

CHAPTER Pol 300 APPLICATION AND QUALIFICATION

PART Pol 301 APPLICATION PROCEDURES

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

Readopt 301.01 – 301.03, effective 8-1-08 (Doc # 9224), cited and to read as follows:

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.

Readopt with amendment Pol 301.04, effective 8-1-08 (Doc # 9224), as amended effective 2-27-09 (Doc # 9400, to read as follows:

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, and 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;~~

(1410) 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;

(1511) Name, address and signature of physician; and

(1612) 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.

Readopt with amendment Pol 301.05, effective 8-1-09 (Doc # 9224), to read as follows:

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), ~~(7)~~, (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 of~~ New Hampshire; or
 - b. Where a sale as defined in RSA 318-B:1 did occur, it was not for profit, meaning the conduct did not result in an excess of financial return over expenditure in a transaction or series of transactions; and
 - ~~b.c. That 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;

(a) unless, upon review of the council at the request of a hiring authority, the council finds that disqualification under this provision would not promote a legitimate public interest;

(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~~ a basic training program for full or part-time police; corrections; or probation/parole officers; ~~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 purpose 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).

Readopt Pol 301.06, effective 1/1/14 (Doc # 10496), to read as follows:

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 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) 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) Discharge;
- (3) Resignation;
- (4) Promotion;
- (5) Suspension for more than one day;
- (6) Demotion;
- (7) Change in status, such as full-time to part-time, or reverse;
- (8) Death of any police, corrections or probation/parole officer;
- (9) Resigned during internal investigation;
- (10) Negotiated resignation;
- (11) Resignation in lieu of discharge;
- (12) Administrative leave;

- (13) Military deployment for more than 30 days;
 - (14) Return from administrative leave or military deployment; or
 - (15) Change of name.
- (d) Form "B" shall contain the following information regarding the employee:
- (1) Full name, date of birth, council issued identification number;
 - (2) Department name and address;
 - (3) Effective date;
 - (4) An indication of the circumstance listed in (c) (1) through (c) (15) that applies;
 - (5) Whether a full or part-time employee;
 - (6) New rank, if promoted;
 - (7) New name if name change;
 - (8) Signature and title of hiring authority; and
 - (9) The current date.

Readopt with amendment Pol 301.07, effective 2-27-09 (Doc # 9400), to read as follows:

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 uncertified 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.

Readopt Pol 301.08, effective 2-27-09 (Doc # 9400), to read as follows:

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

Readopt with amendment Pol 302.01, effective 7-1-12 (Doc # 10126), to read as follows:

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 police, corrections or probation/parole officer and each elected 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 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 as follows 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 therefor for good cause shown:

- (1) Extensions of the time limit for completion of the basic training program shall not exceed 2 years from the original date of hire; and
- (2) Extensions of the time limit for completion of the basic training program for elected police officers shall not exceed one year from the date of the election.

(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 an officer by any 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 unless the officer has been separated from police, corrections or probation/parole employment for a period of not less than 2 years beginning the day after the termination has become final.

(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.

(h) Active military deployment time and time an officer is actively attending a basic training program, shall not count towards the time limitations of this section.

Readopt Pol 302.01, effective 8-1-08 (Doc 9224), to read as follows:

Pol 302.02 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.

Readopt with amendment Pol 302.03, effective 8-1-08 (Doc # 9224), to read as follows:

Pol 302.03 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~~ 302.01.

(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.

Readopt Pol 302.04 through Pol 302.07, effective 8-1-08 (Doc # 9224), to read as follows:

Pol 302.04 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 302.05 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 302.06 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 302.07 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..

Readopt with amendment Pol 302.08, effective 8-1-08 (Doc # 9224), to read as follows:

Pol 302.08 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 302.0201(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.

Readopt Pol 302.09 through Pol 302.11, effective 8-1-08 (Doc # 9224), to read as follows:

Pol 302.09 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 302.10 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 302.11 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.

Readopt with amendment Pol 302.12 and Pol 302.13, effective 8-1-08 (Doc # 9224), to read as follows:

Pol 302.12 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~~ breath test 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 302.13 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 (e)~~302.12(c) and (d).

(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 (e)~~302.12(c) and (d).

Readopt Pol 302.14 and Pol 302.15, effective 12-20-11 (Doc # 10048), to read as follows:

Pol 302.14 Legislative Security Staff To the extent that the legislature chooses to send any legislative security staff to police standards and training council academy for certification pursuant to RSA 14:50, IV or seek recertification under RSA 14:50, V, the hiring authority and legislative security staff shall comply with all council requirements applicable for the type of certification sought, including any ongoing educational or fitness requirements, except those rules regarding the reporting and limitation on hours for part-time certified officers.

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

Readopt with amendment Pol 401.01, effective 3-25-10 (Doc # 9686), to read as follows:

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 in this state, 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.

(d) The certification of a police, corrections or probation/parole officer who is subject to an involuntary lay-off shall not lapse if the officer is recalled and re-instated by the same agency as a police, corrections or probation/parole officer within a period of 3 years after the date of the involuntary separation.

PART Pol 402 OWNERSHIP AND REVOCATION OF CERTIFICATES

Statutory Authority: RSA 188-F:27, III

Readopt Pol 402.01, effective 8-1-08 (Doc # 9224), to read as follows:

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.

Readopt with amendment Pol 402.02, effective 6-4-13 (Doc # 10352), to read as follows:

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; has resigned during an internal investigation; or resigned through a negotiated resignation, 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 (j) 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; or

(8) A law enforcement officer has willfully:

- a. Violated council rules relative to himself or herself or the officers working under his/her control;
- b. Submitted false or forged documents; or
- c. 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 calendar year~~ 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 as defined in Pol 101.35, before he/she shall be recertified.

(j) 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 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.

(k) A person who has had their police, corrections or probation/parole officer certification revoked or suspended shall not be allowed to work in a capacity that would allow them to exercise the same authority as a certified officer or that would give the appearance that they have the same authority as a certified officer during the period of suspension or revocation.

Readopt Pol 403.01, Pol 404.01, and Pol 404.02, effective 8-1-08 (Doc # 9224), cited and to read as follows:

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.

Readopt with amendment Pol 404.03, effective 3-1-15 (Doc # 10780), to read as follows:

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 officers who are authorized to use force in the course of their employment shall meet the minimum standards established in Pol 302.02 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 shall not have to be covered each year, but all shall be discussed within a 3-year cycle, and if the officer is issued or carries firearms then, (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) Training and proficiency shall be documented and monitored by the department and records retained for a 5-year period and subject to examination and audit by the director or his or her authorized agent.

(l) The documentation shall be attested to by a council-approved firearms instructor and 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;
- (6) The instructor's name and signature;
- (7) Lesson outlines used; and
- (8) Signed attendance rosters.

(m) 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, as amended, shall be required to:

(1) Present a retired law enforcement officer identification which meets the requirements of 18 U.S.C. 926C (d) (2A) and Pol 101.38, to an officer holding a current council 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:~~ Complete the use of force training provided by the firearms instructor currently certified by the council, as required by RSA 627:1,2,3,4,5,6,7 and 8 and Pol 404.03(f) (1), (2), (7), and (8); and

~~a. Present to an officer holding a current council 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 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 (f) (5);~~

~~(3) Have in his or her possession the firearm that the officer proposes to carry concealed;~~

~~(4) Have in his or her 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 council 2 consecutive times with a score of 75% or

better, conducted by a firearms instructor currently certified by the council and approved by the firearms instructor's employer.

~~(n) 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.~~

~~(o) Upon completion of the requirements outlined in Pol 404.03 (l), the council firearms instructor of record shall forward to the council provide the qualified retired law enforcement officer documentation noting his/her compliance with 18 U.S.C. 926C (d) (2) (B).~~

~~(1) A photocopy of the retired ID card relied upon in Pol 404.03 (l) (1) to satisfy that requirement; and the documentation shall include:~~

~~(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 and council assigned identification number of the firearms instructor of record; and~~
- ~~h. The signature of the qualified retired law enforcement officer.~~

~~(2) A copy of the documentation required in Pol 404.03(n) and a photocopy of the retired law enforcement officer identification relied upon to satisfy Pol 404.03 (m) (1), shall be retained by the council certified firearms instructor's employing agency for a 5 year period.~~

~~(p) Upon receipt of the materials noted in Pol 404.03 (n), the council shall mail to the qualified retired law enforcement officer, at the address noted in Pol 404.03 (n) (2) b. a letter on council letterhead noting his/her compliance with 18 U.S.C. 926C (d) (2) (B).~~

~~(g) If the person attempting to qualify cannot meet the standard noted in Pol 404.03 (1) (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).~~

Readopt with amendment Pol 404.04, effective 3/1/15 (Doc # 10781), to read as follows:

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

(a) The hiring authority shall submit to the council no later than 30 days after the conclusion of each calendar year, an annual firearms training and qualification affidavit certifying that each police, corrections or probation/parole officer employed by them has successfully completed all the training and qualification requirements prescribed in Pol 404.03 during the preceding calendar year.

(b) The annual firearms training and qualification affidavit shall be signed by the chief law enforcement officer and shall include a list of all firearms instructors who provided training during the calendar year, including their council assigned identification numbers.

Readopt Pol 404.05, effective 12-20-11 (Doc # 10049), to read as follows:

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 the council firearms instructor school.

(c) Persons shall be approved if they;

(1) Successfully complete one of the following:

a. F.B.I. firearms instructor school;

b. National Rifle Association police firearms instructor course; or

c. 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;

- (2) Demonstrate proficiency by qualifying twice consecutively on a council sponsored qualification course with a minimum score of 80% to the bib area of PSTC's silhouette target; and
 - (3) Attend one hour of council sponsored instruction for new firearms instructors.
- (d) 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.

Readopt with amendment Pol 404.06, effective 8-1-08 (Doc # 9224), to read as follows:

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 certification and employment, to furnish the council with a certification-medical clearance report signed by a physician, physician assistant, or ARNP every 3 years documenting 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 35th 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 Ssource.

(c) The medical clearance shall be valid for a period of 12 months from the date of the examination.

(ed) Any officer who is unable to pass-obtain the medical certification-clearance 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 documentation of medical evidence-of-suitabilityclearance 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-obtain the medical evaluation-clearance and pass the physical fitness performance test conducted by Police Standards and Training staff.

Readopt with amendment Pol 404.07, effective 6-4-13 (Doc # 10353), to read as follows:

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 certification and-employment, to successfully pass the physical fitness performance test prescribed as the 1 ½ mile run, pushups and situps performed at the 35th 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 to obtain the medical certification-clearance required in Pol 404.06 shall be allowed to participate in the physical fitness performance testing required by this rule.

(e) Any officer who is unable to pass the physical fitness performance test shall have his/her certification placed in probationary status for a period of up to 2 years, during which time the officer may submit documentation of medical ~~evidence of suitability clearance~~ for testing and of a passed test 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-obtain the medical ~~evaluation clearance~~ and pass the physical fitness performance test conducted by Police Standards and Training staff.

(f) For the purpose of Pol 404.06 and 404.07, "once every 3 years" shall mean within a 3 year period beginning on the date of the officer's last successful physical fitness performance test.

(g) At the request of a hiring authority, or in any case where the council has reasonable grounds to doubt that a physical fitness performance test was conducted in accordance with the protocol adopted by the council, the council may require an officer to submit to a physical fitness performance test conducted by Police Standards and Training staff to satisfy the requirements of this section.

Readopt Pol 501.01, effective 1-1-15 (Doc # 10734), cited and to read as follows:

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 or probation/parole 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) Every full-time or part-time police or corrections or probation/parole officer employed by a state, county or local law enforcement agency in New Hampshire, upon being arrested or formally charged in this or any other state for a violation of the criminal law other than a minor motor vehicle violation, shall within 48 hours, notify the hiring authority of their agency.

(c) Every state, county or local law enforcement agency in New Hampshire that becomes aware that a full-time or part-time police or corrections or probation/parole officer employed by that agency has been arrested or formally charged 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".

(d) 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.

(e) 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,
- (6) The signature of an official of the reporting agency, and
- (7) The name and telephone number of the prosecuting official.

CHAPTER Pol 600 TRAINING APPROVAL

Readopt Pol 601.01, effective 8-1-08 (Doc # 9224), cited and to read as follows:

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.

Readopt with amendment Pol 602.01, effective 8-1-08 (Doc # 9224), cited and to read as follows:

PART Pol 602 TRAINING RECORDS

Statutory Authority: RSA 188-F:22-28, RSA 91-A:5, IV

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.

Readopt Pol 602.02, effective 8-1-08 (Doc # 9224), to read as follows:

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.

Readopt with amendment Pol 602.03, effective 8-1-08 (Doc # 9224), to read as follows:

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

RULE NUMBER	NH STATUTE IMPLEMENTED	FEDERAL STATUTE IMPLEMENTED
Pol 301.01	RSA 188-F:27, III	
Pol 301.02	RSA 188-F:27, III; RSA 651:5, XI(b)	
Pol 301.03	RSA 188-F:27, III	
Pol 301.04	RSA 188-F:27, III	
Pol 301.05	RSA 188-F:27:III	
Pol 301.06	RSA 188-F:26, II	
Pol 301.07	RSA 188-F:27, III-c	
Pol 301.08	RSA 188-F:27, III-l	
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, III	
Pol 302.03	RSA 188-F:26, VII	
Pol 302.04	RSA 381; RSA 188-F:27,I;	49 U.S.C. 28101
Pol 302.05	RSA 176:7; RSA 188-F:27, I	
Pol 302.06	RSA 188-F:27, I	
Pol 302.07	RSA 188-F:27, I; RSA 21-P:7-c	
Pol 302.08	RSA 188-F:27, I; RSA 627:8-b	
Pol 302.09	RSA 188-F:27, I; RSA 438:15-a; RSA 227-G:9	
Pol 302.10	RSA 188-F:26, I	
Pol 302.11	RSA 188-F:27, III	

Pol 302.12	RSA 188-F:32	
Pol 302.13	RSA 188-F:26, XII	
Pol 302.14	RSA 14:50, IV; RSA 14:50, V; RSA 188-F:27, III	
Pol 302.15	RSA 188-F:26, I; RSA 188-F:26, V	
Pol 401.01	RSA 188-F:27, III	
Pol 402.01	RSA 188-F:26, IV	
Pol 402.02	RSA 188-F:26, IV	
Pol 403.01	RSA 188-F:26, III	
Pol 404.01	RSA 188-F:26, IV	
Pol 404.02	RSA 188-F:26, XII	
Pol 404.03	RSA 188-F:26, III; RSA 188-F:26,XVII	18 U.S.C. 926C(d)(2)(B)
Pol 404.04	RSA 188-F:26, II	
Pol 404.05	RSA 188-F:26, V; RSA 188-F 27, III	
Pol 404.06	RSA 188-F:26, I; RSA 188-F:27, III	
Pol 404.07	RSA 188-F:26, I; RSA 188-F:27, III	
Pol 501.01	RSA 188-F:26, II	
Pol 601.01	RSA 188-F:26, V; RSA 188-F:26, VII	
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	