

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

Administrative correction.

See: 31 N.J.R. 880(a).

Amended by R.2004 d.4, effective January 5, 2004.

See: 35 N.J.R. 2806(a), 36 N.J.R. 197(a).

Substituted "25 Market Street" for "the Hughes Justice Complex".

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

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 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

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, first responder 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. Drug testing shall be conducted during all basic courses in which use of force and unarmed defensive tactics training is provided. Trainees may be tested at any time during a basic course.

i. All drug testing conducted at Commission-approved schools during a basic course shall be consistent with and utilize the procedures and methods set forth in the *New Jersey Law Enforcement Drug Testing Policy* and the *New Jersey Drug Testing Manual*, incorporated herein by reference, and including any future supplements and amendments, which can be obtained from the Commission at 25 Market Street, PO Box 085, Trenton, New Jersey 08625-0085, or from the Division of Criminal Justice website at www.njdcj.org;

ii. 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

iii. 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.

Administrative change.

See: 31 N.J.R. 880(a).

Amended by R.2004 d.4, effective January 5, 2004.

See: 35 N.J.R. 2806(a), 36 N.J.R. 197(a).

In (a), inserted "first responder" following "vehicle operations" in 13; 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 trainee 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; and

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.

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.
Administrative change.
See: 31 N.J.R. 880(a).
Amended by R.2004 d.4, effective January 5, 2004.
See: 35 N.J.R. 2806(a), 36 N.J.R. 197(a).
In (a), deleted 6.

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).