

13:1-2.2 Authority of the Commission Chairman

In any matter not expressly controlled by this chapter or by statute or in any urgent matter, the Commission Chairman, acting on behalf of the other Commissioners, shall exercise his or her discretion in Commission matters. When it becomes necessary for the Commission Chairman to exercise such discretion, he or she shall report on his or her actions to the other Commissioners as soon thereafter as practical.

Amended by R.1998 d.330, effective July 6, 1998.
See: 30 N.J.R. 1182(a), 30 N.J.R. 2506(a).

Case Notes

Township's plan for mandatory random drug testing and annual medical examination programs for police officers fell within the administrative search exception to the Fourth Amendment warrant requirement. *Policemen's Benev. Ass'n of New Jersey, Local 318 v. Washington Tp. (Gloucester County), C.A.3 (N.J.)1988, 850 F.2d 133, rehearing denied, certiorari denied 109 S.Ct. 1637, 490 U.S. 1004, 104 L.Ed.2d 153.*

SUBCHAPTER 3. SCHOOL CERTIFICATION**13:1-3.1 Eligibility for certification**

A law enforcement agency, a combination of law enforcement agencies, an institution of higher learning or a recognized governmental entity is eligible to apply to the Commission for certification to operate a school.

13:1-3.2 Application for certification

An application for certification shall be submitted on a form prescribed by the Commission. The application shall require the applicant to demonstrate a need for the school and the availability of necessary resources to operate the school. The application shall conform with the Commission's requirements with respect to buildings, grounds, facilities, firearms ranges, equipment, personnel and insurance.

Amended by R.1998 d.330, effective July 6, 1998.
See: 30 N.J.R. 1182(a), 30 N.J.R. 2506(a).

Inserted a reference to school grounds in the last sentence.

13:1-3.3 Notice of application

The applicant shall send a written notice, on a form prescribed by the Commission, to every law enforcement agency within the county wherein certification for a school is sought, indicating the applicant's intent to seek Commission certification 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

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.

Amended by R.1993 d.325, effective July 6, 1993.
See: 25 N.J.R. 1336(a), 25 N.J.R. 2897(a).
Amended by R.1998 d.330, effective July 6, 1998.
See: 30 N.J.R. 1182(a), 30 N.J.R. 2506(a).

13:1-3.5 Hearing on application

In the event a law enforcement agency interposes an objection with respect to school certification 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.

Amended by R.1993 d.325, effective July 6, 1993.
See: 25 N.J.R. 1336(a), 25 N.J.R. 2897(a).
Amended by R.1998 d.330, effective July 6, 1998.
See: 30 N.J.R. 1182(a), 30 N.J.R. 2506(a).

13:1-3.6 School recertification

Initial certification or recertification of a school by the Commission shall be for a period of three years. 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.

Amended by R.1993 d.325, effective July 6, 1993.
See: 25 N.J.R. 1336(a), 25 N.J.R. 2897(a).
Amended by R.1998 d.330, effective July 6, 1998.
See: 30 N.J.R. 1182(a), 30 N.J.R. 2506(a).

13:1-3.7 Suspension or revocation of certification

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

1. Failure to comply with Commission requirements;
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
5. Other good cause.

(b) In the event of suspension or revocation, the school director shall be notified in writing as to the reasons(s) for the action and may request a hearing before 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. The Commission may restore certification when the conditions for the suspension or revocation have been corrected.

Amended by R.1998 d.330, effective July 6, 1998.
See: 30 N.J.R. 1182(a), 30 N.J.R. 2506(a).

In (a)4, inserted a reference to school grounds and substituted a reference to operational condition for a reference to efficient condition.

SUBCHAPTER 4. INSTRUCTOR CERTIFICATION

13:1-4.1 Certification requirement

All instructors participating in a course authorized by the Commission must be certified before they are permitted to teach except as set forth in this subchapter and except as provided for in an emergency as set forth in N.J.A.C. 13:1-7.2(a)14.

Amended by R.1993 d.325, effective July 6, 1993.
See: 25 N.J.R. 1336(a), 25 N.J.R. 2897(a).

13:1-4.2 Eligibility for certification

An individual who has completed two years of college, has a minimum of three years of experience in his or her teaching specialty or career and can demonstrate knowledge and/or skill in a subject contained in a Commission-approved curriculum is eligible for consideration for instructor certification. The Commission may waive the educational and/or work experience requirement for a compelling reason.

Amended by R.1998 d.330, effective July 6, 1998.
See: 30 N.J.R. 1182(a), 30 N.J.R. 2506(a).

13:1-4.3 Certification process

An individual seeking instructor certification shall complete the Commission-prescribed application and shall have his or her law enforcement agency's endorsement where applicable. The school director shall interview the applicant and, if there is an intention to utilize the services of the individual, shall then endorse the application and forward it to the Commission. Commission staff shall review the application and either approve or disapprove the request for certification as an instructor.

Amended by R.1998 d.330, effective July 6, 1998.
See: 30 N.J.R. 1182(a), 30 N.J.R. 2506(a).

13:1-4.4 Types of certification

Police officers who have completed or will subsequently complete a Commission-recognized instructor training course shall be entitled to a police instructor certification. Individuals other than police officers shall be entitled to a special instructor certification.

Amended by R.1998 d.330, effective July 6, 1998.
See: 30 N.J.R. 1182(a), 30 N.J.R. 2506(a).

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.

(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 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 the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

Amended by R.1989 d.485, effective September 18, 1989.
See: 21 N.J.R. 1647(b), 21 N.J.R. 3019(a).

In (a): added "instructor" describing certifications and changed "granting and renewal" year to "third year." Added text: "... after the ... each year."

Amended by R.1993 d.325, effective July 6, 1993.
See: 25 N.J.R. 1336(a), 25 N.J.R. 2897(a).
Amended by R.1998 d.330, effective July 6, 1998.
See: 30 N.J.R. 1182(a), 30 N.J.R. 2506(a).

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

(a) Applicants who seek certification to instruct in certain subjects must 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. Demonstrate knowledge of the established range safety rules;
- ii. Identify the major parts of those firearms which will be used in the training program;
- iii. Demonstrate the ability to handle safely those firearms designated by the Commission under conditions such as the following:

- (1) Loading and unloading;
- (2) Using loading devices;

- (3) Clearing ammunition and weapon malfunctions; and
 - (4) Cleaning and maintaining weapons properly;
 - iv. Demonstrate the knowledge and skills required to teach the techniques of marksmanship and be able to identify the reasons that may be leading a trainee to possible failure; and
 - v. Score no less than 95 in the Commission-required firearms 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 above and comply with an appropriate firearms requalification program.
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. Possess a minimum of five years active experience as a certified firearms instructor at a Commission-approved school. The Commission may waive this requirement for compelling reasons;
 - ii. Have served in the capacity of a certified firearms instructor under the supervision of a certified range master during at least six basic firearms courses at a Commission-approved school; and
 - iii. Receive the recommendation of the school director at the school where the applicant will serve and a range master designated by the Commission to review the application. Both the school director and the range master shall state in their recommendation to the Commission that the applicant is competent to perform the duties and responsibilities of range master.
4. An individual seeking certification as a radar instructor at a Commission-approved school or at a law enforcement agency must meet the following requirements:
- i. Prior completion of a course for radar operators, which shall have included a minimum of eight hours of training consisting of four hours of classroom instruction and four hours of supervised practice training;
 - ii. Two years of experience as a radar operator with a minimum of 80 hours of hands-on experience; and
 - iii. Successful completion of a Commission-recognized course for radar instructors.
5. An individual seeking certification as a physical conditioning instructor at a Commission-approved school must successfully complete a Commission-approved

course in physical conditioning and training instruction. The course will provide for the implementation of the Police Training Commission Physical Conditioning Training Program and include Principles of Exercise Physiology or substantially equivalent educational materials.

6. An individual seeking certification as a vehicle operations instructor at a Commission-approved school must successfully complete a Commission-approved Vehicle Operations Instructors Course or one containing substantially equivalent instruction in driver training.

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) at a Commission-approved school. The Commission may waive this requirement for compelling reasons;

- ii. Have served in the capacity of a vehicle operations instructor providing practical hands-on driver training instruction during at least four Commission-approved courses at a Commission-approved school. The Commission may waive this requirement for compelling reasons; and

- iii. Receive the recommendation of the school director at the school where the applicant will serve. The school director shall state in his or her recommendation that the applicant is competent to perform the duties and responsibilities of a vehicle operations senior instructor; and

8. An individual seeking recertification as a vehicle operations senior instructor must meet a continuing education requirement. Participation in a vehicle operations senior instructor update once every three years will satisfy this requirement.

Amended by R.1989 d.260, effective May 15, 1989.

See: 21 N.J.R. 695(a), 21 N.J.R. 1365(a).

In (a)1ii, replaced "the handguns and shotguns" with "those firearms which will be" used in the training program.

In (a)1iii, replaced "handguns and shotguns" with "those firearms which the Commission shall designate" regarding ability to handle firearms safely.

Amended by R.1990 d.477, effective October 1, 1990.

See: 22 N.J.R. 1435(a), 22 N.J.R. 3151(a).

Required that all physical conditioning instructors be certified.

Amended by R.1995 d.584, effective November 20, 1995.

See: 27 N.J.R. 1521(a), 27 N.J.R. 4728(c).

Amended by R.1997 d.197, effective May 19, 1997.

See: 28 N.J.R. 3706(a), 29 N.J.R. 2464(a).

Added (a)7.

Amended by R.1998 d.330, effective July 6, 1998.

See: 30 N.J.R. 1182(a), 30 N.J.R. 2506(a).

In (a), rewrote 3iii, rewrote 7iii and recodified former 7iv as 8.

Case Notes

No proof that failure in firearms qualification course was result of instructors' interference; trainee dismissed. *Glover v. Passaic County Police Academy*, 93 N.J.A.R.2d (PTC) 43.

13:1-4.7 (Reserved)

Repealed by R.1998 d.330, effective July 6, 1998.

See: 30 N.J.R. 1182(a), 30 N.J.R. 2506(a).

Section was "Appeal of certification denial".

SUBCHAPTER 5. LAW ENFORCEMENT OFFICER CERTIFICATION
13:1-5.1 Certification requirements; basic courses

(a) A trainee shall be eligible for certification when the school director affirms that:

1. The trainee has achieved the minimum requirements set forth in the basic course applicable to his or her appointment and has demonstrated an acceptable degree of proficiency in the performance objectives contained in the particular basic course;
2. The trainee has participated in no less than 90 percent of the total instructional time assigned to those performance objectives designated by the Commission; and
3. The trainee has successfully completed the training required by the Commission to be conducted by the employing law enforcement agency.

Amended by R.1989 d.260, effective May 15, 1989.

See: 21 N.J.R. 695(a), 21 N.J.R. 1365(a).

In (a)1, added "the Basic Course for Corrections Officers or the Basic Course for Juvenile Detention Officers."

Amended by R.1993 d.325, effective July 6, 1993.

See: 25 N.J.R. 1336(a), 25 N.J.R. 2897(a).

Amended by R.1998 d.330, effective July 6, 1998.

See: 30 N.J.R. 1182(a), 30 N.J.R. 2506(a).

Rewrote (a)1.

Case Notes

Dismissal of candidate from police training academy for failing drug test upheld. *Darpino v. Newark Police Academy*, 97 N.J.A.R.2d (PTC) 1.

Testing positive for cocaine; termination from Corrections Officer Training Academy. *Pobuta v. Corrections Officer Training Academy*, 94 N.J.A.R.2d (PTC) 6.

Failure to adequately participate in physical conditioning drills required of county corrections officers warranted dismissal from academy. *Bisordi v. Bergen County Police and Fire Academy*, 94 N.J.A.R.2d (PTC) 1.

Medical unfitness; removal of correction officer trainee. *Abreu v. Passaic County Sheriff's Dept.*, 93 N.J.A.R.2d (CSV) 377.

Removal of police academy trainee; exercise-induced asthma rendered her medically unfit. *Abreu v. Passaic County Police Academy*, 93 N.J.A.R.2d (PTC) 27.

Inability of trainee to complete physical training course warranted dismissal. *Kaufman v. Passaic County Police Academy*, 92 N.J.A.R.2d (PTC) 18.

13:1-5.2 Certification requirements; other courses

A trainee shall be eligible for certification in other courses when the School Director affirms that the trainee has successfully completed a curriculum and course requirements approved by the Commission.

13:1-5.3 Revocation of certification

The Commission may revoke the certification conferred upon a trainee if the Commission ascertains that the certification would not have been issued had certain facts concerning inappropriate conduct of the trainee been known to the Commission at the time the certification was issued. The Commission may also revoke a certification which was issued as the result of administrative error. The individual shall be notified in writing as to the reasons for revocation and shall be required to return the certification to the Commission. The individual may request a hearing in accordance with 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.

SUBCHAPTER 6. CURRICULUM
13:1-6.1 Curriculum and courses

A curriculum issued by the Commission shall be the required curriculum at a Commission-approved school and shall constitute the minimum requirements for trainee certification. The Commission curricula are incorporated herein by reference and are available from the Commission at the Hughes Justice Complex, PO Box 085, Trenton, New Jersey 08625-9919. An approved school shall conduct basic courses and those other courses as shall be required by the Commission. In addition to the required curriculum, a school may also offer, with Commission staff approval, additional components of a basic course. However, additional components shall not be considered part of the minimum requirements for trainee certification absent approval by the Police Training Commission.

Amended by R.1993 d.325, effective July 6, 1993.

See: 25 N.J.R. 1336(a), 25 N.J.R. 2897(a).

Amended by R.1998 d.330, effective July 6, 1998.

See: 30 N.J.R. 1182(a), 30 N.J.R. 2506(a).

In the first sentence, provided that the curriculum would constitute the minimum requirements for trainee certification, and added the last sentence.

SUBCHAPTER 7. SCHOOL ADMINISTRATION

13:1-7.1 School directors

Each Commission-approved school shall be under the immediate control of an individual who is designated for the purposes of these rules by the title "school director." The school director shall perform general administrative functions and shall be responsible for the day-to-day operations of the school. The Commission shall have the authority, after consultation with the agency responsible for operating a school, to remove a school director from all duties and responsibilities for the administrative and day-to-day operations of a Commission-approved school for a violation of Commission Rules, policies or directives. Notice of removal shall be in writing and shall be served upon the school director and the agency responsible for operating the school. A school director suspended or dismissed by the Commission may request a hearing before the Commission in accordance with 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.

Amended by R.1998 d.330, effective July 6, 1998.
See: 30 N.J.R. 1182(a), 30 N.J.R. 2506(a).

Deleted " , and shall, where applicable, also retain any rights that may be available under the laws pertaining to the State Department of Personnel" at the end.

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 certified to operate a school is vested with the power, responsibility and duty:

1. To comply with all Commission rules, standards and directives governing the operation of the school;
2. To implement the required curriculum in conjunction with appropriate law enforcement officials and such other advisors that may be necessary and to devise a schedule that conforms to Commission requirements and submit same to Commission staff for approval;
3. To issue and enforce rules consistent with Commission requirements which govern the conduct of trainees and the use of the school's facilities. Each trainee shall be furnished a printed copy of the rules at the commencement of the course and a copy of the rules shall be posted in a conspicuous place on the school bulletin board and remain there for the duration of the course. These rules shall explicitly state which rule(s), the violation of which, may result in the trainee's suspension or dismissal from school;
4. To verify that the requirements for admission of an individual into the school have been complied with;
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 counselling;

6. To report immediately the unauthorized absence of a trainee to an appropriate official in the trainee's law enforcement agency;

7. To report immediately the illness or injury of a trainee or an instructor to an appropriate official in the trainee's or instructor's law enforcement agency and to the Commission staff;

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. The trainee shall be informed immediately of the reason(s) for the action;
- ii. As soon as possible, but in no event later than the second business day thereafter, a written statement of the reason(s) for the action shall be provided to the trainee, the appropriate official in the trainee's law enforcement agency and the Commission;
- iii. The dismissal of a trainee for misconduct may take effect immediately when, in the opinion of the school director, the continued presence of the trainee would be disruptive of or detrimental to the conduct of the class;
- 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;
- v. A trainee who is dismissed from a school for misconduct shall not receive credit for any subjects completed up to the time of dismissal;

9. To inform the Commission whether a trainee has complied with the certification requirements set forth in N.J.A.C. 13:1-5.1, 5.2 and 6.1;

10. To submit records and forms to the Commission as required in accordance with a written schedule prepared by the Commission;

11. To maintain, for a period of three years, a master copy of each written examination conducted by the school, together with the correct answers. The individual written examination papers of trainees who are academic failures and the targets of those who are firearms failures are also to be maintained for a period of three years;

12. To forward to the Commission, on the appropriate form, any request for the certification of an individual seeking to become a certified instructor;

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 or physical conditioning instruction. 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. To appoint a range master and vehicle operations senior instructor for the school both of whom shall be qualified in accordance with Commission requirements;

15. To maintain and safeguard all Commission equipment on loan to the school and to notify the Commission immediately if any of the equipment is damaged or missing;

16. To provide class time for purposes of conducting orientation sessions for trainees in accordance with Commission requirements and bulletin board space for the posting of appropriate Commission rules and notices;

17. To charge a reasonable fee for each trainee enrolled at the school;

18. To appoint a school director and such assistants as may be required to implement this subchapter;

19. To conduct drug screening of all trainees so as to provide for the safety and welfare of all trainees, instructors and other school personnel in accordance with the following procedures:

i. All trainees will be requested to sign a notice and acknowledgement in a form prescribed by the Commission consenting to the screening of their urine during the course. This notice and acknowledgement will include notification that a positive confirmation of the presence of illegal drugs in the trainee's urine will result in dismissal from the school;

ii. The Commission shall designate the laboratory for both the initial screening and confirmation analysis of urine. All schools shall utilize drug screening equipment and supplies as required or approved by the designated laboratory;

iii. Prior to the submission of a urine sample, the trainee will complete a medical questionnaire in a form prescribed by the Commission which shall clearly describe all drugs, both prescription and non-prescription, ingested during the past 30 days;

iv. Trainees will be required to submit urine samples at any time during the course;

v. A staff member of the school will be responsible for ensuring that all required forms, such as waivers, laboratory forms and medical questionnaires, have been thoroughly and accurately completed by the trainee. Prior to the submission of the sample, both the staff member and the trainee will inspect the specimen bottle for indications of damage and/or tampering;

vi. Urine samples will be acquired and processed in accordance with accepted chain of evidence procedures. Throughout the urine acquisition process, the identity of the trainee shall be preserved through social security number. No forms forwarded to the laboratory will contain the trainee's name;

vii. The trainee will complete the information requested on the specimen bottle label and any related agency or laboratory forms;

viii. After the staff member has inspected the information for accuracy, the trainee will void into the specimen bottle. The trainee will void without direct supervision unless the staff member has reason to believe that the trainee will alter or substitute a specimen. Under those circumstances, direct supervision is permitted. The specimen will be handled and processed in accordance with procedures approved by the Commission;

ix. After ascertaining that all forms have been completed accurately, the staff member shall take possession of the sample and ensure that it is delivered to the designated laboratory. This delivery shall occur within one laboratory working day of acquisition;

x. The designated laboratory shall provide the school director with notification of any urinalysis resulting in a positive test result. A sample shall be considered positive for the presence of drugs only when a confirmatory test procedure has been conducted. A written laboratory report shall be obtained for all positive samples. All trainees who are found positive for drugs and an appropriate official in the trainee's law enforcement agency will be orally notified by the school director of the positive confirmation result as soon after notification from the laboratory as possible. A copy of the laboratory report shall be provided by the school director to Commission staff and, if requested, the trainee;

xi. The school director shall dismiss any trainee who produces a positive test result for illegal drug use. Such dismissal shall constitute a dismissal for misconduct; and

xii. The Commission may, as circumstances warrant, notify the central registry maintained by the Division of State Police of a trainee's positive test result for illegal drug use.

20. To employ aides, with the written approval of the Commission, to assist instructors, provided that no aide shall act in any instructional capacity;

21. To immediately report to the Commission any allegation of misconduct, improper instruction or other actions of an instructor or school staff;

22. To cooperate with the Commission in any investigation or inquiry; and

23. To verify that firearms training provided in Commission-approved courses is conducted only at a firearms range that has been inspected by Commission staff and found to be in compliance with Commission standards.

Amended by R.1991 d.63, effective February 19, 1991.
See: 22 N.J.R. 2256(b), 23 N.J.R. 607(a).

Changes at (a)20., provided for less specific procedures "approved by Commission."

Amended by R.1993 d.325, effective July 6, 1993.
See: 25 N.J.R. 1336(a), 25 N.J.R. 2897(a).

Administrative Correction.
See: 25 N.J.R. 4106(a).

Amended by R.1997 d.196, effective May 19, 1997.
See: 28 N.J.R. 3707(a), 29 N.J.R. 2465(a).

In (a), made a nonsubstantive change; and added (a)23.
Amended by R.1998 d.330, effective July 6, 1998.
See: 30 N.J.R. 1182(a), 30 N.J.R. 2506(a).

In (a), substituted "implement the required" for "devise a" and substituted "necessary and to devise a schedule" for "appropriate," rewrote the first sentence of 3, substituted "except that a trainee dismissed following a positive drug screen may not remain in school" for "pursuant to N.J.A.C. 13:1.9" in 8iv, substituted "in N.J.A.C. 13:1-5.1, 5.2 and 6.1" for "herein" in 9, rewrote 13, inserted a reference to vehicle operations senior instructors in 14, inserted "in accordance with Commission requirements" in 16, and rewrote 19.

Case Notes

Apprehension of Police Training Commission about possible consequences of an injury to police trainee who had limited vision in his right eye did not constitute good cause for trainee's dismissal. *Greenwood v. State Police Training Center*, 127 N.J. 500, 606 A.2d 336 (1992).

Police Training Commission did not have good cause to dismiss trainee who had limited vision in his right eye from police training program. *Greenwood v. State Police Training Center*, 127 N.J. 500, 606 A.2d 336 (1992).

Police recruit's positive drug test justifies dismissal. *Marshall v. Newark Police Academy*, 97 N.J.A.R.2d (PTC) 11.

Inadequate drug analysis precludes recruit's dismissal from police academy. *DeLiso v. Middlesex County Police Academy*, 97 N.J.A.R.2d (PTC) 5.

Failure to follow urine testing guidelines; positive drug result not basis for trainee dismissal. *Oslovich v. Essex County Police Training Academy*, 93 N.J.A.R.2d (PTC) 48.

No proof that failure in firearms qualification course was result of instructors' interference; trainee dismissed. *Glover v. Passaic County Police Academy*, 93 N.J.A.R.2d (PTC) 43.

Failure to achieve required score on Use of Force examination; trainee dismissed. *Spivey v. Paterson Police Academy*, 93 N.J.A.R.2d (PTC) 40.

Firearms test failure not result of gender discrimination; trainee dismissed. *Sierchio v. Essex County Police Training Academy*, 93 N.J.A.R.2d (PTC) 37.

Failure to fully participate in physical conditioning program; dismissal from county police and fire academy warranted. *Schmeltz v. Bergen County Police and Fire Academy*, 93 N.J.A.R.2d (PTC) 15.

Record established chain-of-custody of urine sample testing positive for drug; juvenile detention officer dismissed from correction officers training academy. *Dye v. Correction Officers Training Academy*, 93 N.J.A.R.2d (PTC) 4.

Handgun qualification course failed; recruit dismissed. *Tillander v. Monmouth County Police Academy*, 93 N.J.A.R.2d (PTC) 1.

Reinstatement of police officer to police training academy program was appropriate remedy. *Geib v. Township of Jefferson Police Department*, 92 N.J.A.R.2d (CSV) 233.

Positive drug test and insubordination; dismissal from police academy and college police officer position. *Holmes v. Passaic County Police Academy and William Paterson College*, 92 N.J.A.R.2d (PTC) 13.

Positive drug test; dismissal of recruit/candidate; no jurisdiction to determine time period recruit/candidate barred from law enforcement positions. *Miranda v. Jersey City Police Academy*, 92 N.J.A.R.2d (PTC) 9.

Positive drug test; trainee dismissed. *Jackson v. Correction Officers Training Academy*, 92 N.J.A.R.2d (PTC) 6.

Trainee's failure to refund money deposited by classmates for class dinner constituted conduct unbecoming; suspension. *Rutledge v. Ocean County Police Academy*, 92 N.J.A.R.2d (PTC) 1.

SUBCHAPTER 8. RESPONSIBILITIES OF LAW ENFORCEMENT AGENCIES AND OTHER AGENCIES

13:1-8.1 Certification required prior to acceptance of trainees into a basic course

(a) Prior to the acceptance of a trainee into a basic course, the chief police officer or chief executive officer of the employing law enforcement agency shall certify by completing a training record card issued by the Commission that:

1. With respect to police officers as defined by this chapter, the appointing authority has complied with the provisions of N.J.S.A. 52:17B-68.1 and 69 and 18A:6-4.4 including, but not limited to, the following:

- i. The individual has received a probationary appointment; and
- ii. The individual has been granted a leave of absence with pay during the period of the police training course;

2. With respect to special law enforcement officers, the local unit has complied with the provisions of N.J.S.A. 40A:14-146.8 et seq. concerning the appointment of the individual;

3. The employing law enforcement agency has fingerprinted the individual and sent copies of the fingerprints to the Division of State Police and the Federal Bureau of Investigation in order to ascertain whether the individual has been convicted of an offense which would disqualify him or her from appointment as a police officer. The results obtained from the Division of State Police and the Federal Bureau of Investigation shall be made known to the appointing authority;

4. The employing law enforcement agency has conducted a pre-employment or background investigation of the individual to ascertain his or her character, fitness and

eligibility to be permanently appointed as a police officer. The results of the pre-employment or background investigation shall be made known to the appointing authority;

5. The individual has undergone a medical examination by a licensed physician to determine if the individual is medically fit to undergo training. The physician shall state, on a form prescribed by the Commission, whether the individual is medically fit to undergo the training for which the individual is enrolled; and

6. The individual has received training at the employing law enforcement agency in those performance objectives designated by the Commission.

Amended by R.1998 d.330, effective July 6, 1998.
See: 30 N.J.R. 1182(a), 30 N.J.R. 2506(a).
Rewrote the section.

Case Notes

Dismissal of correction officer recruit was justified; unfit to attend training. *Jarmond v. East Jersey State Prison*, 93 N.J.A.R.2d (CSV) 584.

13:1-8.2 Notification to school director

An appropriate official from the employing law enforcement agency seeking to enroll an individual in a Basic Course shall notify the school director in writing, 10 days prior to the commencement of the course, that the agency has complied with its responsibilities as provided in this subchapter. In the event an agency is unable to comply with this section, the agency shall forward a written request to the Commission for an extension of time and shall indicate the reason(s) for the request. Failure to comply with respect to this notification may result in the affected individual being denied admittance into the basic course.

13:1-8.3 Other agencies

Individuals who are not police officers may enroll in a Basic Course or other courses when so approved in advance by the Commission and in compliance with N.J.A.C. 13:1-8.1 and 8.2.

13:1-8.4 Waivers

(a) The Commission may, in its discretion, waive all or portions of any required training for an individual who has successfully completed a course conducted by any Federal, State or other public or private agency which is substantially equivalent to the Commission course.

(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.

(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 the 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.

Amended by R.1993 d.325, effective July 6, 1993.
See: 25 N.J.R. 1336(a), 25 N.J.R. 2897(a).
Amended by R.1998 d.330, effective July 6, 1998.
See: 30 N.J.R. 1182(a), 30 N.J.R. 2506(a).
Rewrote (d).

SUBCHAPTER 9. APPEALS

13:1-9.1 Notice of appeal

All appeals to the Commission shall be by a notice of appeal to the Commission Chairman setting forth the subject matter of the appeal, the relief sought and the grounds therefor.

13:1-9.2 Service of notice

The appellant shall serve a copy of the notice of appeal upon the respondent. The notice of appeal, together with proof of service, shall be filed with the Commission Chairman within 30 days from the date of the action appealed.

13:1-9.3 Answer

Within 10 days after service of the notice the respondent shall file an answer with the Commission Chairman and serve a copy thereof on each of the parties to the appeal. The answer filed by the respondent shall include a statement of the grounds for its action.

13:1-9.4 Notice of hearing

Upon the filing of the notice and petition of appeal, at least five days' notice of the time and place fixed for the hearing of the appeal by the Commission shall be given to the parties. If the matter constitutes a contested case, the Commission may refer the appeal to the Office of Administrative Law for a hearing in accordance with 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.

13:1-9.5 Conduct of hearing

All hearings held pursuant to this subchapter shall be conducted in accordance with 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.

13:1-9.6 Enrollment of trainees previously dismissed from a Commission-approved course

(a) No trainee who has been dismissed from a Commission-approved course for a positive drug screen may be enrolled in another Commission-approved course without the Commission's permission. The decision to allow a trainee to enroll following positive drug screen shall be made by the Commission on a case-by-case basis.

(b) No trainee who has been dismissed from a Commission-approved course for misconduct, failure to successfully complete use of force training, firearms training, defensive tactics training, the physical conditioning training program or for a positive drug screen and has an appeal of that dismissal pending before the Commission may be enrolled in another Commission-approved course without the Commission's permission. The decision to allow a trainee to

enroll under this subsection shall be made by the Commission on a case-by-case basis.

(c) Enrollment in a Commission-approved course shall be denied by the Commission to any trainee who has been previously dismissed from a Commission-approved course and whose presence the Commission has reasonable cause to believe:

1. Will disrupt the training process and/or classroom order; or
2. Will have a negative impact on the health, safety or welfare of other trainees enrolled in the course.

New Rule, R.1998 d.330, effective July 6, 1998.
See: 30 N.J.R. 1182(a), 30 N.J.R. 2506(a).