

IMPORTANT: Read instructions on back of last page (Certification Page) before completing this form. Failure to comply with instructions may cause disapproval of proposed Regulations

State of Connecticut
REGULATION
of

NAME OF AGENCY

Department of Emergency Services and Public Protection

Concerning

SUBJECT MATTER OF REGULATION

Original Appointment and Reappointment to the Position of Police Officer

DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTION

Section 1. Subsection (a) of section 7-294e-1 of the Regulations of Connecticut State Agencies is amended as follows:

Sec. 7-294e-1. Original appointment and reappointment to the position of police officer

(a) **Definitions.** As used in sections 7-294e-1 to 7-294e-24, inclusive:

- (1) “Original certification” means the first certification of the individual to a position as a police officer in any law enforcement unit within the state;
- (2) “Probationary candidate” means a police officer who, having satisfied pre_employment requirements, has commenced employment with a law enforcement unit, but has not satisfactorily completed the training requirements provided for in section 7-294d of the [general statutes] Connecticut General Statutes[.];
- (3) “Comparative certification” means the certification of a candidate for a police officer position, who has served as a police officer in another state or in a law enforcement unit within the state [which] that is not subject to the statutes and regulations of the Police Officer Standards and Training Council (the “Council”)[.];
- (4) “Lateral certification” means the certification of a currently certified Connecticut police officer to a new position as a police officer with a different law enforcement unit within the state[.]; and
- (5) “Chief of police” means a police officer who holds a position as the head of a law enforcement unit.

Sec. 2. Section 7-294e-2 of the Regulations of Connecticut State Agencies is amended as follows:

Sec. 7-294e-2. Eligibility for lateral certification or comparative certification; lapsed certification

(a) A candidate for lateral certification to a position as a police officer in any law enforcement unit within the state shall meet all Council entry level requirements, except the Entry Physical Fitness Testing Standard. [The candidate shall also satisfactorily complete a council approved police basic training program, except when the last appointment to a similar position was:

- (1) Within the state of Connecticut, and
- (2) Followed by at least two years of continuous service as a certified police officer, and
- (3) Interrupted by not more than three years' absence from the law enforcement unit where last appointed.]

(b) [In those circumstances where the last appointment as a police officer or similar position in a law enforcement unit does not meet the requirements of this subsection,] In those circumstances where certification has lapsed as provided in section 7-294d(b) of the Connecticut General Statutes, the Council may grant a full or partial waiver of the police basic training requirement, specifying the elements of the program, if any, the candidate will be required to satisfactorily complete. A request for waiver of the requirement of police basic training shall be forwarded to the Council in writing by the chief of police of the law enforcement unit [concerned] seeking to employ such police officer, giving all pertinent information. If the request for a waiver originated from a [town] municipality or agency for which there is no chief of police, or concerns the position of chief of police, the request shall be made by the candidate's appointing authority.

(c) A candidate for comparative certification to a position as a police officer in any law enforcement unit within the state shall satisfactorily meet all Council entry level requirements. The candidate shall also complete a Council-approved police basic training program.

The Council may grant a full or partial waiver of the police basic training requirement, specifying the elements of the program, if any, the candidate will be required to satisfactorily complete. A request for waiver of the requirement of police basic training shall be forwarded to the Council in writing by the chief of police of the law enforcement unit [concerned] seeking to employ such police officer, giving all pertinent information. If the request for a waiver originates from a [town] municipality or agency for which there is no chief of police, or concerns the position of chief of police, the request shall be made by the candidate's appointing authority.

(d) In determining whether to waive all or a portion of the required police basic training program, the [Police Officer Training Council] Council shall evaluate in comparison to current standards the quality and extent of the candidate's (1) previous basic training and certification as a police officer; (2) formal, professional and in-service training and education in law enforcement and criminal justice[, and]; (3) length of service and field experience as a police officer[.]; and (4) length of absence from employment with a law enforcement unit.

The council may waive those portions of the police basic training program for which a candidate demonstrates [A] the satisfactory completion of a substantially equivalent training or educational program in another state or jurisdiction, or [(B) a length of service with field experience sufficient to establish a practical mastery of the required skills, or a satisfactory combination of both.

(e) A candidate for comparative certification [or lateral certification] to any position other than that of an entry level police officer position shall not be required by the Council to meet entry level standards in subsections (e) and (n) of section 7-294e-16 of the Regulations of Connecticut State Agencies.

Sec. 3. Subsection (b) and subdivision (4) of subsection (c) of 7-294e-4 of the Regulations of Connecticut State Agencies is amended as follows:

Sec. 7-294e-4. Organization

(b) **Public Access.** Members of the public shall obtain information in accordance with the provisions of the [Connecticut General Statutes, Sections 1-15 to 1-20b, inclusive] Freedom of Information Act, as provided in Chapter 14 of the Connecticut General Statutes. Requests [for information] to review records or written requests for copies of records may be made directly to the Council at its regular meetings, in person at its offices or by mail to the Police Officer Standards and Training Council, 285 Preston Avenue, Meriden, Connecticut 06450-4891. With the exception of those records exempt [by Connecticut General Statutes, Section 1-19,] under the Freedom of Information Act or otherwise protected by state or federal law, all information received by the Council shall be considered public information and made available upon request. Council meetings shall be open to the public in accordance with the [Connecticut General Statutes, Section 1-21 to 1-21i, inclusive] Freedom of Information Act.

(c) **Rules of Procedure.**

(4) Meetings

(A) Meetings of the Council shall be noticed and conducted and agendas and minutes shall be prepared and posted in accordance with [Connecticut General Statutes, Section 1-21 to 1-21h, inclusive] the Freedom of Information Act.

(B) The chairman, with the concurrence of the Council, shall set the date, time[,] and location of all meetings of the Council and notify all interested parties at least [twenty-four] 24 hours prior to such meetings. Special meetings may be called by the chairman at [his/her] his or her own initiative or at the request of four members with 48-hour notice to all members.

(C) A meeting of the Council shall be ended by [moving “to adjourn”] a motion to adjourn.

Sec. 4. Subsections (d) and (e) of section 7-294e-8 of the Regulations of Connecticut State Agencies is amended as follows:

Sec. 7-294e-8. Types of certificates

[(d) Master Certificate. A master certificate shall be issued when an applicant submits the following:

- (1) A signed recommendation from the chief law enforcement officer of the applicant’s law enforcement unit attesting to the fact that the applicant has seven years of satisfactory experience as a police officer, training officer and training and development administrator, and
- (2) Evidence that the applicant has completed additional general and professional preparation required for the issuance of such certificate.

(e) Firearms Certificate. A Firearms Certificate shall be issued when the applicant submits the following:

- (1) A signed recommendation from the chief law enforcement officer of the applicant’s law enforcement unit attesting to the fact that the applicant has three years of satisfactory experience as a police officer, and
- (2) Evidence that the applicant has completed additional general and professional preparation required for the issuance of such certificate.]

Sec. 5. Subsections (b) and (c) of section 7-294e-14 of the Regulations of Connecticut State Agencies is amended as follows:

Sec. 7-294e-14. Certification and review training

(b) **Establishment of an original date of certification.** All persons appointed to probationary candidate positions who have completed both basic training and supervised field and departmental training will be considered to be certified on the day when the final requirement is completed.

(1) Certification of police officers is contingent upon active employment in a law enforcement unit. The certification of a police officer shall expire [two years after employment as a police officer ceases] as provided in section 7-294d of the Connecticut General Statutes.

(2) Certification of police officers, while employed, shall be valid for three years from date of issuance. Certification is renewable contingent upon continued employment by a law enforcement unit and satisfactory completion of the requirements of certified review training.

(c) **Persons required to complete certified review training.**

Any person holding the position of certified police officer in Connecticut shall complete [at least forty (40) hours of certified review training every three years in order to maintain said certification: the three-year period shall begin on the day when certification takes effect.] such certified review training as the Council may require, but not less than the 40-hour minimum requirement set forth in section 7-294d(a)(8) of the Connecticut General Statutes during a three-year period, unless extended as provided in such statute, beginning on the effective date of certification.

(1) Standardization of the review training period. [Every police officer required to complete a three-year review training period shall have an expiration date of June 30 in the third year following their original date of certification and in all subsequent three year periods.] A review training period shall expire on June 30 of the third year following the date of a police officer's original certification and June 30 of the third year of each three-year period thereafter.

(2) Administrative procedures and penalty. [Any person who fails to complete the prescribed certified review training, as specified by the Police Officer Standards and Training Council, shall not be recertified by the Council. The Police Officer Standards and Training Council shall notify, in writing, all persons who have not completed the prescribed certified review training prior to commencement of the administrative steps necessary to culminate in the person's forfeiture of their appointment and position.]

The Council will not recertify any person who fails to complete the prescribed certified review training. The Council shall provide written notification to all persons who have not completed the prescribed certified review training prior to commencement of the administrative steps necessary to cause the forfeiture of an individual's appointment and position.

STATEMENT OF PURPOSE: The purpose of the proposed amendments are as follows: 1) section 7-294e-1 makes it clear that lateral certification involves leaving one Connecticut law enforcement unit for another; 2) section 7-294e-2 conforms the regulatory language to the requirements of Public Act 11-251 by eliminating the basic training requirement for any person seeking a lateral transfer from one Connecticut department to another. It also eliminates the physical fitness testing standard as a requirement in any lateral transfer and allows the Council to consider length of absence from law enforcement employment in any request to waive training requirements. The revision to subsection (b) conforms regulatory language to agency practice; 3) section 7-294e-4 eliminates obsolete statutory references to the Freedom of Information Act and

conforms procedures to the Act and laws restricting the release of records maintained by the Council; 4) section 7-294e-8 deletes certificates that are no longer being issued; and 5) section 7-294e-14 inserts a statutory reference regarding the period after which a certification lapses if the individual is not employed by a law enforcement agency, and eliminates the reference to 40 hours of training, instead providing for such training as the Council may require above the minimum of 40 hours. The proposed amendments also contain a number of revisions for clarification or to conform the document to current style rules.

The revision to 7-294e-1 adds Connecticut to the definition of lateral transfer to ensure that both departments are Connecticut law enforcement units. The effect of the proposed revisions to section 7-294e-2 is to allow a person certified as a police officer for fewer than two years to laterally transfer to another department without being required to successfully complete the police basic training program or to meet a physical fitness testing standard, and to reflect agency practice with respect to lapsed certifications. The elimination of the two-year requirement is mandated by PA 11-251. The fitness standard is being eliminated for lateral transfers because of the lack of a statewide standard. The Council has considered this issue and it believes that requiring a physical fitness testing standard potentially exposes applicants to conflicting standards. The review of requests to waive training from other applicants for certification, such as those whose certifications have lapsed or applicants for comparative certification (out of state or law enforcement units not subject to Council requirements), will include length of absence from law enforcement employment. It is felt that this factor should be considered in a determination of what training, if any, to require. The effect of the revision to 7-294e-4 is to make clear that individuals may seek records at the Council's offices, as well as at meetings and by written request mailed to Council offices, that requests for copies must be in writing, as provided by the Freedom of Information Act, that certain records may be non-disclosable due to other state or federal laws, and that meeting minutes and agendas must be posted as required by the Act. The effect of the revision to 7-294e-8 is to conform the section to current agency practice. The effect of that portion of the amendment to section 7-294e-14 that substitutes a statutory reference for a defined period of time after which a certification has lapsed avoids restating a statutory provision in a regulation, which will be a particular problem if the statute changes. The revision to the provision regarding training hours is based on the Council's interpretation, supported by legal counsel, that the language of section 7-294d(a)(8) of the Connecticut General Statutes allows the Council to require a minimum of 40 training hours, allowing it to set higher amounts by policy. In 2003, the Council increased the number of required training hours to 60, where it remains today.

R-39 Rev. 03/2012
(Certification page—see Instructions on back)

CERTIFICATION

This certification statement must be completed in full, including items 3 and 4, if they are applicable.

- 1) I hereby certify that the above (check one) Regulations Emergency Regulations
- 2) are (check all that apply) adopted amended repealed **by this agency pursuant to the following authority(ies):** (complete all that apply)
- a. Connecticut General Statutes section(s) 7-294e.
- b. Public Act Number(s) 11-251.
(Provide public act number(s) if the act has not yet been codified in the Connecticut General Statutes.)
- 3) **And I further certify that notice of intent to adopt, amend or repeal said regulations was published in the Connecticut Law Journal on 5/22/12;**
(Insert date of notice publication if publication was required by CGS Section 4-168.)
- 4) **And that a public hearing regarding the proposed regulations was held on _____;**
(Insert date(s) of public hearing(s) held pursuant to CGS Section 4-168(a)(7), if any, or pursuant to other applicable statute.)
- 5) **And that said regulations are EFFECTIVE** (check one, and complete as applicable)
- When filed with the Secretary of the State
- OR** on (insert date) _____

DATE	SIGNED (Head of Board, Agency or Commission)	OFFICIAL TITLE, DULY AUTHORIZED Commissioner
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APPROVED by the Attorney General as to legal sufficiency in accordance with CGS Section 4-169, as amended

DATE	SIGNED (Attorney General or AG's designated representative)	OFFICIAL TITLE, DULY AUTHORIZED
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*Proposed regulations are **DEEMED APPROVED** by the Attorney General in accordance with CGS Section 4-169, as amended, if the attorney General fails to give notice to the agency of any legal insufficiency within thirty (30) days of the receipt of the proposed regulation.*

(For Regulation Review Committee Use ONLY)

- Approved Rejected without prejudice
- Approved with technical corrections Disapproved in part, (Indicate Section Numbers disapproved only)
- Deemed approved pursuant to CGS Section 4-170(c)

By the Legislative Regulation Review Committee in accordance with CGS Section 4-170, as amended	DATE	SIGNED (Administrator, Legislative Regulation Review Committee)
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Two certified copies received and filed and one such copy forwarded to the Commission on Official Legal Publications in accordance with CGS Section 4-172, as amended.

DATE	SIGNED (Secretary of the State)	BY
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(For Secretary of the State Use ONLY)

GENERAL INSTRUCTIONS

1. All regulations proposed for adoption, amendment or repeal, *except* emergency regulations, must be presented to the Attorney General for his/her determination of legal sufficiency. (See CGS Section 4-169.)
2. After approval by the Attorney General, the original and one electronic copy (in Word format) of all regulations proposed for adoption, amendment or repeal must be presented to the Legislative Regulation Review Committee for its action. (See CGS Sections 4-168 and 4-170 as amended by Public Act 11-150, Sections 18 and 19.)
3. Each proposed regulation section must include the appropriate regulation section number and a section heading. (See CGS Section 4-172.)
4. New language added to an existing regulation must be in underlining or CAPITAL LETTERS, as determined by the Regulation Review Committee. (See CGS 4-170(b).)
5. Existing language to be deleted must be enclosed in brackets []. (See CGS 4-170(b).)
6. A completely new regulation or a new section of an existing regulation must be preceded by the word "(NEW)" in capital letters. (See CGS Section 4-170(b).)
7. The proposed regulation must have a statement of its purpose following the final section of the regulation. (See CGS Section 4-170(b).)
8. The Certification Statement portion of the form must be completed, including all applicable information regarding *Connecticut Law Journal* notice publication date(s) and public hearing(s). (See more specific instructions below.)
9. Additional information regarding rules and procedures of the Legislative Regulation Review Committee can be found on the Committee's web site: <http://www.cga.ct.gov/rr/>.
10. A copy of the Legislative Commissioners' Regulations Drafting Manual is located on the LCO website at http://www.cga.ct.gov/lco/pdfs/Regulations_Drafting_Manual.pdf.

CERTIFICATION STATEMENT INSTRUCTIONS

(Numbers below correspond to the numbered sections of the statement)

1. Indicate whether the regulation is a regular or an emergency regulation adopted under the provisions of CGS Section 4-168(f).
2.
 - a) Indicate whether the regulations contains newly adopted sections, amendments to existing sections, and/or repeals existing sections. Check all cases that apply.
 - b) Indicate the specific legal authority that authorizes or requires adoption, amendment or repeal of the regulation. If the relevant public act has been codified in the most current biennial edition of the *Connecticut General Statutes*, indicate the relevant statute number(s) instead of the public act number. If the public act has not yet been codified, indicate the relevant public act number.
3. Except for emergency regulations adopted under CGS 4-168(f), and technical amendments to an existing regulation adopted under CGS 4-168(g), an agency must publish notice of its intent to adopt a regulation in the *Connecticut Law Journal*. Enter the date of notice publication.
4. CGS Section 4-168(a)(7) prescribes requirements for the holding of an agency public hearing regarding proposed regulations. Enter the date(s) of the hearing(s) held under that section, if any; also enter the date(s) of any hearing(s) the agency was required to hold under the provisions of any other law.
5. As applicable, enter the effective date of the regulation here, or indicate that it is effective upon filing with the Secretary of the State. Please note the information below.

Regulations are effective upon filing with the Secretary of the State or at a later specified date. See CGS Section 4-172(b) which provides that each regulation is effective upon filing, or, if a later date is required by statute or specified in the regulation, the later date is the effective date. An effective date may not precede the effective date of the public act requiring or permitting the regulation. Emergency regulations are effective immediately upon filing with the Secretary of the State, or at a stated date less than twenty days thereafter.