth in (b) above.

(e) The Commission may grant a partial waiver of training to individuals who were unable to complete a basic training course approved by the Commission provided the individual was withdrawn by the employer from the basic course due to injury, personal reasons, family emergency, or other unforeseen circumstances. To be eligible for a partial waiver of training under this subsection, the individual must have successfully completed at least half of the performance objectives listed in the basic course curriculum, and the school director must consent to the individual's reenrollment. Waiver credit will only be issued for completed functional areas and will only be applicable in the same basic course as the one from which the trainee was withdrawn.

(f) Only a law enforcement agency may appeal a decision by the Commission to deny, in whole or in part, a request for a waiver of training.

(g) Commission staff shall inform employing agencies of the requirements necessary for a waiver of training.

(h) Waiver credit may only be granted for the performance objectives included in the specific course for which the waiver is sought. Credit for performance objectives added to the basic course curriculum as electives by individual schools may be permitted.

13:1-8.5 Notice of new appointments

The chief police officer, chief executive officer, director, or warden of a law enforcement agency shall notify the Commission of all newly appointed employees whose permanent appointment is contingent upon the successful completion of a basic training course approved by the Commission. Notice shall be provided to the Commission within 90 days of each appointment on a form prescribed by the Commission.

(Agency Note: The text of proposed new N.J.A.C. 13:1-8 Appendix follows without boldface symbolizing proposed new text; those portions of the appendix appearing in boldface are proposed to be so permanently.)

APPENDIX

POLICE TRAINING COMMISSION WAIVERS OF TRAINING

Type of Waiver	Original Basic Training within Commission Jurisdiction	Period of Eligibility for Waiver Consideration	Comments
<p>Basic Course for Class Two Special Law Enforcement Officer - to- Basic Course for Police Officers</p> <p><i>Class Two Special Law Enforcement Officer to Regular Police Officer</i></p>	Yes	<p>Three years from the date of completion of the Basic Course for Class Two Special Law Enforcement Officers to the date of appointment as a Regular Police Officer. As of July 1, 2008, waiver eligibility begins one year after completion of the Basic Course for Class Two Special Law Enforcement Officers.</p>	<p>The candidate is presumed eligible for a waiver of training. Waiver may require the completion of additional training as determined by the Commission.</p>
<p>Out-of-State Law Enforcement Training Course- to- Basic Course for Police Officers</p> <p><i>Out-of-State Law Enforcement Officer to Regular Police Officer</i></p>	No	<p>Three years from the date of separation in good standing from an out-of-State law enforcement agency (including completion of a basic training course) to the date of appointment as a Regular Police Officer.</p>	<p>The candidate is initially ineligible for a waiver of training. The candidate's agency may apply to the Police Training Commission for a waiver of training on behalf of the candidate. The Commission will review applications on a case-by-case basis.</p>
<p>New Jersey State Police Pre-service Training</p>	No	<p>Three years from the date of separation in good standing from the Division of State</p>	<p>The candidate is presumed eligible for a waiver of training.</p>

<p>Course-to-Basic Course for Police Officers</p> <p><i>New Jersey State Trooper to Regular Police Officer</i></p>	<p>Police (including completion of pre-service training) to the date of appointment as a Regular Police Officer in New Jersey except that a State trooper who is terminated for reasons of economy or efficiency has a five-year period of eligibility.</p>	<p>Waiver may require the completion of additional training as determined by the Commission.</p>	
<p>Interstate Law Enforcement Training Course-to-Basic Course for Police Officers</p> <p><i>NY/NJ Port Authority; Amtrak; Delaware River and Bay Authority to Regular Police Officer</i></p>	<p>No</p>	<p>Three years from the date of separation in good standing from an interstate agency (including completion of a basic training course) to the date of appointment as a Regular Police Officer in New Jersey except that an interstate police officer who is terminated for reasons of economy or efficiency has a five-year period of eligibility.</p>	<p>The candidate is presumed eligible for a waiver of training. Waiver may require the completion of additional training as determined by the Commission.</p>
<p>Federal Law Enforcement Training Course-to-Basic Course for Police Officers</p> <p><i>Federal Law Enforcement Officer to Regular Police Officer</i></p>	<p>No</p>	<p>Three years from the date of separation in good standing from a Federal law enforcement agency (including completion of a basic training course) to the date of appointment as a Regular Police Officer.</p>	<p>The candidate is initially ineligible for a waiver of training. The candidate's agency may petition the Police Training Commission for a waiver of training on behalf of the candidate. The Commission will review petitions on a case-by-case basis.</p>
<p>Basic Course for Police Officers-to-Modified Basic Course for</p>	<p>Yes</p>	<p>Three years from the date of separation in good standing (including completion of the Basic Course for Police Officers) to the date of</p>	<p>The candidate is presumed eligible to attend the modified course. A candidate who completed the alternate</p>

<p>Investigators</p> <p><i>Regular Police Officer to County Investigator</i></p>	<p>appointment as an investigator employed by a County Prosecutor except that a police officer who is terminated for reasons of economy or efficiency has a five-year period of eligibility.</p>	<p>route program and has not served as a police officer is ineligible for a waiver.</p>
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<p>Basic Course for Police Officers-to-Basic Course for Investigators</p> <p><i>Regular Police Officer to County Investigator</i></p>	<p>Yes</p>	<p>Three years from the date of separation in good standing (including completion of the Basic Course for Police Officers) to the date of appointment as an investigator employed by a County Prosecutor except that a police officer who is terminated for reasons of economy or efficiency has a five-year period of eligibility.</p>	<p>The candidate may be enrolled in the Basic Course for Investigators at the discretion of the county prosecutor. A candidate who has completed the alternate route program and has not served as a police officer is ineligible for a waiver.</p>
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<p>New Jersey State Police Pre-service Training Course-to-Modified Basic Course for Investigators</p> <p><i>New Jersey State Trooper to County Investigator</i></p>	<p>No</p>	<p>Three years from the date of separation in good standing from the Division of State Police (including completion of pre-service training) to the date of appointment as an investigator employed by a County Prosecutor except that a State trooper who is terminated for reasons or economy or efficiency has a five-year period of eligibility.</p>	<p>The candidate is presumed eligible to attend the modified course.</p>
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<p>New Jersey State Police Pre-service Training Course-to-Basic Course for Investigators</p> <p><i>New Jersey State Trooper</i></p>	<p>No</p>	<p>Three years from the date of separation in good standing from the Division of State Police (including completion of pre-service training) to the date of appointment as an investigator employed by a County Prosecutor except that a State trooper who is terminated for reasons of economy or</p>	<p>The candidate may be enrolled in the Basic Course for Investigators at the discretion of the County Prosecutor.</p>
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<i>to County Investigator</i>		efficiency has a five-year period of eligibility.	
Out-of-State Law Enforcement Training Course-to-Basic Course for Investigators <i>Out-of-State Law Enforcement Officer to County Investigator</i>	No	Three years from the date of separation in good standing from an out-of-State law enforcement agency (including completion of a basic training course) to the date of appointment to the as an investigator employed by a County Prosecutor.	The candidate is initially ineligible for a waiver of training. The candidate's agency may petition the Police Training Commission for a waiver of training on behalf of the candidate. The Commission will review petitions on a case-by-case basis.
Federal Law Enforcement Officer-to-Basic Course for Investigators <i>Federal Law Enforcement Officer to County Investigator</i>	No	Three years from the date of separation in good standing from a Federal law enforcement agency (including completion of a basic training program) to the date of appointment as a county investigator by a County Prosecutor.	The candidate is initially ineligible for a waiver of training. The candidate's agency may petition the Police Training Commission for a waiver of training on behalf of the candidate. The Commission will review petitions on a case-by-case basis.
Basic Course for Investigators-to-Basic Course for Police Officers <i>County Investigator to Regular Police Officer</i>	Yes	Three years from the date of separation in good standing (including completion of the Basic Course for Investigators) to the date of appointment as a regular police officer except that an investigator who is terminated for reasons or economy or efficiency has a five-year period of eligibility.	The candidate is presumed eligible for a waiver of training. Waiver may require the completion of additional training as determined by the Commission.
Basic Course for Juvenile Corrections Officers-to-Basic Course for County Corrections	Yes	Three years from the date of separation in good standing (including completion of the Basic Course for Juvenile Corrections Officers) to the date of appointment as a county corrections officer.	The candidate is presumed eligible for a waiver of training. Waiver may require the completion of additional training as determined by the Commission.

Officers

*Juvenile
Corrections
Officer to County
Corrections
Officer*

Basic Course for
State Corrections
Officers-
to-
Basic Course for
County
Corrections
Officers

Yes

Three years from the date of
separation in good standing
(including completion of the
Basic Course for State
Corrections Officers) to the
date of appointment as a county
corrections officer.

Waiver approval may be
conditioned upon
successful completion of
additional training as
determined by the
Commission.

*State Corrections
Officer to County
Corrections
Officer*

Basic Course for
Police Officers-
to-
Basic Course for
Police Officers

Yes

Three years from the date of
separation in good standing
(including completion of the
Basic Course) to the date of
appointment except that a
police officer who is terminated
for reasons of economy or
efficiency has a five-year period
of eligibility.

The candidate is
presumed eligible for a
waiver of training.
Waiver may require the
completion of additional
training as determined by
the Commission.

*Regular Police
Officer to Regular
Police Officer*