

# New Hampshire Police Standards & Training Council

**Administrative Rules**  
adopted pursuant to RSA 541-A:3  
under authority of RSA 188-F:22-32-d

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NEW HAMPSHIRE POLICE STANDARDS AND TRAINING COUNCIL RULES

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NEW HAMPSHIRE POLICE STANDARDS AND TRAINING COUNCIL

CHAPTER Pol 100 ORGANIZATIONAL RULES

PART Pol 101 DEFINITIONS

Pol 101.01 "Agency" means the department, division or governmental unit employing a police, corrections or probation/parole officer.

Pol 101.02 "Appointment" means investing a person with authority as a police, corrections or probation/parole officer as defined in RSA 188-F:23, I.

Pol 101.03 "Certification" means qualification by the council of a person to serve as a police, corrections or probation/parole officer after meeting the applicable requirements of these rules.

Pol 101.04 "Chairman" means the chairman of the police standards and training council.

Pol 101.05 "Chancellor" means the chancellor of the community college system of New Hampshire.

Pol 101.06 "Contested proceeding" means a proceeding in which the legal rights, duties, or privileges of a person are to be determined by the council after an opportunity for an adjudicative hearing.

Pol 101.07 "Controlled substance" means "controlled drug" as defined in RSA 318-B:1,VI, or "controlled drug analog", as defined in RSA 318-B:1,VI-a.

Pol 101.08 "Council" means the New Hampshire police standards and training council.

Pol 101.09 "County corrections academy" means basic training for county corrections officers approved by the council.

Pol 101.10 "County corrections officer" means an officer of a county department of corrections whose primary duty is the custody of prisoners at a county correctional institution and who is eligible to become a member of the group II retirement system.

Pol 101.11 "Corrections academy" means the basic training for state corrections officers of the New Hampshire department of corrections approved by the council.

Pol 101.12 "Corrections employee" means a civilian employee of the New Hampshire department of corrections who is not primarily responsible for the custody of prisoners and not a member of the group II retirement system.

Pol 101.13 "Corrections officer" means an officer of the New Hampshire department of corrections of any rank whose primary duty is custody of prisoners at a state correctional institution, and who is eligible to belong to the group II retirement system.

Pol 101.14 "Days" means calendar days.

Pol 101.15 "Department" means the community college system of New Hampshire.

Pol 101.16 "Director" means the unclassified state official appointed to administer the operations of the council, as provided in RSA 188-F:26, XIV.

Pol 101.17 "Discharge" means the agency dismissing a police or corrections officer.

Pol 101.18 "Effective date" means a date or dates on which action was taken by the appointing authority or council, as applicable, concerning the appointment, death, promotion, termination, certification, or revocation of certification of police or corrections officers.

Pol 101.19 "Elected police officer" means any person elected by the voters of a unit of government to serve as a police officer.

Pol 101.20 "Employee" means any person serving as a police, corrections or probation/parole officer, whether appointed or elected.

Pol 101.21 "Employee Status Notification Form A" means the form or portion of a form which is required to be completed and forwarded to the council by an agency when hiring a police or corrections officer.

Pol 101.22 "Employee Status Notification Form B" means the form or portion of a form which is required to be completed and forwarded to the council by an agency when an officer ceases to be employed by them for any reason, or when an employee is promoted to a higher rank or grade, or demoted to a lower rank or grade, or the officer changes type of employment (full-time to part time, or the opposite).

Pol 101.23 "Felony" means a crime classified by the State of New Hampshire as a felony at the time the crime was committed, or an equivalent crime in any other jurisdiction whether civilian or military, if the crime has elements similar to those of a felony under NH law at the time the offense was committed.

Pol 101.24 "Full-time police officer" means any law enforcement officer assigned to work on a regular basis for one or more employing units of government more than 1300 hours in any given consecutive 12 month period who:

- (a) Is authorized to make arrests for violations of the criminal, motor vehicle or boating laws of the state;
- (b) Is appointed or elected by the unit or units of government as a police officer; and
- (c) Performs those duties specifically for that/those unit(s) of government including:
  - (1) State troopers;
  - (2) Conservation officers;
  - (3) Special agents of the state liquor commission;
  - (4) Gaming enforcement investigators of the pari-mutuel commission invested with authority pursuant to RSA 21-P:4,VI;
  - (5) Marine patrol officers of the division of safety services;
  - (6) Deputy sheriffs;
  - (7) Town and city police officers;
  - (8) State harbor masters;
  - (9) Those persons invested with police powers by a municipal government to perform police functions for a college or university;
  - (10) Investigators appointed by the attorney general and invested with authority pursuant to RSA 21-M:3,VII; and
  - (11) Forest rangers invested with authority pursuant to RSA 227-G:9, II and RSA 227-G:9, III.

Pol 101.25 "Hiring authority" means the chief law enforcement officer of an agency, except when related to an employment action(s) regarding a chief law enforcement officer, in which case the term means a unit of government, agency or its authorized official with lawful authority to take employment action on the chief law enforcement officer.

Pol 101.26 "Imitation controlled drug" means an imitation controlled drug or analog as defined in RSA 318-B.

Pol 101.27 "Mental disorder" means a condition defined in the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association, also known as DSM-III-R, diagnosed by a psychologist or psychiatrist, based upon mental status examination or psychological testing.

Pol 101.28 "Moral character" means the degree or extent of an individual's honesty and respect for the law.

Pol 101.29 "Moral turpitude" means an illegal act involving dishonesty, deceit, theft, or willful misrepresentation.

Pol 101.30 "Part-time police officer" means any law enforcement officer who is not a full-time police officer and who is:

- (a) Authorized to make arrests for violations of the criminal, motor vehicle or boating laws of the state;
- (b) Appointed or elected by one or more units of government as a police officer; and
- (c) Performs those law enforcement duties specifically for those units of government including:
  - (1) Deputy sheriffs;
  - (2) Special, auxiliary and reserve officers of:
    - a. A local police department;
    - b. A county sheriff's department;
    - c. The division of state police;
    - d. The division of safety services;
    - e. The fish and game department;
    - f. State harbor masters;
    - g. A person invested with police powers by a municipal government to perform police functions for a college or university; or
    - h. The department of resources and economic development.

Pol 101.31 "Petitioner" means a party seeking action by the council.

Pol 101.32 "Police academy" means the basic training for full-time police officers which is conducted or approved by the council in accordance with the requirements contained in these rules.

Pol 101.33 "Probation/parole academy" means the basic training for state probation/parole officers conducted by the council.

Pol 101.34 "Probation/parole officer" means an "officer" as defined in RSA 188-F:23 (V).

Pol 101.35 "Probationary period" means employment as a police or corrections officer for a period of 12 consecutive months with a single agency.

Pol 101.36 "Promotion" means an advancement in rank, grade or position.

Pol 101.37 "Resignation" means a police or corrections officer giving up his/her position or office.

Pol 101.38 "Serious bodily injury" means "serious bodily injury" as defined in RSA 625:11, VI.

Pol 101.39 "Termination" means ceasing employment as a police or corrections officer, through either resignation, as defined in Pol 101.38, or discharge, as defined in Pol 101.39.

Pol 101.40 "Undue familiarity" means either developing or attempting to develop an inappropriate intimate, personal or financial relationship with a known criminal.

#### PART Pol 102 DESCRIPTION OF AGENCY

Statutory Authority: RSA 188-F:22-28

Pol 102.01 Scope of Council Authority. The council shall carry out the responsibilities delegated to it in RSA 188-F:26, and shall require hiring authorities to submit reports, documentation and information pertinent to the efficient functioning of the council, as described in these rules.

Pol 102.02 Administration of the Council.

(a) Pursuant to RSA 188-F:25, the council shall be a unit of the community college system of New Hampshire.

(b) The enforcement of council rules, the management and supervision of training programs conducted by or under the auspices of the council, the management of council property, the supervision and coordination of council employees and development of standard operating procedures and the conduct of day-to-day council operations shall be the responsibility of the director.

(c) The council shall delegate to the director from time to time such powers as allowed by RSA 188-F:26, XIV-a.

Pol 102.03 Membership of the Council. The council membership shall be as specified in RSA 188-F:24.

Pol 102.04 Officers of the Council. The officers of the council shall consist of a chair and a vice-chair, designated as provided in RSA 188-F:24, III. The vice-chair shall assume the duties of the chair in case of absence or disability.

Pol 102.05 Appointment of Director. The director shall be nominated and appointed as provided in RSA 188-F:26, XIV.

Pol 102.06 Quorum of the Council. A quorum shall consist of 6 members of the council, and as such, can operate with the same authority as the full council.

#### PART Pol 103 PUBLIC REQUESTS FOR INFORMATION.

Statutory Authority: RSA 188-F:26, IV, and RSA 541-A:2,I(b)

Pol 103.01 Contacting the Council. All requests for information, rules, declaratory judgments or other council action shall be made in accordance with RSA 91-A to the director at the council's headquarters, 17 Institute Road, Concord, NH 03301.

CHAPTER 200 RULES OF PRACTICE AND PROCEDURES  
PART Pol 201 PURPOSE AND SCOPE

Pol 201.01 Purpose. This chapter provides procedural rules for the conduct of hearings before the council affecting the rights or privileges of any person, including the role of council staff in adjudicatory hearings, procedural rules for rulemaking and declaratory hearings, and the procedures to be followed in rulemaking hearings.

Pol 201.02 Scope. The procedures specified in this chapter shall apply whenever hearings before the council are required by statute or rule.

PART Pol 202 DEFINITIONS

Pol 202.01 "Data" means all information, other than argument, including, but not limited to, comments, reports, maps, surveys, charts, sound recordings, pictorial reproductions, drawings, analyses, graphic representations, computer programs and printouts, testimony, notes, memoranda and documents, whether finished or unfinished.

Pol 202.02 "Ex parte communications" means the transmittal of data or argument concerning the merits of the subject matter of any hearing to or from an officer or employee of the council who is assigned to render a decision or make findings of fact and rulings of law in a given case without prior notice to all parties to the proceeding.

Pol 202.03 "Hearing" means the formal or informal receipt by the council of data or argument, or both, from persons.

Pol 202.04 "Motion" means any application by a party to a proceeding for an order relating to the proceeding.

Pol 202.05 "Order" means a document issued by the council requiring a person to do, or to abstain from doing, something.

Pol 202.06 "Party" means "party" as defined in RSA 541-A:1, XII.

Pol 202.07 "Person" means "person" as defined in RSA 541-A:1, XIII.

Pol 202.08 "Presiding officer" means "presiding officer" as defined in RSA 541-A:1, XIV.

Pol 202.09 "Proceeding" means any investigation or adjudication in which the legal rights, duties or privileges of a person are required by statute or rule to be determined by the council after opportunity for a hearing.

PART Pol 203 PETITIONS TO THE COUNCIL

Pol 203.01 Petitions for Adoption, Amendment, or Repeal of a Rule. The following shall apply to rulemaking petitions:

(a) Any interested person may petition the council, in writing, through the director, requesting the adoption, amendment or repeal of a rule.

(b) Such petitions shall conform to the requirements set out in Pol 203.03.

(c) Such petitions shall be received and disposed of as follows:

(1) Petitions shall be submitted to the office of the director;

(2) If the director decides that any petition is deficient in any respect, the director shall, within 10 working days of receipt of the deficient petition, notify the petitioner in writing of the specific deficiencies and allow the petitioner to amend the petition;

(3) Within 30 days of receipt of a complete petition, the council shall take one of the following actions:

a. Initiate the requested procedure in accordance with RSA 541-A:3 if the requested action is:

1. Within the authority of the council;
2. Consistent with and best implements state statutes affecting the council; and
3. A policy change the council determines to be in the best interest of the state; or

b. Deny the petition, in writing, stating fully the reasons for denial, subject to appeal of the denial to the council.

Pol 203.02 Petitions for Declaratory Rulings. The following shall apply to petitions for declaratory rulings:

(a) Any interested person may petition the council, through the director, requesting a declaratory ruling on the applicability of any statute or rule administered or enforced by the council.

(b) Such petitions shall conform to the requirements set out in Pol 203.03.

(c) Such petitions shall be received and disposed of in the following manner:

(1) Petitions shall be submitted to the director;

(2) If the director determines that any petition is deficient in any respect, the director shall, within 10 working days of receipt of the deficient petition, notify the petitioner in writing of the specific deficiencies and allow the petitioner to amend the petition; and

(3) When a complete petition for a declaratory ruling has been received by the director, the director shall take one of the following actions:

a. Put the item on the agenda for consideration at the next regularly scheduled council meeting; or

b. When legal advice appears necessary, request the opinion of the department of justice within 20 working days, and place the item on the agenda for the next regularly scheduled council meeting on receipt of the attorney general's reply.

(4) The council shall issue a declaratory ruling responsive to an acceptable petition within 60 days of receipt of the acceptable petition, or within 60 days of receipt of the attorney general's reply, as applicable.

Pol 203.03 Petition Information. Each petition for adoption, amendment, or repeal of a rule, or for a declaratory ruling shall conform to the following:

(a) Each petition shall be in legible written form and addressed to the director: Office of the Director, New Hampshire Police Standards and Training Council, 17 Institute Drive, Concord, New Hampshire, 03301;

(b) Each petition shall include the name and address of the petitioner, and, if applicable, the name and address of the organization the petitioner represents;

(c) The petition shall state in detail why the council should make such a ruling;

(d) The petitioner shall cite the rule to be amended or repealed and shall specify any amendments to be made. If adoption of a new rule is sought, the petition shall provide the text of the proposed rule. If a declaratory ruling is sought, the petitioner shall cite the statute or rule and provide all information in his or her possession or available to him/her which is material to the declaratory ruling; and

- (e) The petitioner shall sign and include the date of the petition.

#### PART Pol 204 FILING AND SERVICE OF DOCUMENTS

Pol 204.01 Filing of Documents with the Council. The following shall apply to filing of documents with the council:

- (a) A document shall be considered filed when it is actually received at the office of the police standards and training council in Concord and conforms with the requirements of this chapter. A document tendered for filing which is patently and facially in violation of the council's rules shall be returned to the sender and not accepted for filing.

- (b) All correspondence to the council shall be addressed to the director at the council facility in Concord.

- (c) All documents filed shall be filed with an original. Photocopies or facsimile copies shall not be accepted.

Pol 204.02 Subscriptions and Veracity of Documents. All petitions, motions, and replies filed with the council shall be signed by the proponent of the document, or, if the party appears by a representative, by the representative.

Pol 204.03 Service of Documents. The following shall apply to service of documents:

- (a) Petitions for rulemaking and petitions for declaratory rulings shall be filed with the council without service upon other persons.

- (b) All petitions, motions, replies, exhibits, memoranda, or other documents filed in an adjudicatory proceeding shall be served by the proponent on the council by:

- (1) Depositing the document in the United States mail, first class postage prepaid, addressed to the council no later than 7 days prior to the proceeding or action; or

- (2) Delivering a copy of the document in hand no later than 5 days prior to the date of the proceeding or action.

- (c) All notices, orders, decisions, or other documents issued by the council in the course of an adjudicatory proceeding shall be served by the council to all parties to the proceeding by either:

- (1) Depositing a copy of the document, first class postage prepaid, in the United States mail, addressed to the last address given to the council by the party being served; or

- (2) Delivering a copy of the document in hand to the party.

- (d) When a party has appeared by a representative, service shall be upon the representative, provided however, that timely service which is actually received by a party shall be sufficient regardless of whether the party's representative was also served.

- (e) Except for exhibits distributed at a pre-hearing conference or proceeding, every document filed with the council, and required to be served upon the parties to an adjudicatory proceeding, shall be accompanied by a certificate of service, signed by the person making service, attesting to the method and date of service, and the persons served.

#### PART Pol 205 HEARINGS

Pol 205.01 Representation of Affirmative. The director or his or her designee, or such other person that the council designates shall represent the affirmative side of any proposition brought in the council's name.

Pol 205.02 Commencement of Proceeding.

(a) The director, or his or her designee, shall review information received relating to an officer's eligibility to be certified, the decertification of an officer, or an agency's compliance with the council's rules, and make a preliminary determination of probable cause to hold a hearing on the matter, or refer the matter to the council for a determination on whether a hearing is necessary.

(b) The council shall, on its own motion direct the staff to commence an investigation and hearing if it receives information from a source that it deems credible outlining a potential violation of council rules.

Pol 205.03 Designation. The following shall apply to the presiding officer:

(a) Adjudicatory proceedings commenced by the council shall be conducted by a presiding officer.

(b) The chairman, or in his or her absence or recusal, the vice-chairman of the council shall serve as the presiding officer.

(c) The council shall, if it becomes necessary, and without notice or hearing, replace the presiding officer. In the absence or recusal of both the chair and vice-chair, the council shall select by majority vote a presiding officer for the proceeding.

(d) Examples of situation where the replacement of the presiding officer would be necessary shall include but not be limited to:

(1) Illness or incapacity of the presiding officer;

(2) Appearance of a conflict of interest;

(3) Actual conflict of interest;

(4) Whenever it appears to the council that the interests of the parties involved so require replacement; and

(5) The presiding officer personally believes that s/he cannot fairly judge the facts of the case.

(e) Mere knowledge of the issues, the parties or any witness shall not constitute good cause for replacement.

Pol 205.04 Informal Conferences. The following shall apply to informal conferences:

(a) Upon request of any party, or upon the council's own motion, the presiding officer shall schedule one or more informal conferences prior to the commencement of formal proceedings. All parties shall be provided prior notice of any informal conference from the presiding officer.

(b) Said informal conferences may include, but shall not be limited to, consideration of the following:

(1) Offers of settlement;

(2) Simplifications of the issues;

(3) Stipulations or admissions as to issues of fact or proof by consent of the parties;

(4) Limitations on the number of witnesses;

(5) Changes to standard procedures desired during the hearing;

(6) Stipulations to eliminate repetitive testimony or provide for the taking of depositions by the parties; and

(7) Any other matters which will aid in the disposition of the proceeding.

(c) The presiding officer shall cause all oral proceedings, such as informal conferences and hearings, to be recorded verbatim. These audio recordings shall be part of the record. Any person entitled by RSA 91-A thereto may request a copy of such recording, or request transcription. The requesting party shall pay all actual costs for such transcription.

(d) A proposed order incorporating the matters determined at all pre-hearing conferences shall be issued and served to all parties.

Pol 205.05 Settlements. The following shall apply to settlements:

(a) Upon agreement by all parties to an offer of settlement, the presiding officer shall cause a formal document to be drawn up which specifies the terms of such settlement.

(b) The settlement shall not become final unless all parties shall sign the agreed upon document and until approved by the council at an official meeting.

(c) By signing the document, all parties shall thereby agree to waive their right to an adjudicatory proceeding.

(d) Copies of the document shall be distributed to all parties, and the original shall be retained by the council.

Pol 205.06 Withdrawal of Action by the Director. The following shall apply to the withdrawal of action by the director:

(a) Notwithstanding the provisions of Pol 205.03, the director or his or her designee shall meet informally at the request of the opposing party prior to any hearing on a complaint being brought by the director or his or her designee, for the purpose of narrowing the issues to be litigated or arriving at a pre-hearing settlement in which the director agrees to withdraw the complaint.

(b) The results of any such conference shall be reduced to writing and signed by all parties to the action.

Pol 205.07 Intervention. The following shall apply to intervention:

(a) A non-party may intervene in a matter pending before an agency under the provisions of RSA 541-A:32 by filing a motion stating facts demonstrating that the non-party's rights or other substantial interests might be affected by the proceeding or that the non-party qualifies as an intervenor under any provision of law.

(b) If the presiding officer determines that such intervention would be in the interests of justice and would not impair the orderly and prompt conduct of the hearing, he or she shall grant the motion for intervention.

(c) Except as limited by the presiding officer under RSA 541-A:32, III, an intervenor shall be entitled to participate in a hearing as a party.

#### PART Pol 206 CONDUCT OF HEARINGS

Pol 206.01 Notice of Hearings. The following shall apply to notice of hearings:

(a) All notice of hearings shall:

(1) Be prepared and forwarded so as to afford all parties sufficient opportunity to prepare for and develop the issues to be considered and decided at the hearing;

(2) Be prepared in writing and forwarded to the parties in a sealed envelope, either through the United States mail or by personal service; and

(3) Be forwarded to an attorney if the attorney has filed an appearance on behalf of a party.

(b) All notices of hearings shall contain the following:

- (1) The time, date and place of the hearing;
- (2) The legal authority under which the hearing is to be held;
- (3) A brief description of the reasons which have caused said hearing to be called, to include identification of any statute or rule allegedly violated by the party being notified;
- (4) Notice of the existence and availability of rules relative to the conduct of the hearing, and the place said rules may be obtained;
- (5) The necessity, if any, to produce documents or other articles of evidence at the hearing pursuant to the authority contained in RSA 188-F:26, II-a;
- (6) The consequence of failing to appear at the hearings as directed;
- (7) A statement that upon request, the council will furnish a more detailed statement of the issues involved within a reasonable time;
- (8) A statement that each party has the right to have an attorney represent them at their own expense; and
- (9) A statement that each party has the right to have the agency provide a certified shorthand court reporter at the party's expense and that any such request shall be submitted in writing at least 10 days prior to the hearing.

Pol 206.02 Scheduling of Hearing. The date set for hearing shall allow sufficient and reasonable time for preparation of the case by council and all parties.

Pol 206.03 Failure to Appear. The following shall apply to a failure to appear:

- (a) Except as provided in (b), if a party to whom notice has been served in accordance with this chapter fails to appear at a hearing and fails to advise the council of non-appearance prior to the scheduled time of the hearing, he or she shall have a decision rendered against him or her which shall result in adverse administrative action by default.
- (b) There shall be no decision rendered against said party if, within 7 days of the originally scheduled hearing, the party can show good cause for failing to appear at the hearing. Good cause shall include illness, accident, death of a family member, or similar problem beyond the party's control.

Pol 206.04 Representation. The following shall apply to representation:

- (a) Parties shall have the right to represent themselves, or be represented by an attorney licensed in New Hampshire, or be represented by any individual whom they shall so designate, by assigned writing.
- (b) Parties or their representatives shall be permitted to cross examine witnesses, and to present evidence and witnesses on their own behalf.

Pol 206.05 Conduct of Representation. The following shall apply to conduct of representation:

- (a) Persons representing parties or intervenors in adjudicative hearings shall treat the process and the following persons with respect, fairness, and candor:
  - (1) All other participants including parties, intervenors, witnesses, and representatives; and
  - (2) Council members and any person presiding over the proceeding.

(b) To comply with (a), above, representatives shall comply with the following:

- (1) The representative shall not make a claim or assertion unless there is admissible evidence which supports such claim or assertion;
- (2) The representative shall not, personally or through another, deliberately make a false or misleading statement of material fact or law during the course of the proceedings;
- (3) The representative shall not, personally or through another, deliberately inhibit or delay access to, conceal unprivileged evidence from other participants, or destroy unprivileged evidence before or during the proceedings;
- (4) The representative shall not, personally or through another, knowingly violate the requirements of any provision of this section, regardless of whether or not an advantage is gained thereby;
- (5) The representative shall not, during the proceedings:
  - a. Offer his or her opinion as to matters at issue in the proceedings, except in opening statements, closing arguments, and when requested by any person presiding over the proceedings; or
  - b. Attempt to influence any person presiding over the proceedings on an ex parte basis;
- (6) The representative shall not engage in behavior that disrupts the proceedings, including but not limited to:
  - a. Delaying the proceedings only for the sake of delay;
  - b. Making frivolous claims or filing frivolous motions;
  - c. Using language so as to be deliberately offensive or verbally abusive to any participant; and
  - d. Employing tactics that have no purpose other than to embarrass or burden any participant;
- (7) The representative shall not personally or through another contact any participant directly if the representative knows that such other person also has representation;
- (8) A non-attorney representative shall not, pursuant to RSA 311:7, act as a representative for another in more than 3 proceedings in any 2 year period; and
- (9) The representative shall not engage in any other act that is in any way dishonest or lacking in candor toward any participant or any person presiding over the proceedings.

(c) For any representative, violation of any provision of (b), above, shall constitute misconduct under these rules.

(d) If any person presiding over the proceedings believes that a representative has committed misconduct during the proceedings, the person shall:

- (1) Warn the representative on the record, indicating the nature of the misconduct believed to have occurred, and take no further action;
- (2) Inform the representative that, after the conclusion of the proceedings, the person presiding over the proceedings will file a complaint alleging misconduct by the representative; or
- (3) Suspend the proceedings and file a complaint alleging misconduct by the representative.

(e) The person presiding over the proceedings shall implement:

(1) The provisions of (d)(1), above, if the misconduct alleged to have occurred does not prejudice any other participant;

(2) The provisions of (d)(2), above, if the misconduct alleged to have occurred prejudices any other participant, but action can be and is taken to mitigate any such prejudice; and

(3) The provisions of (d)(3), above, if the misconduct alleged to have occurred prejudices any other participant, but action cannot be taken to mitigate any such prejudice, or if a continuing course of misconduct makes it impossible to continue a proceeding.

(f) Any person who, after notice and opportunity for hearing pursuant to Pol 205, is found to have committed misconduct shall be barred from appearing as a representative before the council as provided below:

(1) For the first act of misconduct the bar shall be for 6 months;

(2) For the second act of misconduct the bar shall be for one year; and

(3) For the third or subsequent act of misconduct the bar shall be permanent.

Pol 206.06 Authority of Presiding Officer. Subject to the statutes and rules governing the council, the presiding officer shall:

(a) Schedule and hold hearings;

(b) Regulate and control the course of hearings;

(c) Administer oaths or affirmations;

(d) Receive relevant evidence;

(e) Take official notice of facts which are of common knowledge and general notoriety;

(f) Dispose of procedural requests, including adjournments or continuances, at the request of parties or on his/her own motion;

(g) Hold informal conferences to aid in the prompt and efficient disposition of the proceedings;

(h) Interview and examine witnesses;

(i) Cause a complete record of any proceeding to be made;

(j) Take any other action, consistent with applicable statutes and rules, necessary to conduct and complete the proceeding in a fair and timely manner; and

(k) Issue subpoenas to compel the attendance of witnesses at hearings or the production of documents, if so authorized by law.

Pol 206.07 Oaths or Affirmations. The presiding officer shall administer an oath or affirmation to all individuals who wish to present testimony at any hearing.

Pol 206.08 Record of Hearing. The following shall apply to the record of the hearing:

(a) The presiding officer shall cause all oral proceedings under this part to be recorded. The recordings shall become part of the record for decision and shall be available to all parties for examination and copying.

(b) The presiding officer shall make available a copy of the recording or transcription to any person entitled under RSA 91-A requesting such within 30 days of such request. The requesting party shall pay all actual costs for such transcriptions or copies.

Pol 206.09 Motions. The following shall apply to motions:

(a) Motions shall be in written form, unless presented at the hearing. All motions shall be included in the record of the proceeding.

(b) Oral motions and any oral objections shall be recorded in full in any transcript of the hearing. If the presiding officer finds that the motion requires additional information in order to be fully and fairly considered, the presiding officer shall direct the moving party to submit the motion in writing with supporting information.

(c) All motions shall be decided by the presiding officer upon the writings submitted, unless oral argument on the motion is presented by a party.

(d) Objections to written motions shall be filed within 15 days of the date of the motion.

(e) Failure by an opposing party to object to a motion shall not in and of itself constitute grounds for granting the motion.

(f) The presiding officer shall rule upon a motion after full consideration of all objections and other facts relevant to the motion.

Pol 206.10 Standard and Order of Proof. The party asserting a proposition shall bear the burden of proving the truth of the proposition by a preponderance of the evidence.

Pol 206.11 Burden of Proof. In all proceedings governed by this chapter the party asserting the affirmative of a proposition shall have the burden of proving the truth of that proposition, by a preponderance of the evidence.

Pol 206.12 Testimony; Order of Proceeding.

(a) Any individual offering testimony, evidence or arguments shall state for the record his or her name and role in the hearing. If the individual is representing another person, the person being represented shall also be identified.

(b) Testimony on behalf of the parties shall be offered in the following order:

(1) The testimony of the party or parties bearing the overall burden of proof and such witnesses as such party or parties may call; and

(2) Thereafter the testimony of the party or parties opposing the party who bears the overall burden of proof and such witnesses as such party or parties may call.

Pol 206.13 Evidence. The following shall apply to evidence:

(a) Hearings shall not be bound by the New Hampshire rules of evidence, nor by technical or formal rules of procedure.

(b) All relevant, material evidence shall be admissible. Such evidence may include, but is not limited to, depositions, affidavits, official documents and testimony of witnesses.

(c) The presiding officer shall exclude evidence that is irrelevant, immaterial, or unduly repetitious.

Pol 206.14 Concluding Proceeding. No party shall be required to rest his/her case at a particular time, except when the presiding officer is reasonably certain that all relevant evidence, rebuttal and re-rebuttal have been heard.

Pol 206.15 Ex Parte Communications. Ex parte communications of any kind during the pendency of the proceeding shall be prohibited except as provided in RSA 541-A:36 and Pol 202.02.

Pol 206.16 Continuances. The following shall apply to continuances:

- (a) Any party to a hearing may make an oral or written motion that a hearing be continued to a later date or time.
- (b) If a postponement is requested by a party to the hearing, it shall be granted if the presiding officer determines that good cause has been demonstrated.
- (c) Good cause pursuant to (b) above shall include but is not limited to:
  - (1) The unavailability of parties, witnesses or attorneys necessary to conduct the hearing;
  - (2) The likelihood that a hearing will not be necessary because the parties have reached a settlement; or
  - (3) Any other circumstances that demonstrate that a postponement would assist in resolving the case fairly.
- (d) If the later date, time and place are known at the time of the hearing that is being continued, the date, time and place shall be stated on the record. If the later date, time and place are not known at the time of the hearing that is being postponed, the presiding officer shall issue a written order stating the date, time and place of the continued hearing as soon as practicable.

Pol 206.17 Waiver of Hearings Rules. The following shall apply to the waiver of hearings rules.

- (a) The presiding officer, upon his or her own initiative or upon the motion of any party, shall suspend or waive any requirement or limitation imposed by this chapter upon reasonable notice to affected persons when the proposed waiver or suspension appears to be lawful, and would be more likely to promote the fair, accurate and efficient resolution of issues pending before the agency than would adherence to a particular rule or procedure.
- (b) The rules that are waived shall be made part of the record of the proceedings.

Pol 206.18 Subpoenas. The following shall apply to subpoenas:

- (a) The person to whom the subpoena is directed may file a motion to quash or modify the subpoena.
- (b) Any motion to quash or modify a subpoena shall be filed:
  - (1) Within 10 days after service of the subpoena; or
  - (2) By the date specified in the subpoena for compliance therewith, if that date is less than 10 days after the date of service.
- (c) Upon receipt a motion to quash or modify a subpoena, the presiding officer shall determine the merits of the motion based upon the written submissions.
- (d) The person to whom the subpoena is directed shall not be required to comply therewith until the presiding officer rules upon the motion to quash or modify.
- (e) If the motion to quash or modify is granted in whole or in part, the person to whom the subpoena is directed shall comply within the balance of time prescribed in the subpoena, which shall be extended to include the time elapsed between the filing of motion to quash or modify to the service of the ruling thereon.
- (f) A subpoena shall be served in the manner authorized for service of subpoenas of the New Hampshire superior courts.

Pol 206.19 Computation of Time.

- (a) Unless otherwise specified, all time periods referenced in this chapter shall be calendar days.
- (b) Computation of any period of time referred to in these rules shall begin with the day after the action which sets the time period in motion, and shall include the last day of the period so computed.
- (c) If the last day of the period so computed falls on a Saturday, Sunday or legal holiday, then the time period shall be extended to include the first business day following the Saturday, Sunday or legal holiday.

Pol 206.20 Voluntary Production of Information

- (a) Each party shall attempt in good faith to make complete and timely response to requests for the voluntary production of information or documents relevant to the hearing.
- (b) When a dispute between parties arises concerning to a request for the voluntary production of information or documents, any party may file a motion to compel the production of the requested information under Pol 206.21.

Pol 206.21 Motions to Compel Production of Information

- (a) Any party may make a motion requesting that the presiding officer order the parties to comply with information requests. The motion shall be filed at least 30 days before the date scheduled for the hearing, or as soon as possible after receiving the notice of hearing if such notice is issued less than 30 days in advance of the hearing.
- (b) The moving party's motion shall:
  - (1) Set forth in detail those factors which it believes justify its request for information; and
  - (2) List with specificity the information it is seeking to discover.
- (c) When a party has demonstrated that such requests for information are necessary for a full and fair presentation of the evidence at the hearing, the presiding officer shall grant the motion.

Pol 206.22 Mandatory Pre-Hearing Disclosure of Witnesses and Exhibits

- (a) At least 5 days before the hearing the parties shall exchange a list of all witnesses to be called at the hearing with a brief summary of their testimony, a list of all documents or exhibits to be offered as evidence at the hearing, and a copy of each document or exhibit.

Pol 206.23 Proposed Findings of Fact and Conclusions of Law

- (a) Any party may submit proposed findings of fact and conclusions of law to the presiding officer prior to or at the hearing.
- (b) Upon request of any party, or if the presiding officer determines that the proposed findings of fact and conclusions of law would serve to clarify the issues presented at the hearing, the presiding officer shall specify a date after the hearing for the submission of proposed findings of fact and conclusions of law.
- (c) In any case where proposed findings of fact and conclusions of law are submitted, the decision shall include rulings on the proposals.

Pol 206.24 Agency Staff. Agency staff who have been designated by the council or director to request a hearing and present the council's case shall fully participate in the hearing. Other agency staff shall have no role in the hearing unless called as a witness.

PART Pol 207 FINDINGS AND ORDERS

Pol 207.01 Decisions. The following shall apply to decisions:

- (a) All decisions rendered by the council shall be made on the basis of the evidence of record only.

Pol 207.02 Orders. The following shall apply to orders:

- (a) Within 7 days after the conclusion of the hearing, the presiding officer shall issue an order reflecting the action to be taken by the council and the reason therefore. Said order shall be sent to the parties through the United States mail, or by personal delivery.

- (b) The order shall constitute a final action on the part of the council.

#### PART Pol 208 RECONSIDERATION AND STAY

Pol 208.01 Motion for Reconsideration or Rehearing. The following shall apply to a motion for reconsideration or rehearing:

- (a) An adjudicatory order of the council, including an order denying a petition for declaratory rulings or rulemaking, shall not be final until the date it is served upon the parties pursuant to Pol 207.02(a).

- (b) Within 30 days after service of a final adjudicatory order of the council, any party may file a motion for reconsideration which, if the action is subject to judicial review under RSA 541, shall serve as a petition for rehearing under that statute. No distinction shall be made between the terms "reconsideration" and "rehearing".

- (c) Motions for reconsideration shall not be accepted for orders adopting emergency or interim rules titled under RSA 541-A:18 or RSA 541-A:19, for final proposals filed under RSA 541-A:12, or for final rules modified in response to legislative committee objections pursuant to RSA 541-A:13.

- (d) A motion for reconsideration pertaining to (a) or (b) above, shall include any memorandum of law the petitioner wishes to submit, shall identify each error of fact, error of reasoning, or erroneous conclusion contained in the final order which the moving party wishes reconsidered, and shall also concisely state the correct factual finding, correct reasoning, and correct conclusion urged by the moving party.

- (e) The council shall grant or deny the motion, or any part thereof, on its merits, or treat the motion as one for reopening, and grant it pending the receipt of such additional data or additional argument as it considers necessary.

Pol 208.02 Reconsideration on the Council's Own Motion. The following shall apply to reconsideration on the council's own motion:

- (a) Within the time frame specified in Pol 208.01 (b), the council shall vote to reconsider any final action on its own motion, when the council believes that a decision rendered contains a material error of fact or law.

- (b) If reconsideration is based upon the existing record, prior notice shall not be given to the parties.

- (c) If the council believes further argument or data should be considered, an appropriate order providing the parties with notice and an opportunity to be heard shall be issued before any revision is made in the council's previous action.

- (d) The council shall revise, or reverse the action under reconsideration when the council determines that the arguments presented constitute a material error of fact or law requiring an alternate decision.

Pol 208.03 Stay of Council Orders. The following shall apply to stay of council orders:

- (a) A stay of order action shall be specifically requested. The mere filing of a motion for reconsideration shall not operate as a stay of any order, but a motion for stay may be combined with a motion for reconsideration.

(b) A motion for stay shall be considered only if it is filed within the time period for requesting reconsideration specified in Pol 208.01(a).

(c) A motion for stay shall be granted when the council determines that the arguments presented in the motion exhibit good cause.

(d) Examples of good cause shall include, but not be limited to:

- (1) Claims of inadequate legal representation at the initial hearing;
- (2) Manifest injustice; or
- (3) Irreparable financial harm.

(e) The council, acting on its own motion, shall vote to stay the effect of any council order within the time period specified in subparagraph (b), above, with or without issuing a corresponding order to reconsider or reopen the proceeding.

#### PART Pol 209 EXPLANATION OF ADOPTED RULES

Pol 209.01 Requests for Explanation of Adopted Rules. The following shall apply to requests for explanation of adopted rules:

(a) Any interested person may, within 30 days of the final adoption of a rule, request a written explanation of that rule by making a written request to the council including:

- (1) The name and address of the individual making the request; or
- (b) If the request is that of an organization or other entity, the name and address of such organization or entity and the name and address of the representative authorized by the organization or entity to make the request.

Pol 209.02 Contents of Explanation. The following shall apply to the contents of explanations of adopted rules:

(a) The council shall, within 90 days of receiving a request in accordance with Pol 209.01, provide a written response which:

- (1) Concisely states the meaning of the rule adopted;
- (2) Concisely states the principal reasons for and against the adoption of the rule in its final form; and
- (3) States, if the council did so, why the board overruled any arguments and considerations presented against the rule.

#### PART POL 210 PUBLIC COMMENT HEARINGS

Pol 210.01 Purpose. The purpose of this part is to provide uniform procedures for the conduct of public comment hearings held pursuant to RSA 541-A:11.

Pol 210.02 Public Access and Participation. The following shall apply to public access and participation in public comment hearings:

(a) Public comment hearings shall be open to the public, and members of the public shall be entitled to testify, subject to the limitations of Pol 210.03.

(b) People who wish to testify shall be asked to write on the speaker's list:

- (1) Their full names and addresses; and
- (2) The names and addresses of organizations, entities or other persons whom they represent, if any.

(c) Written comments, which may be submitted in lieu of or in addition to oral testimony, shall be accepted for 10 days after the adjournment of a hearing or after the adjournment of a postponed or continued hearing.

Pol 210.03 Limitations on Public Participation. The following shall apply to limitations on public participation in public comment hearings:

(a) The council's chair or other person designated by the council to preside over a hearing shall:

(1) Refuse to recognize for speaking or revoke the recognition of any person who:

- a. Speaks or acts in an abusive or disruptive manner;
- b. Fails to keep comments relevant to the proposed rules that are the subject matter of the hearing;  
or
- c. Restates more than once what he or she has already stated; and

(2) Limit presentations on behalf of the same organization or entity to no more than 3, provided that all those representing such organization or entity may enter their names and addresses into the record as supporting the position of the organization or entity.

Pol 210.04 Media Access. The following shall apply to media access at a public comment hearing:

(a) Public comment hearings shall be open to print and electronic media, subject to the following limitations when such limitations are necessary to allow a hearing to go forward:

- (1) Limitation of the number of media representatives when their number together with the number of members of the public present exceeds the capacity of the hearing room;
- (2) Limitation on the placement of cameras to specific locations within the hearing room; or
- (3) Prohibition of interviews conducted within the hearing room before or during the hearing.

Pol 210.05 Conduct of Public Comment Hearings. The following shall apply to the conduct of public comment hearings:

(a) Public comment hearings shall be attended by a quorum of the council.

(b) Public comment hearings shall be presided over by the council chair or a council member knowledgeable in the subject area of the proposed rules who has been designated by the council to preside over the hearing.

(c) The chair or other person presiding over a hearing shall:

- (1) Call the hearing to order;
- (2) Identify the proposed rules that are the subject matter of the hearing and provide copies of them upon request;
- (3) Cause a recording of the hearing to be made;
- (4) Recognize those who wish to be heard;
- (5) If necessary, establish limits pursuant Pol 210.03 and Pol 210.04;

- (6) If necessary to permit the hearing to go forward in an orderly manner, effect the removal of a person who speaks or acts in a manner that is personally abusive or otherwise disrupts the hearing;
  - (7) If necessary, postpone or move the hearing; and
  - (8) Adjourn or continue the hearing.
- (d) A hearing shall be postponed in accordance with RSA 541-A:11, IV when:
- (1) The weather is so inclement that it is reasonable to conclude that people wishing to attend the hearing will be unable to do so;
  - (2) The council chair or other person designated by the council to preside over the hearing is ill or unavoidably absent; or
  - (3) Postponement will facilitate greater participation by the public.
- (e) A hearing shall be moved to another location in accordance with RSA 541-A:11, V when the original location is not able to accommodate the number of people who wish to attend the hearing.
- (f) A hearing shall be continued past the scheduled time or to another date in accordance with RSA 541-A:11, III when:
- (1) The time available is not sufficient to give each person who wishes to speak a reasonable opportunity to do so; or
  - (2) The capacity of the room in which the hearing is to be held does not accommodate the number of people who wish to attend and it is not possible to move the hearing to another location.

CHAPTER Pol 300 APPLICATION AND QUALIFICATION  
PART Pol 301 APPLICATION PROCEDURES

Statutory Authority: RSA 188-F:23, 26-28

Pol 301.01 High School Diploma or Equivalent. Each applicant for employment as a police, corrections or probation/parole officer shall meet the following requirements relative to applicant's education:

- (a) No person shall be employed as a full or part-time police, corrections or probation/parole officer who is not a high school graduate, except as provided in (c) or (d) below.
- (b) A legible copy of the person's high school diploma or transcript shall be submitted to the council with the council Form "A".
- (c) In the absence of a diploma, the applicant shall submit a General Educational Development (G.E.D.) certificate issued as prescribed by the New Hampshire department of education or an equivalent body of another state or territory.
- (d) In the absence of proof of successful high school completion or G.E.D. test, the applicant shall submit a transcript verifying successful completion of 2 years of postsecondary education at any college, university or other postsecondary institution accredited by an accrediting body recognized by the state department of education.

Pol 301.02 Fingerprints and Criminal Record Checks. Each applicant shall meet the following requirements relative to the applicant's fingerprint and criminal and motor vehicle record checks:

- (a) The hiring authority shall cause each applicant for employment as a police, corrections or probation/parole officer to be fingerprinted, notwithstanding that the applicant may already be employed by another agency or is already a

certified officer. The applicant's fingerprints shall be submitted to the division of state police for the purpose of determining the existence of any criminal history record. The hiring authority shall also check for the existence of a criminal history record and motor vehicle violation history record in New Hampshire and wherever the applicant has resided.

(b) No applicant who has been convicted of a felony under federal law, or the law of this or any other state, province, territory or country, unless he/she has been pardoned, shall be appointed as a full-time or part-time police, corrections or probation/parole officer.

(c) Pursuant to RSA 651:5, XI (b), the council shall consider the existence of an annulled criminal record in determining the fitness of an individual to serve as a law enforcement officer, in accordance with the criteria of Pol 301.05(g).

Pol 301.03 Citizenship. No person shall be appointed as a police officer unless he/she is a citizen of the United States.

Pol 301.04 Physical Examination. Each applicant shall meet the following requirements relative to the applicant's physical examination:

(a) Each uncertified person employed as a police or corrections officer, after being issued a conditional offer of probationary employment by the hiring authority, shall undergo a physical examination by a New Hampshire licensed physician. For the purposes of this rule, "licensed physician" shall also include a licensed health care provider.

(b) The examination shall be conducted in order to provide all of the information specified on the council form "D".

(c) The licensed physician shall provide on council form "D" the following information:

- (1) Name, date of birth, height, weight, and general appearance of examinee;
- (2) Results of a visual acuity test on the examinee;
- (3) Lung breath sounds and rales;
- (4) Date of chest X-ray, if given;
- (5) Chest configuration, measurements and auxiliary nodes;
- (6) Blood pressure, pulse rate, and heart sounds and rhythm at rest, after moderate exercise and three minutes after exercise;
- (7) Condition of circulation to extremities and any abnormalities noted;
- (8) Results of nervous system tests including Romberg and knee-jerk tests;
- (9) Results of abdominal examination and any abnormalities noted;
- (10) Examination of the eyes, ears, nose, throat and teeth, and any abnormalities noted;
- (11) Mobility, symmetry and posture of the musculoskeletal system, including spine, upper and lower extremities, with notation of any limited function or missing parts;
- (12) Any physical, mental or emotional conditions which in the opinion of the physician suggest further examination;

- (13) Results of an EKG test, if required by the agency, or otherwise indicated by abnormal heart sounds and rhythms, or if the applicant is more than 40 years of age;
  - (14) A certification that the examining physician has no reservations about the examinee's ability to participate without restrictions in a rigorous physical training program or perform the duties of a police or corrections officer, as appropriate;
  - (15) Name, address and signature of physician; and
  - (16) Date of examination.
- (d) Council form "D" shall also contain a report of medical history section which shall be completed by the examinee.
- (e) The medical history section of the Form "D" shall include information regarding:
- (1) History of prior diseases;
  - (2) Hospitalizations;
  - (3) Medical treatment;
  - (4) Allergies;
  - (5) Medical disabilities;
  - (6) Illnesses or injuries; and
  - (7) Whether or not the examinee:
    - a. Has ever been discharged from the military service for medical reasons;
    - b. Received a disability pension or compensation;
    - c. Been denied insurance or refused employment for medical reasons; or
    - d. Has ever sought worker compensation benefits for an accident or illness.
- (f) The form shall also contain a signed release by the examinee to allow doctors, hospitals or clinics involved in treatment of the examinee to release the examinee's medical transcript to the council. It shall also contain a section where the examining physician may enter any comments on the reported medical history, and the name, address and signature of the examining physician.

Pol 301.05 Background Investigation. The following shall apply to the background investigation required on the applicant by the agency:

(a) The hiring authority shall conduct, or cause to be conducted, a background investigation before appointing a person or investing with authority any person elected as a police, corrections or probation/parole officer, notwithstanding that the officer may already be employed by another hiring authority or is already a certified police, corrections or probation/parole officer.

(b) Prospective applicants shall complete a personal history for the hiring authority on a form supplied by the council, including the following information:

- (1) Applicant identification information, including:

- a. Full name;
  - b. Address;
  - c. Telephone;
  - d. Nicknames;
  - e. Social security number;
  - f. Driver's license number;
  - g. Height;
  - h. Weight;
  - i. Hair color;
  - j. Eye color; and
  - k. Scars;
- (2) A listing of residences for the past 10 years, including address and dates of residence;
- (3) Work history for the last 10 years, including:
- a. Employer;
  - b. Supervisor;
  - c. Co-worker;
  - d. Dates of employment; and
  - e. Reason for leaving;
- (4) Military record, including:
- a. Dates and branch of service;
  - b. Highest rank held; and
  - c. Disciplinary actions;
- (5) Educational history, including:
- a. High school;
  - b. Colleges/universities and trade schools attended; and
  - c. Major and certification/degrees awarded;
- (6) Special qualifications and skills, including:
- a. Licenses held;

- b. Abilities to operate specialized machinery;
  - c. Foreign language proficiency; and
  - d. Other special skills;
- (7) Convictions, arrests, detentions, and litigation, including for each instance as applicable:
- a. Agencies;
  - b. Charges;
  - c. Disposition; and
  - d. Civil litigation that the applicant was a party to;
- (8) Traffic conviction and accident record, including:
- a. Revocations and suspensions of license;
  - b. Current automobile insurance policy number and issuer;
  - c. A listing of the following information for traffic charges and crashes:
    - 1. Dates;
    - 2. Charges;
    - 3. Locations; and
    - 4. Disposition;
- (9) Marital and family history, including identifying information on current and former spouses, children, other dependents, parents and siblings;
- (10) Identifying information on 5 references or acquaintances;
- (11) Financial history, including sources of income, real estate owned, identification of bonds, stock, and bank accounts;
- (12) Financial obligations, including identifying information on all forms of indebtedness; and
- (13) Current date and signature of the applicant.
- (c) The hiring authority shall include in its investigation a check of the following sources in order to determine the applicant's character, reliability and honesty:
- (1) Military records;
  - (2) Documents, including driver license, high school diploma and birth, or naturalization records;
  - (3) The National Crime Information Center;
  - (4) All local police files, and police files in all communities where the applicant has lived or worked;

- (5) State motor vehicle records in each state where the applicant has lived or worked;
- (6) Schools attended within the past 10 years;
- (7) Past and present neighbors, spouses, and landlords;
- (8) Acquaintances and character references, and fraternal and social organizations the applicant belongs to or has belonged to;
- (9) A personal inquiry with the applicant's present and past employers for the past 5 years; and
- (10) Any other sources of information which the above contacts show to be important.

(d) One or more of the items specified in (c)(6), (8), and (10) above may be omitted when, in the opinion of the hiring authority the applicant's character and background are so well-known to the hiring authority as to render such action unnecessary.

(e) The agency shall retain in its files until 5 years after termination, a synopsis of the background investigation report. Such files shall be made available for inspection by the director of police standards and training or his/her authorized representative should an occasion arise where the accuracy of those files or compliance with these rules is in question.

(f) The hiring authority or designee shall conduct a personal interview of the applicant.

(g) The hiring authority shall evaluate the results of its background investigation and the agency shall not appoint or invest with authority an applicant who:

- (1) Suffers from a mental disorder, as defined in Pol 101.27 for which he/she has not undergone effective rehabilitation, which would affect his/her ability to perform law enforcement or corrections duties;
- (2) Has ever been convicted of a felony by a civilian court or by a military court, whether or not the charge had been annulled nor whether a suspended sentence was completed, and for which he or she has never received a pardon;
- (3) Has been convicted of a misdemeanor by a civilian or military court and for which he or she has not received a pardon, which offense or the underlying circumstances surrounding the commission thereof was such that it would cause a reasonable person to doubt the applicant's character, honesty or ability;
- (4) Has been convicted in a civilian or military court of multiple misdemeanors or violations for which he or she has not received a pardon, and which would indicate to a reasonable person a pattern of disregard for the law;
- (5) Has been convicted in a military or civilian court in the 10 years immediately before application for hire as a police or corrections officer of a misdemeanor for which he or she has not received a pardon, and which resulted in a serious bodily injury to another person;
- (6) Has ever been dishonorably discharged from the military service;
- (7) Has been discharged from the military service under other than honorable conditions, where the circumstances, in the opinion of a reasonable person, would cast doubt on his/her fitness to be a police or corrections officer;
- (8) Has ever illegally manufactured, transported for sale, or sold a controlled substance as sale is defined in RSA 318-B:1, unless, upon review of the council at the request of a hiring authority, the council finds that:

- a. The conduct occurred at an age when the applicant would have been considered a juvenile under the laws of the state where the conduct occurred;
- b. The behavior pattern under the totality of the circumstances did not demonstrate a lack of good moral character as defined in Pol 101.28; and
- c. Where a sale did occur, it was not for profit, meaning the conduct did not result in an excess of return over expenditure in a transaction or series of transactions.

(9) Within 36 months before the application for hire, has illegally used a controlled substance other than marijuana, unless the applicant was under the age of 21 at the time of using the controlled substance, in which case 24 months shall apply;

(10) Within 12 months before the application for hire, has used marijuana;

(11) While employed in a law enforcement capacity has ever illegally used a controlled substance;

(12) Has knowingly made a material false statement in the application process;

(13) Has been discharged or allowed to resign in lieu of discharge for reasons of moral character as defined in Pol 101.28 or Pol 301.05 (m) or moral turpitude as defined in Pol 101.29, from employment as a police, corrections or probation/parole officer for acts or omissions of conduct which would cause a reasonable person to have doubts about the individual's honesty, fairness, and respect for the rights of others and for the laws of this State or Nation;

(14) Has a history of illegal drug use which in the opinion of a reasonable person would cast doubt on his/her fitness to be a police, corrections or probation/parole officer;

(15) Uses any legal drugs or alcohol to excess; or

(16) Whose general character and reputation in the community are such that a reasonable person would doubt that the applicant would conduct him/herself with honesty and integrity and uphold the rule of law.

(h) If there is any indication of mental disorder, the applicant shall not be appointed unless the results of a mental status examination conducted by a New Hampshire licensed psychologist or psychiatrist indicates that the applicant is fit for duty as a police or corrections officer.

(i) The hiring authority or designee shall inquire whether certification or license of the person as a police or corrections officer has ever been denied or revoked by the council or by a similar agency in another jurisdiction, and if so, whether the denial or the revocation has been rescinded. The agency shall not appoint an officer whose certification or license is under suspension or revocation in this or any other jurisdiction.

(j) All information, documents and reports obtained by a police or corrections department as part of the background investigation shall be retained by the department along with any criminal record and copies of the personal history statement, the medical examination, the high school diploma or G.E.D. certificate, and the psychological status report if any. Such documents and reports shall be made available for inspection by the director of police standards and training or his/her authorized representative should an occasion arise when the accuracy of those documents or compliance with these rules comes into question.

(k) Prior to admission to the academy or part-time officer training course, or prior to submitting a request for certification based on prior training and experience, the hiring authority shall certify to the council on council form "I", titled "Affidavit of Background Investigation". Completion of this form shall indicate that he/she conducted a background investigation on the applicant in compliance with the provisions of this rule, and caused the applicant to be fingerprinted on an applicant card, and that the department has received or is waiting for written notification from the Federal Bureau of Investigation that the applicant has no criminal history record that would prohibit his/her hiring according to these rules.

(l) The hiring authority shall provide the following information on the Form "I":

- (1) The name of the hiring official;
- (2) The name of the applicant;
- (3) The list of required areas of inquiry listed in Pol 301.05(c)(1)-(10);
- (4) The signature of the hiring official; and
- (5) The date of completion.

(m) For purposes of this section, a determination of a lack of "good moral character" shall not be restricted to acts that reflect only moral turpitude, but shall be based upon the consideration of all aspects of a person's character as exemplified by their behavior, including but not limited to the following:

- (1) Violation of a statute of this or any other state, territory or nation for which a penalty may be imposed;
- (2) Conduct involving dishonesty, fraud, or attempted deception regarding an application, examination or other document for securing employment, eligibility, or certification;
- (3) Conduct involving misrepresentation or tampering with official records or reports, tampering with witnesses or falsifying evidence; and
- (4) Conduct that would adversely reflect on a person's fitness to perform law enforcement or corrections duties, including but not limited to:
  - a. The excessive or illegal use of force;
  - b. Intoxication while on duty;
  - c. Sale or use of illegal controlled substances;
  - d. DWI;
  - e. Domestic abuse;
  - f. Undue familiarity with known criminals, which for the purposes of this clause means any social or sexual relationship between an officer subject to certification by the police standards and training council and a known criminal.
  - g. Sexual harassment;
  - h. Stalking, or criminal violations of a protective order;
  - i. Slanderous use of confidential information;
  - j. Bribery or acceptance of illegal gratuities;
  - k. Theft or misappropriation of funds or property;
  - l. Adultery;
  - m. Child abuse;
  - n. Perjury;

- o. Assault; or
- p. Disorderly conduct.

(n) The council shall not certify a person as a police, corrections or probation/parole officer, as applicable, if it finds that an applicant was hired by an agency despite meeting any of the disqualifying criteria set out in Pol 301.05 (g).

Pol 301.06 Hiring Authority to Notify Council. The following shall apply to notification of the council by the hiring authority:

(a) The hiring authority shall submit employee status notification form "A" to the council within 15 days of the appointment of a new police, corrections or probation/parole officer.

(b) Form "A" shall contain the following information regarding the employee:

- (1) Full name, social security number, and date of birth;
- (2) Department, address and date of appointment;
- (3) Position;
- (4) Employed full or part-time;
- (5) Secondary level education;
- (6) Postsecondary level education;
- (7) College major;
- (8) Prior law enforcement experience;
- (9) Whether or not certification is being requested based on prior law enforcement or corrections training and experience;
- (10) Citizenship status;
- (11) The officer has been fingerprinted and the prints have been submitted to the NH state police fingerprint bureau for criminal record checks;
- (12) The officer has been found not to have been convicted of a felony under state or federal law;
- (13) The officer's background has been investigated;
- (14) For full-time employees, whether or not a physical examination has been performed;
- (15) Certification that the officer meets the council's minimum employment standards;
- (16) The signature and title of the hiring authority; and
- (17) The current date.

(c) The hiring authority shall submit employee status notification form "B" to the council within 15 days of the following circumstances:

- (1) Retirement;
  - (2) Termination;
  - (3) Resignation;
  - (4) Promotion;
  - (5) Suspension for more than 3 days;
  - (6) Demotion;
  - (7) Change in status, such as full-time to part-time, or reverse; or
  - (8) Death of any police, corrections or probation/parole officer.
- (d) Form "B" shall contain the following information regarding the employee:
- (1) Full name, date of birth and social security number;
  - (2) Department name and address;
  - (3) Effective date;
  - (4) Whether promotion, discharge, resignation, retirement, change in status, suspension or death;
  - (5) Whether a full or part-time employee;
  - (6) New rank, if promoted;
  - (7) Signature and title of hiring authority; and
  - (8) The current date.

Pol 301.07 Psychological Screening Test. Each applicant shall meet the following requirements relative to the applicant's psychological screening:

(a) All uncertified police officers, correctional officers, and probation/parole officers employed by the state of New Hampshire, full-time or part-time, and all police officers, full-time or part-time who are employed by local units of government who have accepted this requirement by approving the necessary funding shall, prior to hiring, successfully pass a psychological screening test battery administered under the direction of a licensed psychologist or psychiatrist.

(b) Such test battery shall be normed for law enforcement occupations and shall be designed to detect both mental illness and behavioral traits that could adversely affect the person's ability to successfully perform the essential functions of a law enforcement, corrections or probation/parole officer.

(c) Such an examination shall be valid for a period of 12 months from the date of administration for purposes of application for such employment, and a valid test given by one department within such time frame may be used by another agency if the second agency has access to the test results.

(d) For the purpose of this section, "administered under the direction of a licensed psychologist or psychiatrist" shall include a test battery of the type herein prescribed that the hiring authority procured from a person, firm or corporation where the scoring and reporting of the results is done by a psychologist or psychiatrist who currently holds a valid license under the laws of any state.

(e) No person shall be hired as a police, corrections or probation/parole officer if the results of the psychological test battery indicate that the candidate is currently suffering from a diagnosable mental illness or exhibits behavioral traits that, in the opinion of the psychologist or psychiatrist, could adversely affect such person's ability to perform the essential functions of a law enforcement officer, or, who, in the opinion of the psychologist or psychiatrist or the hiring authority exhibits a psychological profile that is incompatible with that which is required for law enforcement duties.

(f) Examples of an incompatible profile shall include but not be limited to:

- (1) A lack of impulse control;
- (2) A lack of anger management;
- (3) A propensity for assaultive behavior; and
- (4) A propensity for illegal sexual behavior.

(g) No person shall be denied employment as the result of such a testing process unless they have been given the opportunity for a personal interview with a licensed psychologist or psychiatrist employed by the agency.

Pol 301.08 Testing Fees Allowed. The following shall apply to the application of testing fees.

(a) An agency, at its option, may assess to applicants a testing fee to cover all or part of the cost of any medical or psychological examination required under this part in cases where the applicant has been tendered a conditional offer of employment; and

(b) An agency may also make repayment of a testing fee part of a training or hiring contract that establishes a minimum term of employment for such an officer.

#### PART Pol 302 QUALIFICATIONS

Statutory Authority: RSA 188-F:27

Pol 302.01 Police, Corrections and Probation/Parole Basic Training Programs. The following shall apply relative to completion of programs at the police, corrections and probation/parole basic training programs:

(a) Each newly appointed full-time police, corrections or probation/parole officer and each elected full-time police officer shall attend and satisfactorily complete the police, corrections or probation/parole basic training program as applicable when scheduled by the council, within 6 months from the date of original appointment or election.

(b) "Satisfactory completion" of the training program as used in (a) means:

- (1) Achieving a passing score on all written and practical tests; and
- (2) Meeting all requirements under RSA 188-F:26, V.

(c) No person shall be appointed as a full-time police, corrections or probation/parole officer except on a temporary or probationary basis unless he/she has satisfactorily completed the police, corrections or probation/parole basic training program as appropriate.

(d) The council shall grant an extension of the time limit for the completion of the basic training program upon receipt of a written request from the hiring authority setting forth the reasons therefore for good cause shown.

(e) For the purposes of this section, good cause shall include, but not be limited to, the unavailability of such a program, or an officer being unable to complete the training within the prescribed period because of illness, injury, military service, or special duty assignments made in the public interest.

(f) The termination and subsequent reemployment of a full-time officer by the same agency shall not affect the requirement that he or she attend and satisfactorily complete the police, corrections or probation/parole basic training program as appropriate within 6 months from the date of original appointment.

(g) Officers residing or working in New Hampshire shall complete the required basic training at a New Hampshire police standards and training council program, as appropriate, unless the council due to circumstances beyond its control, such as the cancellation of an academy or lack of enrollment, shall allow a portion of the training to be taken in another state or at another school.

Pol 302.02 Part-Time Officer Basic Training. The following shall apply to the basic training of a part-time officer.

(a) Each newly appointed or sworn part-time officer shall satisfactorily complete the preparatory program of training established by the council within a period of 6 months from the date of original appointment.

(b) "Satisfactory completion" of the training program as used in (a) above means:

- (1) Achieving a passing score on all written and practical tests; and
- (2) Meeting all requirements under RSA 188-F:26, V.

(c) No person other than a certified police officer shall be invested with the authority of a part-time officer except on a temporary or probationary basis unless he/she has satisfactorily completed the preparatory training required by the council.

(d) The council shall grant an extension of the time limit for completion of certification upon receipt of a written request from the hiring authority setting forth the reasons therefore for good cause shown.

(e) For the purposes of this section, good cause shall include, but not be limited to the unavailability of such a program, or if the officer is unable to complete the program because of illness, injury, military service, or special duty assignments made in the public interest.

(f) The termination and rehiring of a part-time officer by the same agency shall not affect the requirement that he/she attain certification within 6 months from the date of original appointment.

Pol 302.03 Pre-Service Training. The following shall apply to pre-service training:

(a) Each newly appointed or sworn uncertified police, corrections or probation/parole officer shall meet the basic firearm safety and familiarization course requirement prescribed in Pol 404.03 prior to carrying a firearm in the course of duty.

(b) Each newly appointed or sworn uncertified police, corrections or probation/parole officer shall be familiarized by the agency in the proper and legal use of handcuffs or any other restraining devices or weapons issued, as provided in departmental policies and applicable state laws.

(c) Each newly appointed or sworn uncertified police officer who will drive an emergency vehicle on patrol or under circumstances which would require an emergency response shall be familiarized with any of the departmental policies of the agency and with the state laws governing emergency vehicle operation.

Pol 302.04 Part-Time Training Approval.

(a) The council shall conduct a part-time officer training program at such locations as it shall determine based on enrollment projections.

(b) The council shall authorize individual law enforcement agencies or educational institutions to act as its agent and present the part-time officer training program whenever the council determines based on enrollment projections that additional regional basic training programs are needed to prevent delays in meeting the requirements of Pol 302.02.

(c) The council before authorizing regional programs in (b) above shall determine that the instructors for each topic area have training and experience in the topic areas they will instruct. The sponsor of the school shall certify to the council in writing that the instruction shall be conducted in accordance with lesson plans and examinations provided by the council.

Pol 302.05 Railroad Police. The following shall apply to railroad police:

(a) Railroad police, as a condition of certification within the meaning of RSA 381, shall meet the minimum educational and training standards as established for part-time officers.

(b) Pursuant to 49 U.S.C. 28101, the Omnibus Crime Act of 1990, a railroad police officer who is employed by a rail carrier and certified or commissioned as a police officer under the laws of any other state shall, and in accordance with regulations issued by the US Secretary of Transportation, not be required to receive additional certification in this state in order to enforce the laws of New Hampshire on railroad property.

(c) This authority shall be limited to enforcement for the purpose of protecting:

- (1) Railroad employees, passengers or patrons;
- (2) Railroad property;
- (3) Equipment and facilities owned, leased, operated or maintained by the rail carrier;
- (4) Property moving in interstate or foreign commerce in the possession of the rail carrier; and
- (5) Personnel, equipment and materials moving via railroad that are vital to the national defense.

Pol 302.06 Liquor Commission Investigators. The following shall apply to liquor commission investigators:

(a) Any investigator of the state liquor commission who has the power to enforce the criminal laws under Title XIII of the Revised Statutes Annotated of New Hampshire and the rules of the liquor commission and who is not a certified full-time police officer shall successfully complete the police academy within 6 months of appointment.

(b) Upon termination of employment with the state liquor commission, the certification of any investigator who was certified under the provisions in existence prior to August 13, 1985 shall lapse, and if hired as a police officer by any other agency, he/she shall complete such additional training as the council shall determine is necessary to constitute equivalent training to the police academy.

Pol 302.07 Gaming Enforcement Investigators. The following shall apply to gaming enforcement investigators:

(a) Any gaming enforcement investigator of the pari-mutuel commission who is appointed on or after July 1, 1986 and who is not a certified full-time police officer shall successfully complete the police academy within 6 months from the date of appointment.

(b) Upon termination of employment, the certification of any gaming enforcement investigator who was certified under the provisions existing prior to July 1, 1986 shall lapse.

Pol 302.08 New Hampshire Hospital Security. All employees of the New Hampshire Hospital hired as security officers shall complete the council-approved preparatory training program for police officers, in accordance with the provision of RSA 21-P:7-c and shall be certified as police officers consistent with the training program completed by that officer..

Pol 302.09 County Fair Security Guards. The following shall apply to county fair security guards:

(a) County fair security guards, before exercising the detention powers contained in RSA 627:8-b, shall satisfactorily complete the New Hampshire law package portion of the training provided for part-time police officers at the expense of the individual or the county fair association. "Satisfactory completion" means the same as in Pol 302.02(b).

(b) The chief executive officer of the County Fair Association shall conduct a background investigation consistent with the provisions of Pol 301.05 and shall not authorize any person to exercise such detention powers who would be disqualified under Pol 301.05(g).

(c) Any county fair security guard who is armed with a firearm shall complete the entire part-time police officer's basic training course and shall complete the minimum annual firearms safety requirement in Pol 404.03 at least once a calendar year, at the expense of the individual or the County Fair Association, under the supervision of a council-approved firearms instructor, as outlined in Pol 404.05.

(d) Only security guards who meet the requirements outlined in (a) through (c) above, shall exercise the detention powers contained in RSA 627:8-b. Security guards who will not be exercising such detention powers shall not be required to attend these training courses.

(e) Certified police officers who meet the definitions in Pol 101.24 or Pol 101.30 shall be exempt from the provisions of this section, but shall instead comply with all the requirements applicable to full-time or part-time police officers, as the case may be.

(f) The County Fair Association shall keep on file a current list of all security guards with detention powers, together with documentation of its compliance with these requirements, which shall be open to inspection by the council staff or any police officer with jurisdiction in the area in question. Such records shall be retained for 5 years.

Pol 302.10 New Hampshire Department of Agriculture, Markets and Foods Inspectors and Forest Rangers. The following shall apply to New Hampshire department of agriculture, markets and foods inspectors and forest rangers.

(a) All inspectors of the New Hampshire department of agriculture markets and foods who exercise the power of arrest under RSA 438:15-a, and forest rangers who exercise the powers of arrest under RSA 227-G:7, and who were hired prior to January 1, 2005, shall:

- (1) Complete the council-approved preparatory training program for part-time police officers;
- (2) Meet all the other qualifications for part-time police officers in accordance with the provisions of RSA 188-F and these rules; and
- (3) Be certified as part-time police officers upon completion of the course.

(b) Any forest ranger hired after January 1, 2005 appointed to enforce the provisions of Title XIX-A and other laws provided for in RSA 227-G:7, shall successfully complete the preparatory training for full-time police officers no later than one year from the date of hire. Upon successful completion of the training program, such forest ranger shall be certified as a full-time police officer.

Pol 302.11 Non-Compliance with Council Rules. The following shall apply to non-compliance with council rules:

(a) Upon failure of a hiring authority to comply with council rules despite prior written notification, the council after notice and opportunity for a hearing to the hiring authority and the governing body of the unit of government, shall declare any agency to be out of compliance with council rules and thereby ineligible to participate in the council's training programs at no cost, or to receive specialized training grants, or both, for a period of up to 3 years.

(b) In determining which sanction or sanctions are appropriate, and the proper length of time for any sanction, the council shall consider the following criteria:

- (1) The length of time the agency has been out of compliance;
- (2) Whether or not the rules violations involve areas that could constitute a threat to the public health and safety;

- (3) Whether or not the rules violations involved areas that could expose the employing unit of government or its subordinate employees to civil damages;
- (4) Whether the violations were deliberate and willful;
- (5) The number of separate violations involved; and
- (6) The sanctions that have been imposed for similar violations in the past.

(c) The governing body of an agency may request reconsideration of such a decision at any time after 6 months has elapsed or when a new chief executive officer has taken office within the agency.

(d) Nothing in the above paragraph shall limit the right of the council to bring a civil action against the hiring authority or agency through the attorney general's office to seek appropriate orders from the superior court to enforce compliance with council rules.

Pol 302.12 Limitation of Hours, Part-Time Officers.

(a) No part-time police officer shall work a cumulative total of more than 1300 hours in a given calendar year without successfully completing the full-time police academy.

(b) The hiring authority shall submit within 30 days after the conclusion of each calendar year an affidavit certifying that it has complied with the requirement that officers not work more than 1300 hours in a calendar year, and further, provide the council with a list of all part-time officers employed by them and the number of hours worked by each officer in the last calendar year.

(c) In cases where this total is exceeded by an officer who is employed by more than one agency, it shall be the responsibility of the individual police officer to forthwith notify each hiring authority that he/she has reached the maximum permissible hours and is unavailable for further duty during the calendar year unless and until a hiring authority has enrolled the officer in the police academy.

(d) No hiring authority shall schedule an officer for further duty once it becomes aware by any means that the officer has exceeded the cumulative total hours.

(e) Part-time police officers serving as radio dispatchers shall not count the hours spent dispatching if they are prohibited from functioning as a police officer during those hours.

(f) Dog officers and animal control officers who do not have the power of arrest for other types of violations shall not be considered to be police officers and shall not report their hours as such.

(g) Bailiffs shall be considered police officers and shall be certified as such unless their duties are limited to maintaining order in the courtroom, custody of prisoners at the courthouse, and carrying out related activities such as security on jury views at the discretion of the presiding justice.

(h) Part-time police officers shall not report their on-call time if they are remaining at home out of uniform, engaged in personal pursuits and awaiting calls.

(i) Part-time police officers while serving as an animal control officer shall count their hours toward the 1300 hours requirement unless all of the following conditions apply:

- (1) The officer's uniform or insignia shall be differentiated from that of a police officer with the same department;
- (2) The officer shall not be armed with a firearm other than a weapon necessary for the destruction of an animal; and

(3) The officer shall not drive a vehicle marked or identified as other than an animal control vehicle.

(j) Part-time police officers shall not report time spent actually attending court as witnesses or waiting for a case to be called.

(k) Part-time police officers shall not report their time spent training in law enforcement topics.

(l) All hours worked shall be documented pursuant to Pol 602.03.

Pol 302.13 Attendance by Non-Police Personnel. The following shall apply to attendance by non-police personnel under the provisions of RSA 188-F:32-a:

(a) The director shall whenever he or she determines it is in the public interest permit persons who are not police, corrections or probation/parole officers as defined by RSA 188-F:23 and these rules to attend council-sponsored programs upon payment of a fee of \$15 per instructional hour.

(b) For the purpose of this rule, "In the public interest" means there are extra seats available in the class and the morale of the class, pace of instruction, and confidentiality of police tactics will not be compromised by allowing the applicant to attend.

(c) The director shall fully or partially waive fees and other charges for employees of another state agency or unit of government upon determining that the occupation or work assignment of the employee involves frequent contact with law enforcement agencies or an investigative or law enforcement function, and that the public interest will be served by the person's attendance at the training program.

(d) The director shall fully or partially waive fees or charges for out-of-state police or corrections officers or federal employees where it appears that the council or its programs would benefit by their attendance at a particular training program.

(e) The director shall restrict attendance to certain courses, such as high-risk patrol, defensive tactics, intoxilyzer operator, and firearms classes, to persons who are police officers as defined in RSA 188-F:23, subject to appeal on a case-by-case basis to the council.

(f) The director shall, unless he or she deems it inappropriate due to the nature of the course, require persons who are not police, state corrections or probation/parole officers who apply to attend such classes to sign a release for disclosure of their criminal records.

(g) The potential student shall be required to defray the cost of securing copies of criminal and motor vehicle records from every jurisdiction where the applicant has resided, and from the Federal Bureau of Investigation. Any person whose background would disqualify him/her from appointment as a police, corrections or probation/parole officer under Pol 301.05 shall be denied admittance to such courses.

Pol 302.14 Use of the Council Facility. The following shall apply to the use of council facility:

(a) The police standards and training council facility shall be for the use of agencies within the criminal justice system, with first priority given to police agencies. Such agencies shall submit their requests for use of the facility to the director, who shall act upon such requests based on available space and compatibility with scheduled council programs.

(b) The director shall offer overnight accommodations without charge on a space available basis to police, corrections or probation/parole officers attending council-sponsored programs and who live further than 45 miles from the training facility. Free overnight accommodations shall be provided to others if space is available, and when the director feels it will enhance their learning experience. Accommodations shall be denied to officers who have previously violated posted behavior rules while staying at the facility.

(c) A fee of \$50 dollars per night, payable to the council in advance, shall be charged persons staying overnight at other than council programs, or for persons who are not police, corrections or probation/parole officers, except that the director shall waive this fee in his/her discretion using the same criteria as in Pol 302.13(b) and (c).

(d) No fee shall be charged for use of classrooms by government or non-profit organizations during the hours when the facility is open to the public. At other times or for other uses, the agencies or persons shall pay a fee to defray the actual cost of janitorial services, and utilities, except that the fee shall be waived using the same criteria as in Pol 302.13(b) and (c).

Pol 302.15 Behavior in Training Facility. The following shall apply to behavior in the training facility:

(a) Persons using the police standards and training facility shall, as a condition of their use of the facility, be neatly attired in their official department uniforms or otherwise, as follows:

(1) For male personnel a suit or sports jacket with slacks, dress shirt and tie, or sports shirt and sweater shall be acceptable; and

(2) For females, a dress or skirt and blouse or sweater combination; or slacks and coordinated blouse shall be acceptable.

(b) They shall exhibit courtesy and abide by all laws and facility rules at all times, and shall be required to leave the premises or be denied admittance if in violation of this rule, and shall be subject to dismissal.

#### CHAPTER Pol 400 CONTINUED STATUS

#### PART Pol 401 RENEWAL

Statutory Authority: RSA 188-F:27, III

Pol 401.01 Lapse in Service. The following shall apply to lapses in service:

(a) The certification of a police, corrections or probation/parole officer shall lapse if the officer terminates employment and is not employed as a police, corrections or probation/parole officer within a period of 30 days after such termination.

(b) If the person whose certification has lapsed is re-employed as a police, corrections or probation/parole officer after his/her certification has lapsed, the hiring authority may request re-certification without additional training, which the council shall grant unless the council determines that the basic training curriculum has materially changed since the officer was originally certified and the council determines from the record that the officer's ongoing training would not adequately familiarize the officer with the substantive changes.

(c) The certificates of certified police, corrections or probation/parole officers employed by the council in full-time training or administrative capacities shall not lapse while they are so employed.

#### PART Pol 402 OWNERSHIP AND REVOCATION OF CERTIFICATES

Statutory Authority: RSA 188-F:27, III

Pol 402.01 Ownership of Certificates. All certificates and documents issued by the council shall remain the property of the council, and shall be returned to the council forthwith upon revocation, suspension or expiration.

Pol 402.02 Revocation or Suspension.

(a) The council shall, unless it has just cause to do otherwise as provided in (e) below, order the suspension or revocation of the certification of any police or corrections officer for any of the following reasons:

- (1) The certification was obtained by fraudulent or illegal means;
- (2) The officer has been convicted either prior to or after certification of a crime which constitutes a felony in this or any other state, territory, province or country;
- (3) The officer has been convicted either prior to or after certification of a misdemeanor for which there was a sentence of incarceration, regardless of whether all or part of the sentence was suspended;
- (4) The officer has been convicted either prior to or after certification of a crime of moral turpitude or of a crime which tends to bring discredit on the police or corrections service, including but not limited to:
  - a. Theft;
  - b. Assault;
  - c. DWI;
  - d. Criminal threatening;
  - e. Reckless conduct;
  - f. Corrupt practices;
  - g. Falsification of documents or evidence;
  - h. Fraud;
  - i. Sexual assault;
  - j. Public indecency;
  - k. Stalking or criminal violation of a protective order;
  - l. Reckless driving; or
  - m. Disobeying an officer;
- (5) The officer's discharge has become final or he or she has been allowed to resign in lieu of discharge from police or corrections employment in this or any other state, country, or territory for reasons of a lack of moral character as defined in Pol 101.28 or Pol 402.02 (k) or moral turpitude as defined in Pol 101.29 or for acts or omissions of conduct which would cause a reasonable person to have doubts about the individual's honesty, fairness, and respect for the rights of others and for the laws of the state or nation.
- (6) The officer has, after being hired as a police, corrections or probation/parole officer:
  - a. Used marijuana;
  - b. Illegally used or possessed any other controlled substance; or
  - c. Illegally purchased, sold, cultivated, transported, manufactured, or distributed a controlled drug or an imitation controlled drug.

(7) The officer is unable to continue as an active duty police, corrections or probation/parole officer for a period of 45 days or more by reason of a severe level mental disorder as diagnosed by a psychologist or psychiatrist who uses mental status examinations and standardized psychological tests normed for police or corrections officers;

(8) A chief law enforcement officer has willfully violated council rules relative to himself or herself or the officers working under his/her control, or submitted false or forged documents, or misrepresented a document or testimony before the council;

(9) The officer's certificate was issued through administrative error;

(10) The officer has failed or refused to complete the applicable firearms training requirements of Pol 404.03 or the in-service training requirements of Pol 403.01; until the requirements have been met;

(11) A part-time officer has worked more than 1300 hours in a given consecutive 365-day period without successfully completing the full-time academy; or

(12) The officer has entered no plea or an innocent plea to a criminal offense, and agreed to participate in a diversion program in lieu of a trial.

(b) A certification shall be temporarily suspended pending resolution of criminal charges if the officer has been arrested, indicted or bound over either prior to or after certification for a felony or any crime involving moral turpitude or of a crime which tends to bring discredit on the police, corrections, or probation/parole service, unless the safety of the public or the confidence in the criminal justice system would not be adversely affected.

(c) Examples of crimes that involve moral turpitude or of a crime which tends to bring discredit on the police, corrections or probation/parole service shall include but not be limited to:

(1) Theft;

(2) Assault;

(3) DWI;

(4) Criminal threatening;

(5) Reckless conduct;

(6) Corrupt practices;

(7) Falsification of documents or evidence resulting in unsworn falsification, false testimony or evidence tampering;

(8) Fraud;

(9) Sexual assault; and

(10) Public indecency.

(d) A certification shall be suspended if the officer has attempted suicide or self-mutilation, or committed self-mutilation, until such time as an evaluation by a licensed psychologist selected by the council certifies the person as fit for duty;

(e) The council shall not order suspension or revocation of a certification as above if it finds just cause not to do so.

(f) Examples of just cause pursuant to (e) above shall be as follows:

- (1) The charges against the officer were not proven by a preponderance of the evidence;
- (2) Suspension or revocation would not have a rehabilitative value, or promote a legitimate public interest; or
- (3) The officer's health or service status makes suspension or revocation a needless gesture.

(g) If a person has been denied a certificate after exhausting all appeals under this section, the council shall accept a petition for rescission of the denial no sooner than 12 months following the date of denial. The petitioner shall state in writing the reasons why the denial should be rescinded.

(h) If a person has had their certificate revoked after exhausting all appeals under this section, the council shall accept a petition for rescission of the revocation after no sooner than 24 months following the date of denial. The petitioner shall state in writing the reasons why the action should be rescinded. The action shall be rescinded if conditions or circumstances have changed so that the basis for the action no longer exists.

(i) If a petition for rescission is based on one or more of the reasons set out in Pol 402.02, a hearing on the petition shall be held as provided in Pol 200. If the denial is rescinded, the petitioner shall be eligible for hire by a participating police department, but shall serve a probationary period before he/she shall be recertified.

(k) For purposes of this section, a determination of a lack of "good moral character" is not restricted to acts that reflect only moral turpitude, but shall be based upon the consideration of all aspects of a person's character as exemplified by their behavior, including but not limited to the following:

- (1) Violation of a statute of this or any other state, territory or nation for which a penalty may be imposed;
- (2) Conduct involving dishonesty, fraud, or attempted deception regarding an application, examination or other document for securing employment, eligibility, or certification;
- (3) Conduct involving misrepresentation or tampering with official records or reports, tampering with witnesses or falsifying evidence; and
- (4) Conduct that would adversely reflect on a person's fitness to perform law enforcement or corrections duties, including but not limited to:
  - a. The excessive and illegal use of force;
  - b. Intoxication while on duty;
  - c. Sale or use of illegal controlled substances;
  - d. DWI;
  - e. Domestic abuse;
  - f. Undue familiarity with known criminals, which for the purposes of this clause means any social or sexual relationship between an officer subject to certification by the police standards and training council and a known criminal.
  - g. Sexual harassment;
  - h. Stalking or criminal violations of a protective order;
  - i. Slanderous use of confidential information;
  - j. Bribery or acceptance of illegal gratuities;

- k. Theft or misappropriation of funds or property;
- l. Adultery;
- m. Child abuse;
- n. Perjury;
- o. Assault; or
- p. Disorderly conduct.

#### PART Pol 403 CONTINUING EDUCATION

Statutory Authority: RSA 188-F:26, III

##### Pol 403.01 Refresher Training.

- (a) Each police or corrections officer shall complete at least 8 hours annually of refresher training, exclusive of firearms, first aid or defensive tactics, sanctioned by the agency or the council.
- (b) The hiring authority shall submit to the council 30 days after the conclusion of each calendar year a certification that it has complied with this requirement, and shall retain in its files for 5 years a copy of the lesson outlines and attendance rosters of any training relied upon to satisfy the requirement.

#### PART Pol 404 ONGOING REQUIREMENTS

Statutory Authority: RSA 188-F:26, 188-F:27, III

Pol 404.01 Police or Corrections Officer Certification. Whenever persons are certified as police or corrections officers, notification shall be forwarded to the agency, which shall transmit the original to the officer and retain any copies in its file.

Pol 404.02 Advanced Training Documentation. Upon completion of in-service or advanced training sponsored by the council, the council shall send notification to the agency, which shall transmit the originals to the officer and retain any copies in its file.

##### Pol 404.03 Firearms Training Requirement.

(a) Prior to the issuance or carrying of a firearm or other defensive weapon and every calendar year thereafter, all law enforcement, corrections or probation/parole officer who are authorized to use force in the course of their employment shall meet the minimum standards established in Pol 302.03, including proficiency with each such weapon monitored and documented in the case of firearms by a council-certified firearms instructor, and in the case of other weapons by an instructor deemed by their department to be qualified to evaluate proficiency in that particular weapon.

(b) Officers shall complete the handgun course utilizing a silhouette target with a minimum qualification score of 75%, 2 consecutive times.

(c) The handgun course shall consist of the following elements:

- (1) The officer shall fire 2 sets of 2 rounds beginning with weapon in holster with the strong hand in 3 seconds from the 3 yard line;
- (2) The officer shall fire 3 rounds right hand and 3 rounds left hand in 7 seconds from the 5 yard line;

- (3) The officer shall fire one set of 6 rounds beginning with weapon in holster cover down in 8 seconds from the 7 yard line;
- (4) The officer shall fire one set of 6 rounds beginning with weapon in holster cover down in 10 seconds from the 10 yard line;
- (5) The officer shall complete the following sequence from the 15 yard line in a total of 25 seconds:
  - a. Fire 2 rounds strong hand from the right side of cover;
  - b. Fire 2 rounds strong hand from a kneeling position on the right side of cover;
  - c. Reload the weapon;
  - d. Fire 2 rounds strong hand from the left side of cover; and
  - e. Fire 2 rounds strong hand from a kneeling position on the left side of cover; and
- (6) The officer shall fire 3 segments of 2 rounds each in 12 seconds per segment from the 25 yard line, with each segment including each of the following actions:
  - a. The officer shall begin 5 yards behind a barricade;
  - b. Upon command, the officer shall move into a kneeling position behind barricade; and
  - c. The officer shall draw his/her weapon with the strong hand, fire 2 rounds at the target, and holster the weapon.

(d) Agencies that use semiautomatic pistols or otherwise wish to utilize a unique firearms course shall submit a complete description of the proposed training. The director shall approve such a course if it provides an equivalent level of shooter accuracy and proficiency as the courses outlined in (c) above, including distances that simulate both close-range and distant encounters, and multiple timed firing.

(e) All in-service law enforcement, corrections and probation/parole officers who are issued or carry a defensive weapon and who are authorized to use force in the course of their employment, shall in addition to annual firearms range qualification attend and complete at least once each calendar year a refresher training segment or segments of not less than 4 hours regarding the use of deadly and non-deadly force.

(f) Such training shall include a classroom presentation of:

- (1) The lawful use of deadly and non-deadly force;
- (2) The concept and application of the force continuum;
- (3) High speed vehicle operation and the use of roadblocks and, if applicable to that agency, tire deflation devices;
- (4) The use of impact weapons and handcuffs;
- (5) Unarmed self-defense;
- (6) Precautions against positional asphyxia and in-custody death syndrome;
- (7) The safe handling, storage, cleaning and deployment of firearms on- and off-duty;

- (8) The administration or provision of appropriate medical aid after the application of force; and
- (9) Agency policies concerning these subjects.

(g) Each of the areas in (f) above need not be covered each year, but all shall be discussed within a 3-year cycle, and if the officer is issued or carries firearms, (1), (2), (7), (8), and (9) shall be discussed annually.

(h) The classroom presentation and discussion shall be led by a council certified firearms instructor and shall be no less than one hour in length.

(i) The remaining 3 hours shall consist of, at the option of the hiring authority:

- (1) Classroom training;
- (2) Text-based training;
- (3) Decision training;
- (4) Additional low-light-level shooting;
- (5) Defensive tactics;
- (6) Weapon retention;
- (7) Handcuffing;
- (8) Impact weapon; or
- (9) Defensive spray refresher instruction.

(j) This training shall be conducted by a council-certified firearms instructor, or in the case of non-firearms training, an instructor deemed qualified by their department to conduct such training, using appropriate safety precautions.

(k) Proficiency shall be documented and monitored by the department and records retained for a 3-year period and subject to examination and audit by the director or his or her authorized agent.

(l) Qualified retired law enforcement officers as defined in Pol 101.37, who wish to carry a concealed weapon pursuant to the provisions of H.R. 218, the "Law Enforcement Officers' Safety Act of 2004", 18 U.S.C. 926C, shall be required to:

(1) Present to an officer holding a current PSTC firearms instructor certification, pursuant to Pol 404.05 and whose agency is willing to carry out the handgun qualification of 18 U.S.C. 926C (c) (5) and Pol 404.03 (b) and (c), a qualifying retired law enforcement officer identification, which meets the requirements of 18 U.S.C. 926C (d) (2A) and Pol 101.38.

(2) Either:

a. Present to an officer holding a current PSTC firearms instructor certification, pursuant to Pol 404.05 and whose agency is willing to carry out the handgun qualification of 18 U.S.C. 926C (c) (5) and Pol 404.03 (b) and (c), a certificate obtained from the police standards and training council demonstrating that the qualified retired law enforcement officer has completed in the last 12 calendar months the use of force training required by RSA 627:1, 2, 3, 4, 6,7, and 8 and Pol 404.03 (f)(1), (2), (7) and (8); or

b. Be willing to complete the use of force class as provided by the firearms instructor noted in a. above prior to firearms qualification pursuant to Pol 404.03 (l) (5);

- (3) Have in his or her possession the firearm that they propose to carry concealed;
  - (4) Have in their possession at the time of qualification sufficient ammunition for the weapon to complete the qualification; and
  - (5) Complete the course of fire outlined in Pol 404.03 (b) and (c) or another course of fire approved by the director of the police standards and training council 2 consecutive times with a score of 75% or better, conducted by a firearms instructor currently certified by PSTC and approved by the firearms instructor's employer.
- (m) The firearm referenced in (l)(3) above shall be:
- a. A revolver or semi-automatic handgun;
  - b. Be .357, .38, .380, 9mm, .40, or .45 caliber; and
  - c. Be in safe working condition, in the sole opinion of the firearms instructor conducting the training.
- (n) Upon completion of the requirements outlined in Pol 404.03 (l), the PSTC firearms instructor of record shall forward to the police standards and training council:
- (1) A photocopy of the retired ID card relied upon in Pol 404.03 (l) (1) to satisfy that requirement; and
  - (2) A letter noting:
    - a. The name of the qualified retired law enforcement officer;
    - b. The mailing address of the qualified retired law enforcement officer;
    - c. The date of the qualification;
    - d. Make, model and serial number of the weapon used for qualification purposes;
    - e. The type of ammunition qualified with;
    - f. The scores shot for qualification;
    - g. The signature of the firearms instructor of record; and
    - h. The signature of the qualified retired law enforcement officer.
- (o) Upon receipt of the materials noted in Pol 404.03 (n), the police standards and training council shall mail to the qualified retired law enforcement officer, at the address noted in Pol 404.03 (n) (2) b. a letter on PSTC letterhead noting his/her compliance with 18 U.S.C. 926C (d) (2) (B).
- (p) If the person attempting to qualify cannot meet the standard noted in Pol 404.03 (l) (5) after a total of 5 attempts, or fails to have sufficient ammunition on hand to successfully complete the qualification, then they shall attend another qualification session, should they still wish to qualify pursuant to 18 U.S.C. 926C (d) (2) (B).

Pol 404.04 Annual Certification. The following shall apply to annual certification:

- (a) Agencies shall submit no later than 30 days after the conclusion of each calendar year, on a council form "F", certification that each police or corrections officer employed by them has successfully completed all the requirements prescribed by these rules during the preceding calendar year. Such certification shall be attested to by a council-approved firearms instructor.

(b) Council Form "F" shall contain the following information:

- (1) The full name of each officer;
- (2) The officer's department;
- (3) Whether the officer passed or failed;
- (4) Whether or not 4-hour classroom phase was included;
- (5) The date of completion; and
- (6) The instructor's name and signature.

Pol 404.05 Firearms Instructor Qualifications. The following shall apply to firearms instructor qualifications:

(a) To be approved by the council as a firearms instructor, police, corrections or probation/parole officers shall submit their credentials to the director prior to commencement of a firearms training course.

(b) Persons shall be approved if they successfully complete one of the following:

- (1) Council firearms instructor school;
- (2) F.B.I. firearms instructor school;
- (3) National Rifle Association police firearms instructor course;
- (4) Another course which the director has determined requires the officer to demonstrate the equivalent level of skills and knowledge with an automatic pistol which the course noted in Pol 404.03(b) and (c) provides, taking into consideration the make and type of weapon used.

(c) To maintain instructor certification, an instructor shall satisfy the council that he/she has:

- (1) Instructed or assisted in at least one firearms training program each calendar year; and
- (2) Attended one annual council-sponsored firearms instructor refresher course every second calendar year.

Pol 404.06 Ongoing Medical Suitability for Physical Fitness Testing. The following shall apply to ongoing medical suitability for physical fitness testing:

(a) As of January 1, 2001, any officer not meeting the criteria set out below shall be required, as a condition of continued employment, to furnish the council with a certification signed by a physician, physician assistant, or ARNP every 3 years that the person is physically capable of participating in the physical performance test prescribed as the 1 ½ mile run, pushups and situps performed at the 35<sup>th</sup> percentile, normed for age and gender as published by the Cooper Institute for Aerobic Research and as defined as the entry standards for full-time police officers:

- (1) On January 1, 2001 the officer is certified as a police, state corrections or probation/parole officer in the State of New Hampshire or any political subdivision; or
- (2) The officer is employed as a police, state corrections or probation/parole officer by the State of New Hampshire or any political subdivision pending certification prior to January 1, 2001 and remains employed on January 1, 2001 in the same position; or

(3) The person was previously certified in New Hampshire and s/he retains new employment as a police, state corrections or probation/parole officer in the State of New Hampshire or any political subdivisions and the lapse in police or corrections employment was less than 3 years between the last employment prior to December 31, 2000 and the new employment after January 1, 2001.

(b) The cost of the medical certification shall be the responsibility of the officer, unless the certification is paid for by the employer or another source.

(c) Any officer who is unable to pass the medical certification shall have his/her certification placed in probationary status for a period of 6 months, which shall be extended by the council for good cause as defined in Pol 302.01(e). The probationary status may extend for up to 2 years, during which time the officer may submit medical evidence of suitability for testing at any time. If the officer remains unable to meet the standards after the 2 year period, the council shall suspend the officer's certification until such time as the officer is able to pass the medical evaluation and physical performance test.

Pol 404.07 On-Going Physical Fitness Testing. The following shall apply to on-going physical fitness testing:

(a) As of January 1, 2001, any officer not meeting the criteria set out below shall be required, as a condition of continued employment, to successfully pass the physical performance test prescribed as the 1 ½ mile run, pushups and situps performed at the 35<sup>th</sup> percentile, normed for age and gender as published by the Cooper Institute for Aerobic Research once every 3 years, defined as the entry standard for full-time police officers:

(1) On January 1, 2001 the officer is certified as a police, state corrections or probation/parole officer in the State of New Hampshire or any political subdivision; or

(2) The officer is employed as a police, state corrections or probation/parole officer by the State of New Hampshire or any political subdivision pending certification prior to January 1, 2001 and remains employed on January 1, 2001 in the same position; or

(3) The person was previously certified in New Hampshire and s/he retains new employment as a police, state corrections or probation/parole officer in the State of New Hampshire or any political subdivisions and the lapse in police or corrections employment was less than 3 years between the last employment prior to December 31, 2000 and the new employment after January 1, 2001.

(b) The cost of the testing shall be the responsibility of the officer, unless the testing is paid for by the employer or another source.

(c) Nothing in this section shall prohibit individual hiring authorities from requiring physical fitness programs or tests that are more stringent or frequent than those required by this rule.

(d) No officer who has failed the medical certification required in Pol 404.06 shall be allowed to participate in the physical fitness testing required by this rule.

CHAPTER Pol 500 ETHICAL STANDARDS  
PART Pol 501 REPORTING OF ETHICS VIOLATIONS

Statutory Authority: RSA 188-F:26

Pol 501.01 Report of Arrests.

(a) Every state, county or local law enforcement agency in New Hampshire, upon arresting or formally charging any person known or identified to them to be a full-time or part-time police or corrections officer in this or any other state for a violation of the criminal law other than a minor motor vehicle violation, shall within 15 days notify the director by mail on council form "G".

(b) For the purposes of this section, serious motor vehicle violations for which a mandatory license suspension is part of the penalty shall not be considered a minor motor vehicle violation.

(c) Council form "G" shall contain the following information:

- (1) The arresting department's name,
- (2) The arrested officer's full name, address, date of birth and department affiliation,
- (3) The date and location of arrest,
- (4) The formal charge and statute number,
- (5) The date, time and location of court appearance, and
- (6) The signature of an official of the arresting agency.

CHAPTER Pol 600 TRAINING APPROVAL  
PART Pol 601 APPROVAL OF TRAINING

Statutory Authority: RSA 188-F:26

Pol 601.01 Requesting and Maintaining Approval. The following shall apply to requesting and maintaining approval of training:

(a) Any agency or accredited educational facility, if it seeks approval of in-service and advanced training courses and programs, shall apply to the council for such approval.

(b) The requesting agency shall submit its proposal to the council, not less than 60 days prior to commencement of the proposed course or program.

(c) The director shall review all information submitted and make a report of his/her findings to the council.

(d) The council shall not approve a course unless the following is received:

- (1) Performance objectives covering the functional area;
- (2) Detailed lesson plans;
- (3) Examinations testing the performance objectives; and
- (4) Instructor resumes.

(e) The council shall base its approval on the sufficiency of the material submitted, and the extent to which the training corresponds to current practice.

(f) The council shall monitor any approved course and shall withdraw its approval if it determines that the program is not maintaining a course content and level of instruction that will result in achieving the performance objectives outlined for the course.

PART Pol 602 TRAINING RECORDS

Pol 602.01 Training Records. The following shall apply to training records:

(a) The council shall maintain a file on each officer including:

- (1) Employee status notification forms;
- (2) Proof of high school diploma or equivalent;
- (3) Administrative correspondence;
- (4) Class records of attendance and grades at any training programs conducted by the council; and
- (5) The medical evaluation forms submitted for full-time officers.

Pol 602.02 Council Training Files. The following shall apply to council training files:

(a) Training records and documents relating to an applicant or officer may be reviewed by the applicant or officer. Any information that indicates that a person might not qualify for certification as a police or corrections officer, or which reflects adversely upon their ability to be a competent officer shall, unless the council determines otherwise upon advice of the attorney general, be furnished by the council to a police or corrections department that has hired or is considering hiring the person.

(b) Upon written request of the hiring authority, the council shall temporarily seal from public disclosure the name of an officer assigned to undercover duties when its public disclosure would jeopardize the officer or the assignment, until such time as the undercover assignment has been terminated.

Pol 602.03 Time and Compensation Records. The following shall apply to time and compensation records:

(a) Each hiring authority or agency shall maintain for a period of 5 years, a record of gross earnings, hours worked and the hourly rate of pay of each part-time police officer, which record together with all supporting documentation shall be open to inspection by the council upon request.

(b) Each hiring authority shall certify under oath to the council by no later than 30 days after the close of each calendar year that each part-time police officer in their employ has not exceeded the maximum salary or hours requirement specified in these rules.

## Appendix A

### Table of Statutory Authority

<b>Rule</b>	<b>State or Federal Statute or Mandate</b>
Pol 101 inclusive	RSA 188-F:26, I; RSA 541-A:7; RSA 541-A:8
Pol 102.01	RSA 541-A:16, I; RSA 188-F:
Pol 102.02	RSA 541-A:16, I; RSA 188-F:25, RSA 188-F:26, XIV, RSA 188-F:26, XIV-a
Pol 102.03	RSA 541-A:16, I; RSA 188-F:24, I
Pol 102.04	RSA 541-A:16, I; RSA 188-F:24, III
Pol 102.05	RSA 541-A:16, I; RSA 188-F:26, XIV
Pol 103.01	RSA 541-A:16, I, (b), 3; (c) and (d)
Pol 201.01	RSA 541-A:30-a, I
Pol 201.02	RSA 541-A:30-a, I
Pol 202.01	RSA 541-A:30-a, I
Pol 202.02	RSA 541-A:30-a, I
Pol 202.03	RSA 541-A:30-a, I
Pol 202.04	RSA 541-A:30-a, I
Pol 202.05	RSA 541-A:30-a, I
Pol 202.06	RSA 541-A:1, X; RSA 541-A:30-a, I
Pol 202.07	RSA 541-A:1, XI; RSA 541-A:30-a, I
Pol 202.08	RSA 541-A:1, XII; RSA 541-A:30-a, I
Pol 202.09	RSA 541-A:30-a, I
Pol 203.01	RSA 541-A:4
Pol 203.02	RSA 541-A:16, I, (d)
Pol 203.03	RSA 541-A:16, I, (d)
Pol 204.01	RSA 541-A:30-a, III (a)
Pol 204.02	RSA 541-A:30-a, III (a)
Pol 204.03	RSA 541-A:30-a, III (a)
Pol 205.01	RSA 541-A:30-a, III, (g)
Pol 205.02	RSA 541-A:30-a, III, (g)
Pol 205.03	RSA 541-A:31, V
Pol 205.04	RSA 541-A:31, V (a)
Pol 205.05	RSA 541-A:31, V (a)
Pol 205.06	RSA 541-A:31, V (a)
Pol 206.01	RSA 541-A:31, III
Pol 206.02	RSA 541-A:31, III
Pol 206.03	RSA 541-A:30-a, III, (b)
Pol 206.04	RSA 541-A:30-a, III, (g)
Pol 206.05	RSA 541-A:30-a, III, (g)
Pol 206.06	RSA 541-A:30-a through 38
Pol 206.07	RSA 541-A:33, I
Pol 206.08	RSA 541-A:31, VII
Pol 206.09	RSA 541-A:31, IV, VII
Pol 206.10	RSA 541-A:33, II
Pol 206.11	RSA 541-A:30-a: III, (g)
Pol 206.12	RSA 541-A:33, II
Pol 206.13	RSA 541-A:31, IV
Pol 206.14	RSA 541-A:36
Pol 206.15	RSA 541-A:30-a, III, (h)
Pol 206.16	RSA 541-A:37
Pol 207.01	RSA 541-A:31, VIII
Pol 207.02	RSA 541-A:35

Pol 208.01	RSA 541-A:12; RSA 541-A:13; RSA 541-A:18; RSA 541-A:19; RSA 541-A:30-a
Pol 208.02	RSA 541-A:30-a
Pol 208.03	RSA 541-A:30-a
Pol 301.01	RSA 188-F:27, III
Pol 301.02	RSA 188-F:27, III; RSA 651:5, XI-a
Pol 301.03	RSA 188-F:27, III
Pol 301.04	RSA 188-F:27, III
Pol 301.05	RSA 188-F:27, III, V
Pol 301.06	RSA 188-F:26, II
Pol 301.07	RSA 188-F:26, III-a
Pol 301.08	RSA 188-F:26, III-c
Pol 301.09	RSA 188-F:27, III-1
Pol 302.01	RSA 188-F:26, V, RSA 188-F:27, I
Pol 302.02	RSA 188-F:26, V, RSA 188-F:27, I
Pol 302.03	RSA 188-F:26, V
Pol 302.04	RSA 188-F:26, VII
Pol 302.05	17 U.S.C. 1746, RSA 381, RSA 188-F:27, I
Pol 302.06	RSA 176:7; RSA 188-F:27, I
Pol 302.07	RSA 188-F:27, I
Pol 302.08	RSA 135:43, I; RSA 188-F:27, I
Pol 302.09	RSA 627:8-b; RSA 188-F:27, I
Pol 302.10	RSA 438-15-a; RSA 224:26; RSA 188-F:27, I
Pol 302.11	RSA 188-F:26, I
Pol 302.12	RSA 188-F:27, III
Pol 302.13	RSA 188-F:32
Pol 302.14	RSA 188-F:26, XII
Pol 302.15	RSA 188-F:26, V
Pol 401.01	RSA 188-F:27, III
Pol 402.01	RSA 188-F:26, XII
Pol 402.02	RSA 188-F:26, IV
Pol 403.01	RSA 188-F:26, III
Pol 404.01	RSA 188-F:26, III
Pol 404.02	RSA 188-F:26, XII
Pol 404.03	RSA 188-F:26, III, RSA 188-F:27, III
Pol 404.04	RSA 188-F:26, II
Pol 404.05	RSA 188-F:26, V
Pol 404.06	RSA 188-F:27, III-b; RSA 188-F:27, III-f through III-k
Pol 501.01	RSA 188-F:26, II
Pol 601.01	RSA 188-F:26, V
Pol 602.01	RSA 188-F:26, XII, RSA 91-A:5, IV
Pol 602.02	RSA 188-F:26, II
Pol 602.03	RSA 188-F:26, II