Fairfield
UNIVERSITY

Department of Public Safety

Testimony for
Public Safety and Security Committee from
Todd Pelazza
Director, Department of Public Safety
Fairfield University
March 1, 2016

Hello distinguished members of the Public Safety Committee and thank you for allowing me this opportunity to speak before you regarding Raised Bill No. 122, AN ACT CONCERNING SECURITY AT INSTITUTIONS OF HIGHER EDUCATION.

I am submitting testimony in opposition to this bill in the interest of our university community. There are very serious concerns about the significant challenges this bill will pose to our institution if adopted.

Fairfield University's Department of Public Safety is comprised of 22 armed staff members:
Director
Associate Director
Assistant Director
Four Sergeants
Fourteen Officers
One Traffic Agent

We have two unarmed part time officers and seven office support staff members.

Our hiring process consists of a series of four oral interviews; background check of financial history, work history, criminal records, educational records, motor vehicle history; ten panel drug screening; medical physical and physical agility (Cooper Standard 40%).

Fairfield University is committed to the safety and wellbeing of our community that includes students, faculty, staff, guests, and prospective students. We are well aware of the concerns that plague our nation with regards to violence on our college campuses. We understand that having a well-trained security force helps to foster a safe community.

Please refer to my written testimony from Fairfield Police Chief, Gary MacNamara. In his letter he talks about the Fairfield University Public Safety Dept. being highly trained and highly visible. I quote, "Their training is excellent. Their accountability for professional service is always evident, and their teamwork and cooperation with the Fairfield Police Department makes that campus safer".

What constitutes a safe community is the ability for members of the campus to take immediate and decisive actions when necessary. Waiting for outside resources that are not familiar with the

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many buildings and acres that encompass our campus is not an option. A safe campus is also achieved when those responsible have the foresight to look at problematic issues and create solutions to dissolve those issues and foster a safer future.

At face value the answer is to simply deploy a police force on the campus. From a practical position this goal is unachievable in the near future. Too many questions and concerns arise in passing this bill.

Our questions comprise concerns over the intent of the bill; is it to allow private institutions have the authority to create their own sworn police force? Or is the intent to allow private officers to train to P.O.S.T. standards but not obtain sworn authority. If the intent of the bill is to provide our staff sworn status under the local municipal police department, the Town of Fairfield is not willing to burden that responsibility at this time.

Our legal counsel is reviewing this bill and they have submitted a letter to you in our written testimony.

If this bill were to pass…

- All armed officers would have to be de-armed
- P.O.S.T. does not have the capacity to train this many campus safety officers in a timely manner
- Campuses can't stand to lose officers for 6 months of training all at once
- If we were to employ P.O.S.T. trained, sworn officials, costs would go up significantly

We do desire to find tangible ways to maintain a safe campus. Saying that an institution must have a certified police force in order to deploy firearms might actually reduce safety. It is unrealistic for many private institutions of higher education to maintain fully trained, P.O.S.T. certified, officers. Concerns include the need for competitive salaries, high turnover, cost associated with training (salaries of employees who are away from campus during training). This would result in a reduction in the number of armed officers on campus, those same officers who also remain vigilant for acute situations and respond to calls for service.

At this time we would like to ask for a continuance of the bill as it pertains to private armed institutions, allowing us to research the feasibility of having certified officers on campus. As is, this bill would require a complete dynamic change to our organization. Perhaps there are other alternatives available.

One alternative is to visit the Security Officer Training Standards by creating a tier system. A basic security guard who is responsible for patrol a parking lot might only require eight hours of training. Yet a security force in a hospital setting or shopping mall could benefit from additional training. And then there are college campuses that could absolutely benefit from additional training. As it stands now the schools that are represented here today (Fairfield University, Quinnipiac University and University of Hartford) already provide additional training to their staff.

Perhaps a different achievable solution can be found from our neighboring states such as New York. For example, New York State has a "Peace Officer" standard rather than a "Police Officer Standard" for their college campuses (NY Criminal Procedure Part 1, Title A, Article 2.10 Peace Officers). In such, Peace Officers are limited in their authority to only their place of employment. Peace officer's obtain up to 180 hours of training in selected topics. This then allows universities to access state training opportunities, state and national databases, and it can alleviate the need for local law enforcement to dedicate resources to responding to routine calls for service on the campus.

As it stands now, we at Fairfield University have State Certified Security Officers. Aside from the one day of training required for a security officer certification, we feel that training is imperative and therefore conduct a variety of training programs with all of our staff. Such training includes:

- All staff members are Emergency Medical Technicians as it is a position requirement

- Firearms – State minimal requirement is only four hours per year to maintain certification. Exceed this to approximately 24 hours per year (annual qualification, low light qualification, active shooter response, Judgmental shooting
- Self Defense
- MV Accident Investigations
- Baton Training
- OCAT (pepper spray) Training
- Field Sobriety
- Hazardous Materials Training
- Narcotics and Dangerous Drugs
- Patrol Tactics
- Motor Vehicle Stop Training
- Mental Health Issues
- Crisis Intervention Training
- Crime Scene Investigation
- Sexual Assault Investigation
- Search and Seizure
- Diversity and Cultural Sensitivity
- Management of Aggressive Behavior
- Defensive Driving
- Emergency Vehicle Operations Course
- FEMA courses
- Radiation Training
- Confined Space
- Fire Safety
- Crime Prevention Techniques
- Gang recognition and violence
- Interview Techniques
- First Responder to a Critical Incident

- Social Media/Internet Investigations
- Edge Weapon Defense
- Bomb Recognition
- Title IX Investigations
- Clery Compliance
- Stalking and Dating Violence
- Tactical Trauma
- Report Writing

If we are requirement to attend P.O.S.T., we feel there are topics that do not pertain to our situation;
Topics such as:

- Hunting Laws
- Immigration Law
- Landlord Tenant Disputes
- Water Safety
- Extensive Driver Training (no high speed pursuits)
- Gambling, Prostitution, Organized Crime and Human Trafficking
- Chile Abuse and Neglect
- Extensive domestic violence
- Extensive MV Laws (private property)
- Extensive MV Accident Investigations (private property)
- Roadblocks
- Medical Response Technician
- Some training courses can be reduced in nature because the lack of exposer within the smaller campus settings

As you review our submitted written testimony you will find additional information in the documentation I am providing. There you will find our current hiring procedures and training topics as well as a statement from our legal counsel.

In conclusion, we are excited to have the opportunity to discuss our future training options. I feel our goals are the same as it pertains to providing safer communities; it is simply a question of the best workable solution. We are asking you to table this bill as it pertains to private institutions while we work collaboratively to find viable solutions.

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Gary MacNamara
Chief of Police

ORGANIZED
1930

February 29, 2016

Todd Pelazza
Director Public Safety
Fairfield University
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Director Pelazza

This letter is a follow up to our discussions regarding Bill-122 , An act concerning security at Institutions of Higher Education, that is currently before the legislature.

The safety and security of members of the Fairfield Community is the number one priority of the Fairfield Police Department. This priority extends to the students, staff and visitors on the campus of Fairfield University.

As we assess vulnerabilities, we must look at the resources the University has provided to help meet that priority. In the case of Fairfield University, you have created a Public Safety Department that is highly trained, highly visible, and well respected both on campus and off. Their training is excellent. Their accountability for professional service is always evident, and their teamwork and cooperation with the Fairfield Police Department make that campus safer.

Placing added financial burden and additional regulatory requirements on the University is, in my opinion, counter-productive to ensuring a safe campus. The bill also leaves questions regarding the town's willingness and responsibilities that at this time have not been fully investigated.

Please feel free to share my thoughts as needed

Sincerely

GMM

Gary M MacNamara
Chief of Police

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February 25, 2016

Connecticut General Assembly
Public Safety and Security Committee
300 Capitol Avenue
Room 3600
Legislative Office Building
Hartford, CT 06106

Re: Testimony for Public Safety and Security Committee
From Robert J. Nicola, General Counsel, Fairfield University

Dear Committee Members:

Our firm is General Counsel for Fairfield University ("University"). I am submitting this testimony in opposition of SB 122, An Act Concerning Security at Institutions of Higher Education, on behalf of the University. I have reviewed SB 122 as well as the statutes and regulations which sets forth the process that must be followed by armed security personnel who obtain certification. I am very concerned that the proposed legislation, if passed, will have significant and unintended negative safety and security ramifications for the University and other institutions of Higher Education.

Armed security personnel subject to the provisions of Conn. Gen. Stat. §10a-156c are required to be "certified under the provisions of section 7-294a to 7-294e inclusive". The actual certification requirements are set forth within Conn. Agen. Reg. 7-294e-1 to 7-294e-24. The foregoing regulations are designed with Municipal and State law enforcement agencies in mind. Given the operational differences between these agencies and the University's Public Safety Department, it is unclear how certification could be accomplished for existing personnel employed by the University. As the regulations currently read, it appears that the regulations will require the Fairfield University Public Safety Department to obtain the authority to become sworn police officers from

a State or Municipal law enforcement agency. Neither State nor Municipal Law Enforcement Agencies have a statutory obligation to sponsor the Fairfield University Public Safety Deparment in this manner, and therefore, it may not even be possible for the University to have its security officers certified. Admittedly, we have a good working relationship with the Fairfield Police Department but that is no assurance that they can or will provide the sponsorship.

If the University's Public Safety Department is unable to certify, the University would be compelled to become an unarmed Public Safety Department. Thus, a very possible unintended effect of SB 122 would be to de-arm institutions like the University rather than provide a certain standard of training for those Institutions of Higher Education which have armed security personnel. Moreover, even if the University can obtain State or Municipal law enforcement agency sponsorship, its Public Safety Department would be forced to de-arm until its staff could obtain certification, effectively requiring it to operate as an unarmed security department for a significant period of time absent an amendment to SB 122 providing a phase in provision. Unarmed campus security is at a distinct disadvantage if called as first responders to significant events such as an active shooter on campus. Considering recent events on campuses throughout our country, disarming a campus security department could put students and school personnel at greater risk.

Further, the bill effectively requires institutions like the University to screen and train its security personnel the same way state or municipal law enforcement agencies screen and train their sworn police officers. While the financial impact of SB 122 on the University cannot be reliably estimated at this time, it will surely result in significant additional initial and recurring operational costs. Without an impact study on increased operational costs the bill will have on institutions like the University, it is unclear whether the bill, which might result in a higher standard of training, would at the same time require a deduction in staff to meet its increased financial commitments.

I urge this committee to consider alternatives to SB 122 as recommended by, Todd Pelazza, Director, Department of Public Safety, Fairfield University, including, research on the economic feasibility of maintaining a sworn P.O.S.T. certified public safety staff, *i.e.* whether a higher standard of public safety can be relealized given that compliance with SB 122 is likely to result in high staff turnover and staff reductions; research on the practical feasibility of SB 122, i.e. whether institutions will be able to obtain sponsorship from a state or local law enforcement agency to maintain a sworn P.O.S.T. certified public safety staff; and whether a tiered certification process tailored for the specific and more limited security issues which affect campus communities is a more sensible approach to obtaining a higher standard of security on our campuses.

Respectfully,

Robert J. Nicola

RJN:jg

Training Guide for Peace Officer Employers

STATE OF NEW YORK
Division of Criminal Justice Services
Office of Public Safety

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Foreword

The Training Guide for Peace Officer Employers was developed by the staff of the New York State Division of Criminal Justice Services, Office of Public Safety. This guide is intended to explain the administration of peace officer basic training.

This guide will define regulations that govern Municipal Police Training Council approval for this course, including the requirements for conducting and reporting training, as well as the responsibilities of the various parties involved.

Preface

It is the goal of the Division of Criminal Justice Services, Office of Public Safety to assist course directors in the administration of law enforcement training in a manner consistent with New York law, regulation and policy.

This guide is designed to provide the information necessary for each course to be administered in a manner that will provide a level of training required to adequately perform public safety functions.

Acknowledgments

Acknowledging the efforts of people involved in the development of this guide.

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Introduction

On July 3, 2007, Governor Spitzer vetoed bill number S5726 proposing the creation of several new designations of peace officer. In his veto message, the Governor cited, as his reasoning, inadequate laws governing the training of peace officers, more specifically the limitation placed on the maximum hours of training which can be established by the Municipal Police Training Council. Governor Paterson continued to veto similar peace officer bills in the interim citing the same reasons.

Peace officers have many of the same legal powers as police officers, including the power to use force to make arrests, make warrantless arrests, conduct warrantless searches and issue appearance tickets. These are very far-reaching powers that should not be granted lightly, and should only be granted to those who have received sufficient training. Staffs from the Governor's office, the legislature and the Division of Criminal Justice Services examined the role of the peace officer in the contemporary law enforcement environment; the statutory authority granted to all designations of peace officer and contrasted that with a training standard which remained unchanged since September of 1980. The result was legislation which amended the Criminal Procedure Law to permit the MPTC to prescribe a training program commensurate with the authority granted all designations of peace officer.

On September 19, 2010, Governor Paterson enacted Chapter 419 of the Laws of 2010 (Effective January 1, 2011), which has significant impact on peace officer training, to include:

Elimination of the reduced training standard for part-time peace officers

As the duties and powers of a peace officer are the same regardless of the number of hours per week an officer works, it is illogical and irresponsible to maintain a reduced [hours] training program. This will only affect those peace officers appointed on or after January 1, 2011.

Elimination of mandated initial firearms training for certain designations

Essentially, only peace officers [appointed on or after January 1, 2011] that have access to a firearm during any phase of their official duties will be required to complete initial firearms training. This is a significant departure from prior practice wherein certain classifications of peace officers were deemed armed by virtue of their statutory designation - regardless of whether the employer authorized the use of firearms. Such designations were mandated to complete initial firearms training as part of their basic training.

Removal of the employer specific training as a condition of MPTC course approval

Employers are still required to deliver training specific to the special nature of the officer's duty; however, it is no longer a requirement for MPTC certification and may be delivered outside the confines of the Basic Course for Peace Officers in a time frame and format determined by the employer.

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An increase in the maximum number of basic training hours the MPTC may prescribe

The maximum number of hours for peace officer basic training was increased from 35 to 180 hours, and will affect only those peace officers appointed on or after June 2, 2011. Persons appointed as peace officers will be subject to the training requirements in place at the time of their appointment.

Once a term is defined in this manual, it is the only meaning for that term. For example, "peace officer" shall mean a peace officer as defined in article 2 of the Criminal Procedure Law. Since regulation authorizes the issuance of a certificate for the Basic Course for Peace Officer to a registered peace officer, the Division can only issue a certificate to a person who has been appointed to a position named in those sections. If a person is not registered pursuant to §845 of the Executive Law or a civilian is enrolled in the course, they are not eligible to receive a MPTC certificate.

The Division of Criminal Justice Services

The Municipal Police Training Council (MPTC), created under Executive Law §839, determines minimally acceptable training and employment standards for law enforcement officers in New York State. The MPTC recommends rules and regulations for promulgation by the Governor. Once implemented, these rules and regulations carry the force of law. The rules and regulations for the Basic Course for Peace Officers are codified in Title 9 of the Official Compilation of Codes, Rules and Regulations of the State of New York (9 NYCRR), Part 6025.

The New York State Division of Criminal Justice (DCJS), Office of Public Safety, serves as the staff arm of the MPTC. It is the responsibility of DCJS to assist in the planning and evaluation of basic and in-service training courses and to ensure that practitioners meet the minimum standards established by the MPTC.

It is the goal of DCJS to assist practitioners in providing quality training for law enforcement personnel. Training directors and/or officers are encouraged to review this guide and ask questions. DCJS will make every effort to help practitioners understand and deliver a quality product that meets, or exceeds, the standards established by the MPTC.

Establishing a School

A Basic Course for Peace Officers may be established by a peace officer employer or by a regional law enforcement academy. All approvals are at the discretion of DCJS and are governed by the rules established for the Basic Course for Peace Officers codified in 9 NYCRR 6025.

School Director Selection

Each school must appoint a school director. The school director serves as the administrator of the course and is responsible for a variety of important tasks that will be

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explained in this guide. It is preferable for the school director to be a certified MPTC instructor and possess a high level of administrative skill and the ability to work with a diverse student population. All contact with the school is conducted through the director.

The school director is expected to be an administrator who is available to students, instructors, and DCJS staff during school operational hours. Students and instructors should direct all questions or inquiries through the school director. Accordingly, the director must have the level of authority equal to this responsibility.

Instructor Selection

All instructors must meet the Standards and Qualifications established by 9 NYCRR 6023 for certification. There are two categories of instructor for MPTC approved courses, certified and approved. Certified instructors have completed an Instructor Development Course approved by the MPTC. Instructors in this category may instruct general topics and may possess, or are eligible to obtain, advanced certification in specialty topics such as firearms and/or defensive tactics. This is the most common method of instructor certification.

The regulation also provides for Special Certification of instructors, or waiver of the Instructor Development Course, when an applicant can demonstrate technical expertise and has advanced academic credentials or a unique qualifying experience. The applicant must also be evaluated in the classroom and found to have acceptable instructional skills. Applicants who have earned a Bachelor's Degree in Education (or equivalent), a Master's Degree, a Juris Doctorate (JD), or other doctorate (PhD) are deemed to have advanced academic credentials. All waivers are issued at the discretion of DCJS.

Approved, or Non-certified Special Topics Instructors, possess advanced academic credentials and a unique qualifying experience. Instructors in this category have not attended an Instructor Development Course and may instruct topics for which they are uniquely qualified only. They are not eligible to obtain advanced certification in specialty topics, such as firearms or defensive tactics without first successfully completing an approved Instructor Development Course. Applicants must be evaluated in the classroom and found to have acceptable instructional skills. For example, a social worker who specializes in domestic violence cases may be approved to provide domestic violence instruction.

To become an approved instructor, a candidate must submit an Instructor Personal History Form accompanied by an acceptable instructor evaluation, performed by an MPTC certified Instructor Evaluator, to DCJS for consideration. All approvals are issued at the discretion of DCJS. A copy of the Instructor Personal History form is available on our website at: http://www.criminaljustice.ny.gov/ops/docs/index.htm.

DCJS maintains a list of specialty topics that require instructors to complete an advanced course of study in order to receive certification. For example, in order to provide instruction in firearms and deadly physical force an instructor must have completed an Instructor Development

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Course pursuant to 9 NYCRR 6023 and successfully completed a Firearms Instructor Course pursuant to 9 NYCRR 6024.

All instructors shall be responsible for disseminating the information in the modules assigned them according to the standards established by the MPTC. Instructors may be called upon to provide documentation of their status and DCJS may require any additional information to establish the competence of an instructor or for any other pertinent purpose.

Training Facilities

Classrooms, like those used in any other training venue are sufficient for this program. The classrooms should meet the standards established by the Commissioner of Education for instructional resources set forth in section 52.2 of Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York (8 NYCRR 52.2)

Firearms range training (if conducted) must be delivered at an appropriate firearms training facility that will support the shooting skills detailed in the Basic Course for Police Officers.

Driver training facilities (if such training is provided) must be conducted in an area that will support the driving skills detailed in the Basic Course for Police Officers.

Physical fitness training facilities (if such training is provided) must meet the standards established by the Commissioner of Education for instructional resources set forth in 8 NYCRR 52.2.

Basic Course for Peace Officers

The Basic Course for Peace Officers is comprised of select units of the Basic Course for Police Officers (BCPO) curriculum. All basic training programs are required, by regulation, to "meet or exceed" the minimum standards established by the MPTC. The MPTC encourages schools to exceed the minimum standards by adding hours and objectives for existing units as well as adding new topics to create the best graduates possible. School directors have the flexibility to add scenario based training to provide their students with the ability to practice newly learned skills and be evaluated in a realistic environment.

The rules and regulations for the administration of the Basic Course for Peace Officers (9 NYCRR 6025) must be followed when presenting the course. This includes teaching the minimum standard instructional objectives and use of approved curriculum outlines of each unit. Schools must establish written policies and procedures for the administration of this training. Policy areas must, at minimum, include: attendance, remediation, and retesting. Pursuant to 9 NYCRR 6025, training must be conducted as a single and cohesive unit. In practical terms, this means that a student must complete all units of the Basic Course for Peace Officers, during one session, at one school. Under no circumstances may a student split the training among multiple schools.

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It is the school director's responsibility to ensure each instructor is provided with a complete copy of the unit they are assigned to teach.

School directors do not have the authority to disregard or waive any policy, procedure, rule, or regulation established by either the MPTC or by DCJS. Violations may result in revocation of school approval and render any training provided invalid.

The DCJS Office of Public Safety is available to provide any technical assistance required by the school director. Students and instructors should direct all questions or inquiries through the school director.

Attendance

Students shall attend all sessions of a course. The school director is responsible for maintaining an accurate record of attendance, and may excuse an officer for valid reasons. The school director shall determine the validity of the excuse and may excuse absences of no more than ten percent of the required hours. It is within the school director's purview to require students make up the missed lessons as appropriate.

Examinations

The passing of a written examination, or series thereof, is required for the Basic Course for Peace Officers. Students must achieve a minimum passing score of 70% on the examination, or series of examinations, in order to complete the course. If a series of examinations is administered, the average score must be 70%. If a series of examinations for mandated topics and agency specific topics are employed, the portion of the course prescribed by the MPTC shall constitute no less than 50% of the final grade. No partial credit may be given.

Remediation

The course director may remediate any students who have failed to meet the minimum passing requirements for any course, if in the course director's judgment, it is reasonable to believe the student will show improvement with additional training. All remediation must occur within the original time frame of the course. It is suggested that course directors/sponsors consider extra time during, and at the end of, courses such as initial firearms training to allow for potential remediation. For example, schedule two weeks (80 hours) for the 40-hour firearms practicum thus providing additional time to remediate poor or unsafe shooters who show the ability to improve with additional instruction/practice.

Course Documentation

Curriculum

Pursuant to 9 NYCRR 6025.4(a), a course director proposing a course shall file with DCJS, at least 45 days in advance of the designation of the school a curriculum content form

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containing the MPTC approved course title, the location of the school, a chronological listing of the dates, times and instructors for each module, and shall include all subjects prescribed by the MPTC. A school must receive DCJS approval to be offered.

Approval

Once a curriculum is received, DCJS will make written notification to the course director upon approval of a curriculum. It is recommended that course directors maintain a copy of the approval letter in the course file. Courses must be approved to be offered.

Class Roster/Notification of Completion

Once a course has been completed, the course director has ten days in which to submit a Class Roster/Notification of Completion to the Division. This form must be typed and contain all required information, including the MPTC approved course title Basic Course for Peace Officers, the school sponsor (must be a law enforcement agency or academy), the school location, school dates, student information (name, social security number, sex, date of birth, employer, rank, status (full-time/part-time) and whether or not each student satisfactorily completed the course (S) or unsatisfactorily completed the course (U). A Class Roster/Notification of Completion is not valid unless it bears the course directors original signature.

In order to maintain accurate records, incomplete or inaccurate forms will be returned to the course director for completion/correction, thus delaying the posting of records and dissemination of certificates (if appropriate). A copy of this form is available on our website at http://www.criminaljustice.ny.gov/ops/docs/index.htm or by contacting our office at (518) 457-4135.

Certificates of Completion

Peace officers, appointed pursuant to Criminal Procedure Law §2.10 or §2.16 who successfully complete the Basic Course for Peace Officers will be granted MPTC certificates for the:

Basic Course for Peace Officers, and

Initial Firearms Course (where appropriate)

Peace officers that attend an entire Basic Course for Police Officers instead of this course will be issued MPTC certificates for the:

Basic Course for Peace Officers[1], and

Initial Firearms Course

[1] Any Basic Course for Peace Officers approved after June 2, 2011 includes the training in the use of other weapons.

Equivalent Training

Since the Basic Course for Peace Officers is based upon units from the Basic Course for Police Officers, the Division will conduct an evaluation of prior police training received while an applicant was employed as a police officer in a jurisdiction outside New York State. The officer must be duly appointed to a peace officer position and the request for an evaluation must be made by the chief executive of the employer.

Newly appointed peace officers who hold a valid MPTC Basic Course for Police Officers are not required to complete this course. Validity of a certificate is determined pursuant to the provisions of section 209-q of the General Municipal Law.

Students who hold a valid Pre-Employment Police Basic Training Course record on an Official Transcript from an accredited college located in New York State are not required to complete the entire course. These students will be required to successfully complete the following units of instruction within one year of appointment as a peace officer:

Impact Weapons	3 hours
Firearms (if armed)	40 hours

Firearms Training

Initial Firearms Training

The Basic Course for Peace Officers does not include initial training in the use of firearms mandated for peace officers that are authorized to carry a firearm at any time during the course of their duties. If a course director chooses to include 40 hours of initial firearms training (BCPO Unit 4-M) as part of this course, the curriculum for the range instruction must be submitted. The seven hour Justification - Use of Physical Force/Deadly Physical Force unit (BCPO Unit 3-B) is included in the Basic Course for Peace Officers, and need not be repeated.

If the firearms range training (BCPO Unit 4-M) is presented in conjunction with, or immediately following, the course, students who successfully complete the course will be issued an Initial Firearms Course certificate. If the school director or employer elects to conduct initial training in the use of firearms at later date, the entire 47 hours of training (Basic Course for Police Officers Units 3-B and 4-M) must be provided. No person appointed to a peace officer title shall carry or use a firearm in the course of their official duties until such time as they successfully complete initial training in the use of firearms and deadly physical force as prescribed by Criminal Procedure Law.

Qualifying Course of Fire

The qualifying course of fire as adopted by the Municipal Police Training Council (MPTC) consists of a fifty (50) round course, fired double action with the dominate hand from

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the instructor's position of choice. The use of cover is encouraged, but is optional. A silhouette target is used with a scoring area equal to, or smaller than that of, the standard B-27 target. Trainees are required to fire at least two qualifying scores of 70 percent (175 of a possible 250) with service/duty ammunition.

25 yard line – 8 rounds fired in 40 seconds with one reload.

15 yard line - 12 rounds fired in 40 seconds with one reload.

7 yard line – 18 rounds fired in two phases:

Phase #1 – 6 rounds fired in two round increments – no time limit.

Phase #2 – 12 rounds fired in 25 seconds with one reload.

3 yard line – 12 rounds fired in two phases:

Phase #1 – 6 rounds fired in two round increments – no time limit.

Phase #2 – 6 rounds fired in 6 seconds.

Annual Firearms and Other Weapons Training

Criminal Procedure Law requires that each peace officer authorized by their employer to carry or use a firearm and/or other weapon in any phase of their official duties must annually complete a course of training in the justification of the use of force/deadly physical force and in the use of firearms and/or other weapons. This/these course(s) need not be conducted on an anniversary basis; however, must be completed at least once during each calendar year.

Peace officers not authorized by their employer to carry or use a firearm or other weapons are not required to complete annual training[2].

On May 27, 2010, Governor David A. Paterson accepted the final report of the Police-on-Police Shootings Task Force. Established by Executive Order No. 23, the Task Force undertook a comprehensive examination of fatal and non-fatal police-on-police confrontations in order to better understand the dynamics of these confrontations, and to develop strategies to prevent future similar incidents.

As a result of these findings, the MPTC amended the Annual Firearms Course standard to include learning objectives on police on police confrontations. Effective December 1, 2010, six additional objectives from the Confrontational Situations Unit of the Basic Course for Police Officers (BCPO Unit 4-S) must be covered during the range fire requirement.

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[2] Employers should pay special attention to the weapon indicator when registering peace officers. Those who are unarmed should be designated as such to avoid being identified as deficient in annual training.

Attendance

Students shall attend all sessions of annual training. The school director is responsible for maintaining an accurate record of attendance.

Examinations

The passing of a written examination is required for both the Annual Firearms Course and Annual Other Weapons Courses. Students must achieve a minimum passing score of 70% on the examination, or series of examinations, in order to complete the course.

Each student attending the Annual Firearms Course must satisfactorily complete a fifty (50) round qualifying course, fired double action with the dominate hand from the instructor's positions of choice. The use of cover is encouraged, but is optional. A silhouette target is used with a scoring area equal to, or smaller than that of, the standard B-27 target. Trainees are required to fire a qualifying score of 70 percent (175 of a possible 250) with service/duty ammunition. Officers must qualify with each service firearm they have access to during the course of their official duties.

Remediation

The course director may remediate any peace officer that failed to meet the minimum passing requirements for the course, if in the course director's judgment, it is reasonable to believe the student will show improvement with additional training. All remediation must occur within the original time frame of the course. It is suggested that course directors/sponsors consider extra time during, and at the end of annual firearms training to allow for potential remediation. For example, schedule two days (16 hours) for the 6-hour firearms practicum thus providing additional time to remediate poor or unsafe shooters who show the ability to improve with additional instruction/practice. All qualifying course of fire must be completed using the duty firearm and duty ammunition.

The implementation of "force on force," or like scenarios, are excellent teaching methods. However, they should not be conducted with firearms that fire live ammunition. Only handguns that will not fire live ammunition (either temporarily converted or dedicated) should be used in conjunction with the appropriate safety equipment - like eye protection. These handguns include marked cartridge firing or molded dummy handguns that will properly fit the student's duty holster.

Course Documentation

Pursuant to 9 NYCRR 6025, peace officer employers may attest that all necessary annual firearms and/or other weapons training was conducted as required on the annual validation of peace officer data submitted by January 15 of each year.

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Employers may also file the course curriculum and class roster/notification of completion with the Division. Courses field in this manner will be recorded on each peace officer's official training record.

Curriculum

Pursuant to 9 NYCRR 6025.4(a), a course director proposing an annual course shall file with DCJS, at least 45 days in advance of the designation of the school a curriculum content form containing the MPTC approved course title, the location of the school, a chronological listing of the dates times and instructors for each module, and shall include all subjects prescribed by the MPTC.

Approval

Once a curriculum is received, DCJS will make written notification to the course director upon approval of a curriculum. It is recommended that course directors maintain a copy of the approval letter in the course file.

Class Roster/Notification of Completion

Once a course has been completed, the course director has ten days in which to submit a Class Roster/Notification of Completion to the Division. This form must be typed and contain all required information, including the MPTC approved course title Annual Firearms Course or Annual Other Weapons Course - (weapon type), the school sponsor (must be a law enforcement agency or academy), the school location, school dates, student information (name, social security number, sex, date of birth, employer, rank, status (full-time/part-time) and whether or not each student satisfactorily completed the course (S) or unsatisfactorily completed the course (U). A Class Roster/Notification of Completion is not valid unless it bears the course directors original signature.

In order to maintain accurate records, incomplete or inaccurate forms will be returned to the course director for completion/correction, thus delaying the posting of records and dissemination of certificates (if appropriate). A copy of this form is available on our website at http://www.criminaljustice.ny.gov/ops/docs/index.htm or by contacting our office at (518) 457-2667.

Certificates of Completion

Certificates of completion are not issued for annual training. Courses reported to the Division pursuant to 9 NYCRR 6025 will be reflected on the official training record of each peace officer.

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Forms

For copies of the most current versions of our forms or publications, please visit our website at: http://www.criminaljustice.ny.gov/ops/docs/index.htm or by contacting our office at (518) 457-2667.

Contact

If, after reviewing this guide, course directors or instructors have any questions or concerns, please contact the Division prior to commencing any training.

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Appendix A – Course Curriculum Checklists

Basic Course for Police Officers Part/Module Name	Required Hours	Actual Hours
Part 2 - Introduction to Law Enforcement		
2-A. Constitutional Law	2	
2-B. Discretionary Powers	2	
2-C. Ethical Awareness	2	
Total	**6**	
Part 3 - Laws of New York State		
3-A. New York State Penal Law Offenses	16	
3-B. Justification - Use of Physical Force & Deadly Physical Force	7	
3-C. New York State Criminal Procedure Law Standards of Proof / Accusatory Instruments Laws of Arrest / Appearance Tickets Search and Seizure / Evidence Concepts (Rules of Evidence) Stop, Question, and Frisk / Eyewitness ID Interview and Interrogation / Criminal Procedure Law §2.20	21	
Total	**44**	
Part 4 - Law Enforcement Skills		
4-J. Interpersonal Skills - Arrest Techniques Communication/Interpersonal Skills / Impact Devices Defensive Tactics / Crowd and Riot Control Formations Aerosol Devices / Rapid Deployment and Active Shooter	40	
4-M. Penal Law §265.20 / Firearms Safety and Handling	3	
4-S. Off Duty and Plain Clothes Police Encounters	4	
Total	**47**	
Part 7 - Investigations		
7-C. Preliminary Investigation and Information Development	2	
Total	**2**	
Local Training Options	**0**	
Total Hours Required for a Basic Course for Peace Officers:	**99**	
Reviewed By:	**Date:**	

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Mandatory Objectives

	1. List and define the 4 basic rules of safety.		19. Demonstrate one method of correction of semiautomatic pistol stoppages with one hand disabled (only if the trainee is carrying that type of handgun).
	2. Demonstrate the method of holding a handgun with the trigger finger off the trigger and outside the trigger guard.		20. Demonstrate shooting a target with one hand using the strong hand.
	3. Demonstrate the method of handing handguns to other persons.		21. Demonstrate shooting a target with one hand using the weak hand.
	4. Describe the reason hearing protection must be used during firearms training.		22. Demonstrate shooting a multiple targets.
	5. Describe the reason wrap-around eye protection must be used during firearms training.		23. Demonstrate shooting a target in low-light or nighttime conditions (it is suggested that training be conducted at night, however a darkened indoor range or lowlight goggles may be substituted).
	6. List and describe two (2) methods lead poisoning can occur in the human body.		24. Demonstrate the ability to make shoot/no-shoot decisions (This objective may be taught through a variety of methods. A target overlaid on another, different color targets, photographic targets, numbered targets, computer generated shooting systems, or force on force training are examples of ways to compel the trainee to make a shooting decision).
	7. Describe the lead safety precautions shooters should observe.		25. Using a standing position seven yards form an 8 ½ x 11 inch target, demonstrate the steps of drawing a handgun from a snapped holster with one hand and striking the target with one round without looking at the holster, within 2.5 seconds.
	8. Describe one method of home storage of the duty handgun.		26. Using one hand, demonstrate returning a drawn handgun to the holster and snapping it without looking at the holster.
	9. List and describe the visible parts of the duty handgun carried by the trainee (semi automatic pistol or double action revolver).		27. Demonstrate one method of handgun retention.
	10. Demonstrate administrative loading and unloading the duty handgun carried by the trainee.		28. Define the term “cover” when used in officer survival.
	11. Demonstrate combat reloading of the duty handgun without looking at the handgun.		29. Define the term “concealment” when used in officer survival.
	12. List and describe the four (4) components of a metallic cartridge.		30. Demonstrate cleaning and inspecting the duty handgun.
	13. List the five (5) fundamentals of marksmanship.		31. Describe the effects of cleaning materials on cartridge primers.
	14. Demonstrate one standing shooting position.		32. Demonstrate the use of verbal commands, when appropriate, to order and/or warn a person that deadly physical force may be used against them.
	15. Demonstrate one kneeling position.		33. Recognize the factors to be considered appropriate to draw a firearm.
	16. Demonstrate one prone shooting position.		34. Recognize those circumstances to be considered when discharging a firearm at a person.
	17. Demonstrate and define the difference between supported and unsupported barricade shooting positions.		35. Demonstrate the proper method of approaching and controlling a potential assailant in close quarters.
	18. Demonstrate one method of correction of semiautomatic pistol stoppages (only if the trainee is carrying that type of handgun).		36. Describe the three areas of incapacitation for anatomical projectile placement.
	Penal Law Article 35 – Justification of the Use of Force/Deadly Physical Force (7 hours)		

Student: (must be registered as a peace officer in New York State) **Instructor:** Certified Firearms Instructor

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MPTC Titles	Required Hours	Scheduled Hours
Use of Force - Penal Law Article 35 – Employing Agency Use of Force/Deadly Physical Force Policy	1	
Range Fire – Minimum 50 Rounds [70% or better to qualify] using handgun duty ammunition – Police on Police Encounters	5	
Total Hours:	***6***	

Range Fire Requirement

Handgun live fire is mandatory with the course of fire determined by the Course Director.

Rifle or shotgun training may be included in this Unit with the course of fire determined by the Course Director.

Reality based training in use of force scenarios may be included in this Unit.

This Unit must include six additional objectives related to police on police encounters. Those objectives include:

- Identify three levels of off-duty intervention assessment.
- List appropriate actions to be taken at each level of off-duty intervention assessment.
- Explain the appropriate actions a confronted officer should take during a confrontation with another member of law enforcement.
- Explain the appropriate actions a challenging officer should take during a confrontation with another member of law enforcement.
- Describe a “family plan.”
- Demonstrate practical application of lesson objectives during confrontation scenarios.

Prerequisites: **Student:** Basic Course for Police Officer or Basic Course for Peace Officers and Initial (Long) Firearms Course
Instructor: Certified General Topics Instructor and Certified Firearms Instructor. It is recommended that instructors trained in reality based training present the confrontational scenarios or assist in the development of them.

Notes:

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Weapon: _____

MPTC Title	Required Hours	Actual Hours
Penal Law Article 35 – Use of Force	1	
Weapons Training – Practical	1	
Total Hours:	***2***	

Prerequisites: **Student:** Basic Course for Peace Officer, Initial Other Weapons Course (same)
Instructor: Certified General Topics Instructor and Defensive Tactics Instructor (Baton), ASR Instructor (Aerosols), Initial Other Weapons Course – Conducted Energy Device (CED)

Notes:

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Appendix B – Related Statutes and Regulations

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Executive Law § 845. Central state registry of police officers and peace officers

1. The division shall collect information to maintain, on a current basis, a registry of all police officers and peace officers in the state. Such registry shall contain, with respect to each officer, his or her name, date of birth, social security number, rank or title, employer, and date of successful completion of training required by section 2.30 of the criminal procedure law and section two hundred nine-q of the general municipal law.

2. Each head of a state or local agency, unit of local government, state or local commission, public authority or other organization which employs police officers or peace officers shall transmit to the division, no later than the fifteenth day of January annually, and in a form and manner prescribed by the division, a list containing the name of every police officer or peace officer employed by his or her agency, government, commission, authority or organization indicating with respect to each officer his or her date of birth, social security number, rank or title, employer, and whether he is employed full-time or part-time. In addition to such annual list, each such head, whenever officers have been newly appointed or have ceased to serve, shall immediately transmit to the division, in a form and manner prescribed by the division, a list containing the names of such officers which, in the instance of new appointees, shall include all the information required to be furnished in the annual listing.

3. The division shall establish rules and regulations to provide for a permanent system of identification for each police and peace officer, which shall include procedures for updating the registry upon an officer's failure to complete required training within the time limitations established in law or regulation.

4. Upon the failure or refusal to comply with the requirements of subdivision two of this section, the commissioner may apply to the Supreme Court for an order directed to the person responsible requiring compliance. Upon such application the court may issue such order as may be just, and a failure to comply with the order of the court shall be a contempt of court and punishable as such.

5. The division shall cooperate with the division of state police in making the information in the central registry of police and peace officers available for the purpose of verifying transactions involving firearms.

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Criminal Procedure Law § 2.30. Training requirements for peace officers

1. Every peace officer in the state of New York must successfully complete a training program, a portion of which shall be prescribed by the municipal police training council and a portion of which shall be prescribed by his or her employer. The portion prescribed by the municipal police training council shall be comprised of subjects, and the hours each is to be taught, that shall be required of all types or classes of peace officers. The hours of instruction required by the municipal police training council shall not exceed one hundred eighty, unless a greater amount is either required by law or regulation, or is requested by the employer.

   The segment prescribed by the employer for its employees shall be comprised of subjects, and the hours each is to be taught, relating to the special nature of the duties of the peace officers employed by it provided, however, that when the subjects prescribed by the employer are identical to the subjects in the training program required by the municipal police training council, the employer shall not be required to provide duplicate training for those subjects.

2. Each state or local agency, unit of local government, state or local commission, or public authority, or public or private organization which employs peace officers shall provide the training mandated by this section, the cost of which will be borne by the employer. Each peace officer satisfactorily completing the course prescribed by the municipal police training council shall be awarded a certificate by the division of criminal justice services attesting to that effect, and no person appointed as a peace officer shall exercise the powers of a peace officer, unless he or she has received such certification within twelve months of appointment.

3. No employer shall allow any peace officer it employs to carry or use a weapon during any phase of the officer's official duties, which constitutes on-duty employment, unless the officer has satisfactorily completed a course of training approved by the municipal police training council in the use of deadly physical force and firearms and other weapons, and annually receives instruction in deadly physical force and the use of firearms and other weapons as approved by the municipal police training council.

4. Upon the failure or refusal to comply with the requirements of this section, the commissioner of the division of criminal justice services shall apply to the Supreme Court for an order directed to the person responsible requiring compliance. Upon such application, the court may issue such order as may be just, and a failure to comply with the order of the court shall be a contempt of court and punishable as such.

5. Every employer of peace officers shall report to the division of criminal justice services, in such form and at such time as the division may by regulation require, the names of all peace officers who have satisfactorily completed any of the training requirements prescribed by this section.

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6. A certificate attesting to satisfactory completion of the training requirements imposed under this section awarded to any peace officer by the executive director of the municipal police training council pursuant to this section shall remain valid:

    (a) during the holder's continuous service as a peace officer; and

    (b) for two years after the date of the commencement of an interruption in such service where the holder had, immediately prior to such interruption, served as a peace officer for less than two consecutive years; or

    (c) for four years after the date of the commencement of an interruption in such service where the holder had, immediately prior to such interruption, served as a peace officer for two consecutive years or longer.

As used in this subdivision, the term "interruption" shall mean a period of separation from employment as a peace officer by reason of such officer's leave of absence, resignation or removal, other than removal for cause.

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9NYCRR Part 6023: INSTRUCTOR STANDARDS AND QUALIFICATIONS

(Statutory Authority: Executive Law Art.35, §840, §842)

Section

6023.1 - Definitions

6023.2 - Certification

6023.3 - Requirements for Instructor Certification

6023.4 - Requirements for Special Certification

6023.5 - Term and Renewal of Instructor Certification

6023.6 - Exemption from Instructor Certification

6023.7 - Revocation of Certification

§6023.1 Definitions.

When used in this Part:

a) The terms council and commissioner shall have the same meaning as set forth in section 6020.1 of this Title.

b) The term police officer shall have the same meaning as set forth in section 1.20(34) of the Criminal Procedure Law.

c) The term peace officer shall have the same meaning as set forth in section 2.10 of the Criminal Procedure Law

d) The term instructor certification shall mean any certification made by the commissioner to an individual whose qualifications meet or exceed the requirements established by sections 6023.3 and 6023.4 of this Part.

§6023.2 Certification.

a) Instructor certification may be granted by the commissioner upon demonstration of instructional competency and subject-matter expertise, in accordance with the minimum requirements established by sections 6023.3 and 6023.4 of this Part.

b) A standard list of special topics for which instructor certification may be granted may be established and maintained by the commissioner.

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§6023.3 Requirements for Instructor Certification.

Each applicant requesting instructor certification must:

a) Possess a high school diploma or its equivalent;

b) If a police or peace officer, be employed as such at the time such officer requests instructor certification and have successfully completed a Municipal Police Training Council approved Basic Course for Police Officers or Basic Course for Peace Officers, as appropriate.

c) If not a police or peace officer, be sponsored by his or her employing police or peace officer agency; and

d) Have successfully completed an Instructor Development Course approved by the commissioner or satisfy the requirements set forth the section 6023.4 of this Part.

§6023.4 Requirements for Special Certification.

Special instructor certification may be granted at the discretion of the commissioner upon written application. The requirement of satisfactory completion of an approved Instructor Development Course as set forth in section 6023.3(d) of this Part may be waived in instances where the applicant can demonstrate technical expertise and has advanced academic credentials or unique qualifying experience, provided, however, that the applicant be evaluated in a classroom setting and found to possess and exhibit acceptable instructional skills and technical expertise. Evaluations shall be conducted by the Bureau for Municipal Police or its designee.

§6023.5 Term and Renewal of Instructor Certification.

An instructor certification will be valid from the date of issuance and shall remain valid during the holder's continuous service as a police officer or peace officer, or while the holder is employed by a sponsoring police officer or peace officer agency, unless revoked by the commissioner.

§6023.6 Exemptions from Instructor Certification.

Upon written request, the requirements mandating instructor certification may be waived by the commissioner if he or she finds the applicant is qualified by background and experience to serve as an instructor.

§6023.7 Revocation of Certification.

The commissioner may revoke an instructor certification for cause upon receipt of a written complaint alleging specific details regarding the time(s), place(s) and date(s) of the alleged incident(s), and the action or omission alleged.

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9NYCRR Part 6024: FIREARMS INSTRUCTOR STANDARDS AND QUALIFICATIONS

(Statutory Authority: Executive Law Art. 35, §840, §842)

Section
6025.1 - Definitions

6025.2 - Requirements for Firearms Instructor Certification

6025.3 - Requirements for Special Firearms Instructor Certification

6025.4 - Term and Renewal of Firearms Instructor Certification

6025.5 - Revocation of Firearms Instructor Certification

§6024.1 Definitions.

When used in this Part:

a) The terms council and commissioner shall have the same meanings as set forth in section 6020.1 of this Title.

b) The term police officer shall have the same meeting as set forth in section 1.20(34) of the Criminal Procedure Law.

c) The term peace officer shall have the same meaning as set forth in section 2.10 of the Criminal Procedure Law.

d) The term instructor certification means any certification made by the commissioner to an individual whose qualifications meet or exceed the requirements established in sections 6024.2 and/or 6024.3 of this Part.

§6024.2 Requirements for Firearms Instructor Certification.

Each applicant for firearms instructor shall meet all of the following requirements:

a) Possess a high school diploma or its equivalent;

b) Have a minimum of three years of police or peace officer experience. The peace officer experience requirement can only be satisfied by those persons who have carried a firearm in the course of their official duties and have done so for the prescribed period of time.

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c) Successfully complete a Municipal Police Training Council approved Basic Course for Police Officers or Basic Course for Peace Officers, as appropriate.

d) Successfully complete an Instructor Development Course which is acceptable to the commissioner.

e) Successfully complete a Firearms Instructor course of at least 35 hour duration and which is acceptable to the commissioner.

§6024.3 Requirements for Special Firearms Instructor Certification.

Special instructor certification may be granted at the discretion of the commissioner, upon written application. The requirement of satisfactory completion of an approved Firearms Instructor Course as set forth in section 6024.2(e) of this Part may be waived in instances where the applicant can demonstrate technical expertise and document satisfactory completion of a Firearms Instructor Course from an institute that has national police recognition and has been approved by the commissioner. Approval may be granted for these courses upon written application by said institute and, when required by the commissioner, an onsite evaluation by Bureau for Municipal Police staff of such training. Application must include copies of the course curriculum and related testing procedures used in said course. Upon approval of such course by the commissioner, an applicant must be evaluated in a classroom setting and on a firearms range and must be found to possess and exhibit acceptable instructional skills and technical expertise. Evaluations must be conducted by the Bureau for Municipal Police or its designee.

§6024.4 Term and Renewal of Firearms Instructor Certification.

Firearms instructor certification shall be valid from the date of issuance and shall remain valid during the holder's continuous service as a police officer or peace officer, or while the holder is employed by a sponsoring police officer or peace officer agency, unless revoked by the commissioner.

§6024.5 Revocation of Firearms Instructor Certification.

The commissioner may revoke a firearms instructor certification for cause upon receipt of a written complaint alleging specific details regarding the time(s), place(s), and date (s) of the alleged incident(s), and the action or omission alleged.

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9NYCRR Part 6025: BASIC COURSE FOR PEACE OFFICERS

(Statutory Authority: Executive Law Art. 35, §840, §842)

Section
6025.1 - Definitions

6025.2 - Statement of Purpose

6025.3 - Minimum Standards

6025.4 - Requirements of Approval for a Basic Course for Peace Officers

6025.5 - Requirements for Conducting a Basic Course for Peace Officers

6025.6 - Requirements for Issuance of a Certificate of Completion

6025.7 - Time Limitations for Completion of the Basic Course for Peace Officers

6025.8 - Issuance of Equivalency Certificates

6025.9 - Annual Reporting of Peace Officer Training

§6025.1 Definitions.

When used in this Part:

a) The term council shall mean the Municipal Police Training Council.

b) The term director shall mean the director of a basic course for peace officers.

c) The term commissioner shall mean the Commissioner of the Division of Criminal Justice Services or his designee.

d) The term basic course/basic course for peace officers shall mean the course of training prescribed in section 6025.3 of this Part, which has been approved by the commissioner, in writing, as meeting or exceeding the minimum standards prescribed in that section.

e) The term employer shall mean any State or local agency, unit of local government, State or local commission, or public authority or private entity that employs peace officers as defined by subdivision (f)of this section.

f) The term peace officer shall mean a person designated as such pursuant to *section 2.10 of the Criminal Procedure Law* or appointed as a watershed protection and enforcement officer pursuant to section 2.16 of such law.

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§6025.2 Statement of Purpose.

The purpose of this Part is to set forth minimum standards for the basis course for peace officers with regard to subject matter and time allotments, which have been demonstrated to be valid based upon a review of the powers of a peace officer set forth in *section 2.20 of the Criminal Procedure Law*; to set forth clear and specific requirements for administration of a basic course to be followed by course directors; and to promulgate rules governing attendance and completion of such course.

§6025.3 Minimum Standards.

a) No basic course shall be approved by the commissioner that does not follow the minimum curriculum as prescribed by the council.

b) Classroom hours of instruction for peace officers shall be in subjects and time allotments as prescribed by the council.

c) No peace officers, notwithstanding the date of their appointment, shall be allowed by their employer to carry or use a weapon during any phase of their official duties which constitutes on-duty employment, unless they have, within twelve months of appointment satisfactorily completed a course of training approved by the council in the use of deadly physical force and firearms and other weapons, and annually receive instruction in deadly physical force and the use of firearms and other weapons as approved by the council.

d) Only instructors certified in accordance with the provisions of Parts 6023 and/or 6024 of this Title may provide instruction in a basic course.

§6025.4 Requirements of Approval of a Basic Course for Peace Officers.

No later than 45 days prior to commencement of a basic course, the course director shall file a copy of the proposed curriculum with the commissioner. The curriculum must be in a form prescribed by the commissioner and shall include:

1) course location and sponsor;

2) a chronological listing of topics; including the date, time and number of hours allotted to each topic; and

3) the names of instructors and the type of instructor certification held by each instructor.

The commissioner may require any additional information deemed necessary for the purposes of reviewing and approving a curriculum.

The commissioner shall make an individual written certification for each basic course conducted when in his or her judgment the information furnished warrants such action.

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§6025.5 Requirements for Conducting a Basic Course for Peace Officers.

a) Within 10 days after conclusion of a basic course, the director shall forward the course roster to the commissioner denoting the performance of respective trainees.

b) The director shall make written notification to the commissioner of any departures from the approved curriculum and shall be responsible for assuring that such changes do not materially change course content.

c) The director shall ensure that the basic course is conducted in accordance with all applicable standards, policies and procedures. The director shall establish written directives for the administration of the basic course including, but not limited to, attendance, counseling, remediation and retesting. The written directives shall define the minimum period of time set for remediation and for one or more opportunities for retesting.

d) The director or sponsoring agency shall be responsible for maintaining accurate records for each basic course. These records must be retained as required by the appropriate schedule for records retention and disposition promulgated by the Commissioner of Education. Such records must be available for inspection by members of the council or the commissioner. They include, but are not be limited to, lesson plans for each topic inclusive of objectives, officer attendance and performance records, a copy of the curriculum approved for use, a record of any changes in the curriculum after such approval.

§6025.6 Requirements for Issuance of a Certificate of Completion.

a) All basic course requirements must be completed as a single and cohesive unit.

b) Attendance is required of each officer at all sessions of the basic course, except for valid reasons. The director is authorized to determine the validity of, and excuse, absences of not more than 10 percent of the total hours of instruction as provided for in the curriculum of the course. An absentee from any scheduled class session shall make up such absence as required by the director. However, no officer may be issued a certificate of completion without receiving the full program of instruction in firearms, the defense of justification (use of physical force/deadly physical force), and physical agility/arrest techniques.

c) A peace officer who is unable to satisfactorily complete the full curriculum of a basic course due to excessive absences may apply for authorization to complete the requirements of that curriculum in an alternately approved basic course. Such applications shall be subject to the approval of the director. If the director approves the application, it must be forwarded to the commissioner by the director. The commissioner may authorize such officer to make up required hours at another basic course in satisfaction of the requirements for a certificate of completion. Such determination shall be subject to review and approval by the council at its next scheduled meeting subsequent to such determination.

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d) Each peace officer enrolled in a basic course shall keep a notebook. The notebook shall contain an outline of major points and pertinent information for each topic presented. The director will evaluate notebooks based upon criteria such as content, organization, regularity of entries, accuracy and legibility.

e) The taking and passing of written examination(s)is required of each officer prior to issuance of a certificate of completion. If a series of examinations is required by the director, the candidate must achieve a total passing average for the series. The director shall assemble examination material, give and supervise examination(s)and grade the examination(s). The director or sponsoring agency shall retain the examination papers as required by the appropriate schedule for records retention and disposition promulgated by the Commissioner of Education. Such records must be available for inspection by members of the council or the commissioner.

f) Upon certification by a director stating that a peace officer has satisfactorily completed all basic course requirements, the commissioner shall issue a certificate of completion to such peace officer.

g) A certificate of completion shall attest to fulfillment of the training requirements for peace officers set forth in *section 2.30 of the Criminal Procedure Law*.

h) Only a sworn peace officer enrolled in a basic course for peace officers is eligible for the issuance of a certificate of completion upon satisfactory completion of all course requirements. A civilian who attends a basic course for peace officers shall not be awarded a certificate.

§6025.7 Time Limitations for Completion of the Basic Course for Peace Officers.

a) Every person appointed as a peace officer shall forfeit such position unless he or she has received, within one year from his or her date of original appointment, a certificate of satisfactory completion of a basic course for peace officers approved by the commissioner.

b) A peace officer who, because of exigent circumstances, is unable to complete a basic course within the one year time period prescribed in subdivision (a)of this section may apply through his or her employer for an extension of this period by the commissioner. Such applications shall be made in writing and must describe the circumstances which necessitate the application. Illustrative of exigent circumstances are: the officer's inability to complete a basic course for health reasons or the temporary unavailability of a training program within a reasonable distance from the officer's place of employment. If the commissioner determines that the circumstances warrant extension of the one-year period, he or she may grant approval of such extension. In no instance shall this period be extended beyond a total of two years from the initial date of appointment as a peace officer, except as otherwise required by law.

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c) No employer shall allow any peace officer, notwithstanding when the officer was appointed, to carry or use a weapon during any phase of the officer's official duties, which constitutes on-duty employment, unless the officer has within twelve months after appointment satisfactorily completed a course of training as prescribed in section 6025.3(c)of this Part, and annually thereafter receives instruction in deadly physical force and the use of firearms and other weapons as approved by the council.

§6025.8 Issuance of Equivalency Certificates.

Any person, who has been appointed a peace officer of the State or any municipality or employer of the State of New York and who has formerly been permanently appointed a peace officer or police officer of the United States, or of any territory or possession thereof, or of the District of Columbia, or of any of the United States or its subdivisions, or who has satisfactorily completed the pre-employment police basic training program as prescribed in section 6026.3 of this Title, may apply to the commissioner for leave to substitute satisfactory completion of a course of basic training completed in such other jurisdiction or may apply to the commissioner for leave to substitute satisfactory completion of the pre-employment police basic training program in satisfaction of all or part of the requirements of an approved basic course for peace officers imposed under *section 2.30 of the Criminal Procedure Law*. The commissioner shall review and evaluate all such applications and may require the applicant to submit such additional documentation as he or she shall deem necessary. If, upon review and evaluation of such application, the commissioner determines that a program of peace officer basic training completed by the applicant in another jurisdiction or the pre-employment police basic training program completed by the applicant meets or exceeds all or part of the minimum standards prescribed in section 6025.3 of this Part, the commissioner may authorize such training to be substituted for such requirements of the basic course as he or she shall deem appropriate. The commissioner shall certify, in writing, the extent to which all or part of the curriculum of the basic course may be waived and any noted deficiencies must be satisfactorily completed at a basic course approved by the commissioner, within the period of time prescribed in section 6025.7 of this Part. Applicants for equivalency certificates shall be subject to the same limitations and requirements as prescribed in sections 6025.6 and 6025.7 of this Part and *section 2.30 of the Criminal Procedure Law*.

§6025.9 Annual Reporting of Peace Officer Training.

Each employer of peace officers shall annually report to the commissioner, on behalf of the council, the names and addresses of all peace officers employed by the employer who have, during the course of the preceding year, satisfactorily completed annual instruction in deadly physical force and the use of firearms and other weapons approved by the council and completed in satisfaction of the annual firearms and weapons training requirement imposed by *section 2.30(1)of the Criminal Procedure Law*. Such report shall be included in the annual validation of peace officer registry data to be completed by the employer and submitted to the commissioner by January 15th of each year.

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Appendix C – Frequently Asked Questions

How do I become a Peace Officer?

To become a Peace Officer, you must first be hired by an agency that employs Peace Officers. The employer is mandated by law to provide its peace officers with all mandated training.

Do Peace Officers need to take an oath of office?

Those categories of peace officers who are deemed to be Public Officers must take and file an oath of office pursuant to Article 2, §10 of the Public Officers Law. For more information on Public Officers, contact our records unit at (518) 457-3983.

Do Peace Officers need to be citizens?

Yes. According to Article 2, §3-b of the Public Officers Law, at the time of appointment, all peace officers, both those designated as public officers and those who are not, must be a citizen of the United States, a resident of New York State, reside in the same county as the appointing authority, and be eligible to vote.

What training is necessary to become a Peace Officer?

Once you are hired by an agency as a Peace Officer, the agency will send you to the Basic Course for Peace Officers and to the required weapons training.

What forms do I need to do to run a Peace Officer course?

A Curriculum Content Form is required to propose a peace officer basic or in-service course, and a Class Roster/Notification of Completion is required at the completion of a course. These documents are submitted by the academy/school director.

Is there a written examination for Peace Officer basic training?

Yes. The course director is responsible for creating and administering an examination for the basic course.

What instructor qualifications are necessary to teach Peace Officer Courses?

All instructors must be certified by the MPTC or approved by DCJS.

Weapons training, such as firearms and other weapons, require instructors to be certified in that specialty area.

What if I took a Firearms Instructor Course with the FBI?

If an instructor has completed the 80-hour FBI Firearms Instructor Course, they must be evaluated by a MPTC certified Firearms Instructor Evaluator during their first hour of instruction

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in the classroom and their first hour of instruction on the range. Once completed, a copy of the instructor certificate must be submitted with the evaluation.

How do I get a certificate(s) for peace officer training?

It is the responsibility of the course director to file the Class Roster/Notification of Completion within ten days of the completion of a course. After DCJS processes the data, certificates will be issued and e-mailed to the course director for dissemination. The course director will be notified of any problems relating to the issuance of a certificate.

What if a student fails a portion of the Basic Course for Peace Officers?

Regulation requires students satisfactorily complete all aspects of training. No partial credit is given.

Students may repeat the course, in its entirety, as long as they are within the statutory time limits for certification established in Section 2.30 of the Criminal Procedure Law.

Remediation for borderline students may be offered at the course director's discretion and must be completed within the original time frame of the course.

Our agency authorizes the use of multiple weapons, do we need to do initial and/or annual Use of Force/Deadly Physical Force for each weapon?

No. An agency may utilize (initial or annual) use of force hours that were administered within the same calendar year. For example, students who received Use of Force training in January, during the Initial Firearms and Deadly Physical Force Course, may put those hours toward an Initial Other Weapons and Deadly Physical Force Course – Baton in June, and an Initial Other Weapons and Deadly Physical Force Course – Aerosol Subject Restraint in September. However, initial and annual Use of Force hours are not interchangeable.

As a Peace Officer, can I attend MPTC approved courses outside of the mandated courses?

The course director, for any course, ultimately decides who can attend a course being offered at their location. However, the issue is not attendance, but rather certification. Many courses offered have prerequisites that may not be satisfied by the mandated peace officer basic and/or initial weapons training. Certificates cannot be issued to officers who do not meet the prerequisites. For example, a peace officer may not receive certification in the operation of RADAR LIDAR devices, unless that officer can document that their official duties include the stopping of vehicles for speed violations, and that they have successfully completed training in NYS Vehicle and Traffic Law, vehicle stops, and interpersonal communication equivalent to that provided in the Basic Course for Police Officers.

Does a member of a Fire Police Squad need to take the Basic Course for Peace Officers?

Pursuant to General Municipal Law 209-c, if a member of a fire police squad has completed the Fire Police course approved by the Office for Fire Prevention and Control, they do

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not need to complete the Basic Course for Peace Officers. They must still be registered pursuant to Executive Law 845.

Once appointed to a peace officer title in NYS, can an officer with prior service from out-of-state obtain reciprocity for training completed in that jurisdiction?

Yes. In 2013, the rules governing peace officer training were amended to permit the evaluation of out-of-state law enforcement curriculum for parity with the Basic Course for Peace Officers. Peace officers may submit, through their NYS employer, copies of their curriculum form basic and in-service training completed while employed as a law enforcement officer in another state or with the federal government.

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