

CHAPTER 76**ARSON INVESTIGATORS: TRAINING REQUIREMENTS****Authority**

N.J.S.A. 40A:14-7.1 and 52:17B-97 et seq.

Source and Effective Date

R.1993 d.208, effective April 16, 1993.
See: 25 N.J.R. 896(a), 25 N.J.R. 1987(b).

Executive Order No. 66(1978) Expiration Date

Chapter 76, Arson Investigators: Training Requirements, expires on April 16, 1998.

Chapter Historical Note

Chapter 76, Arson Investigators: Training Requirements, was adopted as R.1983 d.365, effective September 6, 1983. See: 15 N.J.R. 1078(a), 15 N.J.R. 1482(b). Pursuant to Executive Order No. 66(1978), Chapter 76 was readopted as R.1988 d.345, effective June 27, 1988. See: 20 N.J.R. 963(a), 20 N.J.R. 1949(d). Pursuant to Executive Order No. 66(1978), Chapter 76 was readopted as R.1993 d.208. See: Source and Effective Date. Subchapter 7, Authority of the Attorney General, was adopted as a part of R.1993 d.208, but effective May 17, 1993. See: 25 N.J.R. 896(a), 25 N.J.R. 1987(b). See, also, section annotation for specific rulemaking activity.

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SUBCHAPTER 1. GENERAL PROVISIONS**13:76-1.1 Scope**

Executive Directive No. 83-1, signed by Attorney General Irwin I. Kimmelman on March 9, 1983, designates the Director of the Division of Criminal Justice as the responsible official on behalf of the Department of Law and Public Safety for implementing the provisions of N.J.S.A. 40A:14-7.1.

Pursuant to the provisions of N.J.S.A. 40A:14-7.1 the Department of Law and Public Safety, Division of Criminal Justice and Police Training Commission must promulgate training requirements for arson investigators.

In accordance with the fourth paragraph of Executive Directive No. 83-1, the Director of the Division of Criminal Justice has established the following rules, regulations and procedures necessary and appropriate to implement the provisions of the Directive.

13:76-1.2 Applicability

The provisions of this Chapter 76, promulgated by the Director of the Division of Criminal Justice, shall apply to all municipalities that assign full-time or part-time to an arson investigation unit, any full-time paid member of a paid or part-paid fire department or force with the same powers of authority of police officers, within the municipality, while engaged in the actual performance of arson investigation duties.

Amended by R.1985 d.679, effective January 21, 1986.
See: 17 N.J.R. 2011(a), 18 N.J.R. 211(a).

Added "full-time" and "part-time".

13:76-1.3 Definitions

The following words and terms, when used in this chapter shall have the following meanings, unless the context clearly indicates otherwise:

"Arson Investigator" means any full-time paid member of a paid or part-paid municipal fire department or force, assigned full-time or part-time to an arson investigation unit who has received a certification in accordance with these provisions.

"Basic Course for Investigators" means the curriculum prescribed by the Police Training Commission and conducted by the Police Services Section, Division of Criminal Justice, Department of Law and Public Safety, as an appropriate course of training for arson investigators.

"Basic Arson Investigation Course" means the curriculum prescribed and conducted by the Police Services Section, Division of Criminal Justice, Department of Law and Public Safety, as an appropriate arson investigation course.

"In-Service Training" means the curricula prescribed and conducted by the Police Services Section, Division of Criminal Justice, Department of Law and Public Safety, to provide selected advanced arson investigation training as may be deemed necessary.

"Equivalent Course" means a course of instruction recognized by the Police Training Commission as being acceptable in lieu of the Basic Course for Investigators, or a course of instruction recognized by the Police Services Section, Division of Criminal Justice, as being acceptable in lieu of the Basic Arson Investigation Course or In-Service Training.

"Certification" means a written document issued by the Director of the Division of Criminal Justice acknowledging that an individual has complied with the prerequisite training provisions for Arson Investigators.

Amended by R.1985 d.679, effective January 21, 1986.

See: 17 N.J.R. 2011(a), 18 N.J.R. 211(a).

Added "full-time" and "part-time" to arson investigator.

Amended by R.1988 d.159, effective April 18, 1988.

See: 19 N.J.R. 1788(b), 20 N.J.R. 913(a).

Deleted "Police" and "Arson" from definitions.

Amended by R.1993 d.208, effective May 17, 1993.

See: 25 N.J.R. 896(a), 25 N.J.R. 1987(b).

Revised definitions.

SUBCHAPTER 2. CREATION AND ESTABLISHMENT OF ARSON INVESTIGATION UNITS

13:76-2.1 Notification requirements

(a) The Director of the Division of Criminal Justice shall be notified whenever a municipal contemplates the creation of a paid or part-paid fire department or force for the purpose of establishing, by ordinance, an arson investigation unit pursuant to N.J.S.A. 40A:14-7.1, or contemplates the creation, by ordinance, of an arson investigation unit, pursuant to N.J.S.A. 40A:14-7.1, within an already existing paid or part-time fire department or force.

(b) The governing body of any municipality shall notify in writing, the County Prosecutor of the county in which the municipality is located as to the contemplated creation and establishment of such entities as described in (a) above, and when applicable will report:

1. The source of funding for the proposed paid or part-paid fire department or force, or the proposed arson investigation unit, or both;

2. The number of paid members of the proposed arson investigation unit;

3. The organizational structure and proposed membership, by name and title, of the arson investigation unit; and

4. Any previous, current or proposed training programs completed or anticipated to be completed by the proposed members of the arson investigation unit.

(c) Upon receipt of this written notification, the County Prosecutor shall review the notification document and if appropriate, under separate correspondence, shall provide any commentary with regard to the content of the notification. The County Prosecutor shall forthwith forward both the municipality's written notification and any commentary to the Director, Division of Criminal Justice, 25 Market Street, CN 085, Trenton, New Jersey 08625.

SUBCHAPTER 3. PREREQUISITE TRAINING REQUIREMENTS

13:76-3.1 Prerequisite requirements

(a) Prior to assignment to an arson investigation unit, an individual must first have successfully completed:

1. The Basic Course for Investigators, or an Equivalent Course; and
2. The Basic Arson Investigation Course, or an Equivalent Course.

Amended by R.1988 d.159, effective April 18, 1988.

See: 19 N.J.R. 1788(b), 20 N.J.R. 913(a).

Deleted "Police" and "Arson" from text.

13:76-3.2 Certification procedures

(a) Upon successful completion of the prerequisite training requirements, a proposed member of an arson investigation unit shall be eligible for application for certification.

(b) The governing body of any municipality shall apply in writing, through the County Prosecutor of the county in which the municipality is located for the certification of a proposed member of a paid or part-paid fire department or force as an Arson Investigator, by affirming the date, location and evidence of successful completion of:

1. The Basic Course for Investigators, or an Equivalent Course; and
2. The Basic Arson Investigation Course, or an Equivalent Course.

(c) Upon receipt of this written application, the County Prosecutor shall review the application and if appropriate, under separate correspondence, shall provide any commentary with regard to the content of the application. The County Prosecutor shall forthwith forward both the municipality's application and any commentary to the Director, Division of Criminal Justice, 25 Market Street, CN 085, Trenton, New Jersey 08625.

(d) Individuals approved for certification shall be notified, in writing, by the Director of the Division of Criminal Justice, through their County Prosecutor and municipal governing body.

(e) Initial certification shall be for the period prescribed on the written approved certificate and shall be renewable annually contingent upon successful completion of prescribed In-Service Training requirements.

(f) No more than one member of a paid or part-paid fire department or force of a municipality having a population of 50,000 or less according to the latest Federal decennial census who is assigned to an arson investigation unit on a part-time basis shall be eligible for application for certification.

Amended by R.1985 d.679, effective January 21, 1986.
See: 17 N.J.R. 2011(a), 18 N.J.R. 211(a).

(f) added.

Amended by R.1988 d.159, effective April 18, 1988.
See: 19 N.J.R. 1788(b), 20 N.J.R. 913(a).

Deleted "Police" and "Arson" from text.

Amended by R.1985 d.679, effective January 21, 1986.

See: 17 N.J.R. 2011(a), 18 N.J.R. 211(a).

(c) added.

13:76-4.2 Certification renewal procedures

(a) Upon successful completion of the annual In-Service Training requirements, the certified Arson Investigator shall be eligible to renew certification.

(b) The governing body of any municipality shall apply, in writing, through the County Prosecutor of the county in which the municipality is located for the renewed certification of a certified Arson Investigator, by affirming the date, location and evidence of successful completion of required In-Service Training or Equivalent Course(s).

(c) Upon receipt of this written application, the County Prosecutor shall review the application and if appropriate, under separate correspondence, shall provide any commentary with regard to the content of the application. The County Prosecutor shall forthwith forward both the municipality's application and any commentary to the Director, Division of Criminal Justice, 25 Market Street, CN 085, Trenton, New Jersey 08625.

(d) Individuals approved for renewed certification will be notified, in writing, by the Director of the Division of Criminal Justice, through their County Prosecutor and municipal governing body.

(e) Renewed certification shall be for the period prescribed on the written approval certificate and shall continue to be renewable annually, contingent upon successful completion of prescribed In-Service Training requirements.

SUBCHAPTER 4. IN-SERVICE TRAINING PROGRAMS

13:76-4.1 In-service training requirements

(a) All certified Arson investigators shall be required to attend selected Division of Criminal Justice sponsored In-Service Training Programs or approved Equivalent Course(s).

(b) The Division of Criminal Justice annually will review available In-Service Training Programs and announce those courses authorized for attendance by Arson Investigators which will fulfill the annual In-Service Training requirement.

(c) All certified Arson Investigators who are authorized by the municipal governing body to carry a weapon pursuant to N.J.S.A. 2C:39-6b(8) additionally shall be required to qualify with their service weapon at least twice annually and in accordance with the firearms requalification program developed by the county prosecutor and approved by the Division of Criminal Justice in accordance with the Attorney General directive of June 17, 1985.

SUBCHAPTER 5. COSTS AND EXPENSES

13:76-5.1 Municipal costs and expenses

The municipality having created and established an arson investigation unit shall be responsible for all costs and expenses for the enrollment and attendance of their personnel in the Basic Course for Investigators, the Basic Arson Investigation Course and any In-Service Training.

Amended by R.1988 d.159, effective April 18, 1988.

See: 19 N.J.R. 1788(b), 20 N.J.R. 913(a).

Deleted "Police" and "Arson" from text.

SUBCHAPTER 6. TERMINATION OF DUTY AS AN ARSON INVESTIGATOR

13:76-6.1 Notification requirements

(a) The Director of the Division of Criminal Justice shall be notified whenever a municipality, having established an arson investigation unit, terminates the assignment of any member, of a paid or part-paid fire department or force, as an Arson Investigator.

(b) The governing body of any municipality, shall notify, in writing, the County Prosecutor of the county in which the municipality is located as to the termination of the assignment of an Arson Investigator, and when applicable will report:

1. The name of the Arson Investigator;
2. The date of termination; and
3. The reason for termination.

(c) Upon receipt of this written notification, the County Prosecutor shall review the notification document and if appropriate, under separate correspondence, shall provide any commentary with regard to the content of the notification. The County Prosecutor shall forthwith forward both the municipality's written notification and any commentary to the Director, Division of Criminal Justice, 25 Market Street, CN 085, Trenton, New Jersey 08625.

SUBCHAPTER 7. AUTHORITY OF THE ATTORNEY GENERAL

13:76-7.1 Authority of the Attorney General

All certified arson investigators, while in the actual performance of arson investigation duties, shall be subject to and comply with all applicable policies established by the Attorney General. These shall include rules and regulations, directives, advisory opinions and guidelines.