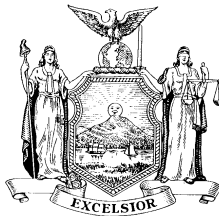




Training Guide for Peace Officer Employers



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

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Preface

Article 2 of the Criminal Procedure Law of the State of New York defines the position and training requirements of peace officers in the State of New York. Persons who are designated as Peace Officers by Criminal Procedure Law §2.10 and §2.16 must be registered as such according to Executive Law §845-a and must complete a Basic Course for Peace Officers within twelve months of date of appointment. Additionally, no peace officer shall be allowed by their employer to carry or use a weapon during any phase of their official duties which constitutes on-duty employment, unless they have, within six months of the date of appointment, satisfactorily completed a course of training approved by the Municipal Police Training Council (MPTC) in the use of deadly physical force and firearms and other weapons, and annually receive instruction in deadly physical force and the use of firearms and other weapons as approved by the MPTC.

Peace officers who are authorized by statute to carry a firearm, those categories of peace officer defined in Criminal Procedure Law §2.10 that do not contain additional language requiring the officer to obtain a pistol license pursuant to Penal Law §400.00, must complete the Basic Course for Peace Officers with Firearms and Deadly Physical Force (ref. Orange County Probation vs. DCJS) or the Basic Course for Peace Officers and the Initial Firearms and Deadly Physical Force course. Affected designations of peace officers whose employer does not authorize the use of firearms are not required to attend annual instruction in the use of deadly physical force and firearms.

This guide will define regulations that govern MPTC approval for peace officer training, including the requirements for conducting and reporting training, as well as the responsibilities of the various parties involved.

ACKNOWLEDGMENTS

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

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Introduction

The Municipal Police Training Council (MPTC), created under Executive Law §839, determines minimally acceptable training and employment standards for law enforcement officers in New York State. The MPTC recommends rules and regulations for promulgation by the Governor. Once implemented, these rules and regulations carry the force of law.

Once a term is defined in this manual, it is the only meaning for that term. For example, “peace officer” shall mean a peace officer as defined in Criminal Procedure Law §2.10 and §2.16. Since regulation authorizes the issuance a certificate for the Basic Course for Peace Officer to a registered peace officer, the Division can only issue a certificate to a person who has been appointed to a position named in those sections. If a person is not registered pursuant to Executive Law 845-a or a civilian is enrolled in the course, they are not eligible to receive an MPTC certificate.

It is the goal of Division to assist practitioners in providing quality training for peace officers. Training course directors and officers are encouraged to review this guide and ask questions. The Division will make every effort to help your staff understand and deliver a quality product that is meets, or exceeds, the standards established by the MPTC.

Division of Criminal Justice Services

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

The rules and regulations for the administration of basic and annual training are codified in Title 9 of the *Official Compilation of Codes, Rules and Regulations of the State of New York* [9 NYCRR], Part 6025. The Division will issue written certification for courses when the information furnished warrants such action. Should a course curriculum fail to meet MPTC standards for content or instructors, notification will be made to the course director so that curriculum adjustments may be made and the curriculum brought into compliance. Courses that fail to obtain Division approval prior to commencement may not be certified. A course must receive Division approval to be offered.

Upon written notification from the course director that the students have satisfactorily met the standards for certification, the Division will update the officers training records accordingly. If certificates are warranted, they will be issued at that time.

Peace Officer Employer

Each state or local agency, unit of local government, state or local commission, public authority, or public or private organization which employs peace officers shall provide the

mandated course(s) of instruction mandated by Criminal Procedure Law §2.30, and transmit to the Division the results of such training

It is the responsibility of the employer to ensure all peace officers in its employ are registered pursuant to Executive Law §845-a. Persons who do not appear on the Peace Officer Registry are not eligible to receive certification for any training. Instruction provided to persons not registered or employed as peace officers, at the time of training, will be deemed null and void.

Pursuant to 9 NYCRR 6025.8 and Criminal Procedure Law §2.30(5), the employer shall annually report to the Division, on behalf of the MPTC, the names of all peace officers employed by the employer who have, during the course of the preceding year, satisfactorily completed annual instruction in deadly physical force and the use of firearms and other weapons approved by the MPTC and mandated by Criminal Procedure Law §2.30 (1). Such report shall be included in the annual validation of peace officer registry data to be completed by the employer and submitted to the commissioner by January 15th of each year.

Peace Officer Registry

Executive Law §845-a defines the Peace Officer Registry as central repository of people appointed to that position within the State of New York. Executive Law §841 and Criminal Procedure Law §2.30 require the Division of Criminal Justice Services (Division) to maintain records about those officers, including their employment and training histories. In order to record and certify training, all peace officers must be duly appointed and registered at the time training is provided. The Division cannot issue certificates to officers who do not appear on the registry.

Course Director

The course director is entirely responsible for the administration of a course according to the minimum standards established by the MPTC. If a standard has been established by the MPTC, then a curriculum proposed by a course director must meet that standard, and may if the course director deems appropriate, exceed that standard.

A course director proposing a peace officer training school shall file with the Division, at least 45 days in advance of the designation of the school, a Division approved Curriculum Content Form listing the location of the school, the subjects comprising the curriculum which shall include both those prescribed by the MPTC and those prescribed by the employer (the Basic Course for Correction Officers curriculum for example), and a list identifying the instructors for each subject.

Only peace officer employers may sponsor training. All course documentation must reflect the name of the peace officer employer sponsoring the training.

The course director is responsible for selecting the appropriate instructors certified or approved pursuant to 9 NYCRR 6023 and 9 NYCRR 6024.

It is the responsibility of the course director to ensure only registered peace officers are issued certification. Persons who do not appear on the Peace Officer Registry are not eligible to receive certification for any training. Instruction provided to persons not registered or employed as peace officers, at the time training is conducted, will be deemed null and void.

The course director is responsible for the administration, supervision, and grading of any required examinations in accordance with 9 NYCRR 6025, and for maintaining an accurate record of attendance for each peace officer at the basic course.

Upon completing the course, the course director shall file with the Division, no later than ten days after the course end date, a typed Division approved Class Roster / Notification of Completion form. The form must contain the course director's original signature.

Pursuant to §57-a of the Arts and Cultural Affairs Law, the course director shall retain all records, including lesson plans, officer attendance and performance, curriculum, and Class Roster / Notification of Completion forms, as required by the appropriate schedule for records retention and disposition promulgated by the Commissioner of Education. Such records shall be available for inspection by the Division.

Instructors

There are two categories of instructor for peace officer schools, certified and approved. *Certified* instructors have completed an Instructor Development Course approved by the MPTC and are certified pursuant to 9 NYCRR 6023. Instructors in this category may instruct the Basic Course for Peace Officers and the Basic Course for Part-time Peace Officers and may possess, or are eligible to obtain, advanced certification in specialty topics such as firearms and/or defensive tactics. This is the most common method of instructor certification.

Approved instructors possess advanced academic credentials and a unique qualifying experience and have been approved by the Division. Applicants must submit an Instructor Personal History Form accompanied by an acceptable Instructor Evaluation, performed by an MPTC certified Instructor Evaluator. Instructors in this category have not attended an Instructor Development Course and may instruct their particular area of expertise only. Approved instructors are not eligible to obtain advanced certification in specialty topics, such as firearms or defensive tactics without first successfully completing an approved Instructor Development Course. All approvals are issued at the discretion of the Division.

The Division maintains a list of specialty topics that require instructors to complete an advanced course of study in order to receive certification. For example, in order to provide instruction in firearms and deadly physical force an instructor must have successfully completed an Instructor Development Course pursuant to 9 NYCRR 6023 and successfully completed a Firearms Instructor Course pursuant to 9 NYCRR 6024.

All instructors shall be responsible for disseminating the information in the modules assigned them according to the standards established by the MPTC. Instructors may be called

upon to provide documentation of their status and the Division may require any additional information to establish the competence of an instructor or for any other pertinent purpose.

Courses

Every peace officer in the State of New York must successfully complete a training program, a portion of which is prescribed by the MPTC and a portion of which shall be prescribed by the employer. The portion prescribed by the employer shall be comprised of subjects relating to the special nature of the duties of the officer and appear on the curriculum content form submitted for approval. For example, the Basic Course for Correction Officers includes the modules of the Basic Course for Peace Officers with Firearms plus the additional hours of training specific to the duties of a corrections officer. A list of peace officer training courses is found in Appendix A of this publication.

Should an employer elect to run a Basic Course for Peace Officers with Firearms, all course requirements, which include classroom instruction and initial training in firearms, must be completed as a single and cohesive unit. In order to receive certification, students who begin training together must successfully complete all aspects of the training, to a single standard determined by the course director, within the original time frame determined by the course director. Failure to complete any aspect of training, including qualification during initial training in firearms, will result in no certification. Regulations do not permit the course director or the Division to grant partial credit.

Understanding the difficulties inherent in scheduling instructors and firearms range facilities, should an employer elect to run a Basic Course for Peace Officers with Firearms, the Division does not require the classroom and range components be run consecutively, only that the curriculum content form identify the dates and times of each. For example, a Basic Course for Peace Officers with Firearms can be scheduled from December through June, with the classroom component being completed in December and the range component being delivered in June when a firing range can be secured. Once both components are completed, the course director shall submit one Class Roster / Notification of Completion for the Basic Course for Peace Officers with Firearms.

Annual weapons training is mandated for all officers who have access to, or supervise those who have access to, a firearm and/or other weapon in the official course of their duties. The MPTC has established standards for all mandated annual weapons training including the use of firearms and deadly physical force and other weapons, as defined in Criminal Procedure Law §2.30(1).

Curriculum Content Form

Pursuant to 9 NYCRR 6025.4(a) and Criminal Procedure Law §2.30(1), a course director proposing a peace officer training school shall file with the Division, at least 45 days in advance of the designation of the school. The form must consist of the MPTC approved course title, the location of the school, a chronological listing of the dates times and instructors for each module,

and shall include both those subjects prescribed by the MPTC and those prescribed by the employer (the Basic Course for Correction Officers curriculum for example). A school must receive Division approval to be offered. Copies of Division forms are available on our website at <http://www.criminaljustice.state.ny.us/ops/docs/index.htm>.

Criminal Procedure Law §2.30(1) states that when the subjects prescribed by the employer are identical to the subjects in the training program required by the municipal police training council, the officer shall not be required to take duplicate training for those subjects. Additionally, in instances where multiple weapons courses will be administered throughout the calendar year to the same officers, each officer need only complete one initial (or annual) Justification of the Use of Force/Deadly Physical Force module, to satisfy the use of force requirement for all weapons that officer is authorized to carry. However, instruction in initial and annual use of force is not interchangeable and can only be applied to instruction of the same nature. For example, annual use of force hours provided during the Annual Firearms and Deadly Physical Force Course in February may be utilized for the Annual Other Weapons and Deadly Physical Force Course – Baton proposed for August.

A list of approved MPTC course titles and curricula appears in Appendix A of this manual. Documentation that fails to use the MPTC approved titles will not be accepted.

Approval

Once a curriculum is approved and all necessary documentation is received, the Division will make written notification to the course director upon approval of a curriculum. It is recommended that course directors maintain a copy of the approval letter in the course file.

For agencies likely to provide multiple instances of a given peace officer training course during a calendar year, regulation provides for calendar year approval to run these courses as long as each subsequent session adheres to the approved schedule of events and instructors. To do this, the sponsoring agency must submit:

- 45 days prior to the first session of the proposed course, a curriculum identifying the dates of the first session, the times of each module, and the instructors for that session.
- A separate, comprehensive list of all potential instructors for additional sessions which will end during the same calendar year.
- Upon completion of each subsequent session, an “as taught” curriculum content form, listing the actual dates, times and instructors for each subsequent session must accompany the Class Roster / Notification of Completion. Any changes to content and/or instructors are subject to Division approval.

Attendance

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

Examinations

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

Remediation

The course director may remediate any students who have failed to meet the minimum passing requirements for any course, if in their judgment, it is reasonable to believe the student will show improvement with additional training. All remediation must occur within the original time frame of the course. It is suggested that course directors/sponsors consider extra time during, and at the end of, courses such as the Initial Firearms and Deadly Physical Force Course to allow for potential remediation. For example, schedule two weeks (80 hours) for the 47-hour "Initial Firearms and Deadly Physical Force Course," thus providing additional time to remediate poor or unsafe shooters who show the ability to improve with additional instruction/practice.

Class Roster / Notification of Completion

Once a course has been completed, the course director has ten days in which to submit a Class Roster / Notification of Completion to the Division. This form must be typed and contain all required information, including:

- the MPTC approved course title (reference Appendix -A),
- the school sponsor (must be a Peace Officer Employer),
- the school location,
- school dates,
- student information (name, social security number, sex, date of birth, employer, rank, status (full-time/part-time),

- whether or not each student satisfactorily completed the course (S) or unsatisfactorily completed the course (U), and
- the course director's original signature attesting to the veracity the form and the date the form was signed.

All students who attended training, regardless of employer, should be entered on a single Class Roster / Notification of Completion form. The form is not valid unless it bears the course directors original signature. In order to maintain accurate records, incomplete or inaccurate forms will be returned to the course director for completion/correction, thus delaying the posting of records and dissemination of certificates (if appropriate).

Certificates of Completion

Executive Law requires the Division to issue certificates of completion to registered peace officers that successfully complete all aspects of basic training and initial weapons courses. Each course completed by an officer, and reported to the Division, is posted to that officers' official training record.

The same policy applies to miscellaneous in-service courses; however, since there is no MPTC standard, the course must exceed 8 hours in duration. For more information, please reference the *In-service Training Guide* available on our website or by contacting our office.

Forms

The most current versions of our forms are available on our website at: <http://www.criminaljustice.state.ny.us/ops/docs/index.htm> or by contacting our office at (518) 457-4135.

Questions

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

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Appendix A - Minimum Standards for Peace Officer Training

Basic Course for Peace Officers

Who: Every peace officer who works a full complement of hours which constitutes full-time employment (per week). A portion of the program shall be prescribed by the Municipal Police Training Council and a portion by the employer. The portion prescribed by the Municipal Police Training Council shall be comprised of the following subjects and hours. Part-time peace officers are not precluded from attending this course. All officers who are authorized by statute to carry a firearm in the course of their official duties, meaning those categories of peace officer which do not contain the additional language requiring a pistol license pursuant to Penal Law §400.00, must complete the Initial Firearms and Deadly Physical Force Course in conjunction with this course or the Basic Course for Peace Officers with Firearms and Deadly Physical Force within six months of the peace officer's initial date of appointment.

MPTC Certificate: Yes

Instructor Requirements: Certified General Topics Instructor or Approved Peace Officer Instructor.

<u>Hours</u>	<u>MPTC Topic Title</u>
1 Hour	Ethics in the Law Enforcement Profession
1 Hour	Constitutional Law
3 Hours	Penal Law Article 35 – Justification-Use of Force/Deadly Physical Force
1 Hour	Penal Law §265.20 Power of a Peace Officer to possess a firearm not owned by the peace officer
3 Hours	Penal Law Articles relating to the agency's specific mission (must be specifically identified in the curriculum)
2 Hours	Criminal Procedure Law §2.20 - Powers of a Peace Officer
2 Hours	Laws of Arrest
1 Hour	Search and Seizure
2 Hours	Rules of Evidence
1 Hour	Accusatory Instruments
1 Hour	Court Structure and Procedure
1 Hour	Court Testimony
1 Hour	Civil Law

Basic Course for Peace Officers (continued)

<u>Hours</u>	<u>MPTC Topic Title</u>
1 Hour	Preliminary Investigations
1 Hour	Crime Scene Search and Evidence Collection
½ Hour	Miranda Warning
½ Hour	Eyewitness Identifications
1 Hour	Interview and Interrogation
1 Hour	Statements and Confessions
4 Hours	Agency Arrest and Custody Procedures
2 Hours	Report Writing
2 Hours	Conflict Resolution
<u>2 Hours</u>	Electives specific to the agency's mission (must be specifically identified in the curriculum)

35 hours + any employer required training.

The segment prescribed by the employer for its employees shall be comprised of subjects, and the hours each is to be taught, relating to the special nature of the duties of the peace officers. Instructors for this portion must be found qualified by background and experience.

A written examination is required. If multiple examinations are given during a basic course, 50% of the overall grade must be based on the portion prescribed by the MPTC.

Peace officers must be trained in the use of all weapon(s) authorized for use during any phase of their official duties.

Basic Course for Peace Officers with Firearms and Deadly Physical Force

Who: Every peace officer who works a full complement of hours which constitutes full-time employment (per week) and who is authorized by statute, those whose category (CPL 2.10) does not include specific language requiring the officer to obtain a pistol license pursuant to Penal Law §400.00, or those authorized by their employer to carry a firearm in the course of their official duties. A portion of the program shall be prescribed by the Municipal Police Training Council and a portion by the employer. The portion prescribed by the Municipal Police Training Council shall be comprised of the following subjects and hours. Part-time peace officers are not precluded from attending this course. This course must be presented as a single cohesive unit. In order to receive certification, students who begin basic training together must successfully complete all aspects of the training, to a single standard determined by the course director, within the original time frame determined by the course director.

MPTC Certificate: Yes

Instructor Requirements: Certified General Topics Instructor or Approved Peace Officer Instructor. Instructors for the firearms component of this course must be certified as Firearms Instructors in accordance with 9 NYCRR 6024.

<u>Hours</u>	<u>MPTC Topic Title</u>
1 Hour	Ethics in the Law Enforcement Profession
1 Hour	Constitutional Law
7 Hours	Penal Law Article 35 - Justification-Use of Force/Deadly Physical Force (ref. Basic Course for Police Officers, Part 3-B.)
1 Hour	Penal Law §265.20 Power of a Peace Officer to possess a firearm not owned by the peace officer
3 Hours	Penal Law Articles relating to the agency's specific mission (must be specifically identified in the curriculum)
2 Hours	Criminal Procedure Law §2.20 - Powers of a Peace Officer
2 Hours	Laws of Arrest
1 Hour	Search and Seizure
2 Hours	Rules of Evidence
1 Hour	Accusatory Instruments
1 Hour	Court Structure and Procedure

1 Hour	Court Testimony
1 Hour	Civil Law
1 Hour	Preliminary Investigations
1 Hour	Crime Scene Search and Evidence Collection
½ Hour	Miranda Warning
½ Hour	Eyewitness Identifications
1 Hour	Interview and Interrogation
1 Hour	Statements and Confessions
4 Hours	Agency Arrest and Custody Procedures
2 Hours	Report Writing
2 Hours	Conflict Resolution
2 Hours	Electives specific to the agency's mission (must be specifically identified in the curriculum)
<u>40 Hours</u>	Firearms Training (all 35 mandatory, and any non-mandatory, objectives from the Initial Firearms and Deadly Physical Force Course must appear in the curriculum)

79 hours + any employer required training.

The segment prescribed by the employer for its employees shall be comprised of subjects, and the hours each is to be taught, relating to the special nature of the duties of the peace officer. Instructors for this portion must be found qualified by background and experience.

A written examination is required. If multiple examinations are given during a basic course, 50% of the overall grade must be based on the portion prescribed by the MPTC.

A qualifying course of fire of fifty (50) rounds (see page 17); fired double action with the dominant hand from the instructor's position of choice is required. The use of cover is encouraged but optional. A silhouette target is used with a scoring area equal to, or smaller than that of, the standard B-27 target. Trainees are required to fire at least two (2) qualifying scores of 70 percent (175 out of a possible 250) with service/duty ammunition.

Peace officers must be trained in the use of all weapon(s) authorized for use during any phase of their official duties.

Basic Course for Part-time Peace Officers

Who: Every peace officer who works less than a full complement of hours which constitutes full-time employment (per week). A portion of the program shall be prescribed by the Municipal Police Training Council and a portion by the employer. The portion prescribed by the Municipal Police Training Council shall be comprised of the following subjects and hours. Part-time peace officers are not precluded from attending this course.

MPTC Certificate: Yes

Instructor Requirements: Certified General Topics Instructor or Approved Peace Officer Instructor.

<u>Hours</u>	<u>MPTC Topic Title</u>
5 Hours	Penal Law Articles to include: Article 35 - Justification-Use of Force/Deadly Physical Force, Article 120 - Assault, Article 125 - Manslaughter, §130.35 - Rape in the 1st Degree, §130.50 - Sodomy in the 1st Degree, Article 135 - Kidnapping, Article 140 Burglary, Article 150 - Arson, Article 160- Robbery, and §265.20 - Power to possess a firearm not owned by the peace officer.
<u>5 Hours</u>	Criminal Procedure Law/Administrative Processing Articles to include: §2.20 Powers of a Peace Officer, Laws of Arrest, Search and Seizure, Rules of Evidence, Court Structure, Interrogations and Statements and Confessions, and Accusatory Instruments.

10 Hours + any employer required training.

The segment prescribed by the employer for its employees shall be comprised of subjects, and the hours each is to be taught, relating to the special nature of the duties of the peace officer. Instructors for this portion must be found qualified by background and experience.

A written examination is required. If multiple examinations are given during a basic course, 50% of the overall grade must be based on the portion prescribed by the MPTC.

Peace officers must be trained in the use of all weapon(s) authorized for use during any phase of their official duties.

Basic Course for Part-time Peace Officers with Firearms and Deadly Physical Force

Who: Every peace officer who works less than a full complement of hours which constitutes full-time employment (per week) and who is authorized by statute, those whose category (CPL 2.10) does not include specific language requiring the officer to obtain a pistol license pursuant to Penal Law §400.00, or those authorized by their employer to carry a firearm in the course of their official duties. A portion of the program shall be prescribed by the Municipal Police Training Council and a portion by the employer. The portion prescribed by the Municipal Police Training Council shall be comprised of the following subjects and hours. Part-time peace officers are not precluded from attending this course. This course must be presented as a single cohesive unit. In order to receive certification, students who begin basic training together must successfully complete all aspects of the training, to a single standard determined by the course director, within the original time frame determined by the course director.

MPTC Certificate: Yes

Instructor Requirements: Certified General Topics Instructor or Approved Peace Officer Instructor. Instructors for the firearms component of this course must be certified as Firearms Instructors in accordance with 9 NYCRR 6024.

<u>Hours</u>	<u>MPTC Topic Title</u>
7 Hours	<p>Penal Law Article 35, Justification-Use of Force/Deadly Physical Force (ref. Basic Course for Police Officers, Part 3-B.) Instruction may be provided as part of a Basic Course or during an Initial Other Weapons and Deadly Physical Force Course within the twelve preceding months.</p> <p>Instruction must provide an in depth review of NYS Penal Law Article 35. Emphasis is placed on recognition, retention, understanding and practical information provided. Students must be able to:</p> <ol style="list-style-type: none"> 1. Recognize circumstances that justify use of physical force. 2. Recognize circumstances that justify use of deadly physical force. 3. Define “physical force,” “deadly physical force,” “physical injury” and “serious physical injury.” 4. Recognize the considerations and consequences associated with use of physical force and deadly physical force.
5 Hours	<p>Penal Law Articles to include topics on: Article 120 - Assault, Article 125 - Manslaughter, §130.35 - Rape in the 1st Degree, §130.50 - Sodomy in the 1st Degree, Article 135 - Kidnapping, Article 140 Burglary, Article 150 - Arson, Article 160- Robbery, and §265.20 - Power to possess a firearm not owned by the peace officer.</p>

Basic Course for Part-time Peace Officers with Firearms and Deadly Physical Force
(continued)

<u>Hours</u>	<u>MPTC Topic Title</u>
5 Hours	Criminal Procedure Law/Administrative Processing Articles to include topics on: §2.20 Powers of a Peace Officer, Laws of Arrest, Search and Seizure, Miranda Warning, Rules of Evidence, Court Structure, Interrogations and Statements and Confessions, and Accusatory Instruments.
<u>40 Hours</u>	Firearms Training (all 35 mandatory, and any non-mandatory, objectives from the Initial Firearms and Deadly Physical Force Course must appear in the curriculum).

57 hours + any employer required training.

The segment prescribed by the employer for its employees shall be comprised of subjects, and the hours each is to be taught, relating to the special nature of the duties of the peace officer. Instructors for this portion must be found qualified by background and experience.

A written examination is required. If multiple examinations are given during a basic course, 50% of the overall grade must be based on the portion prescribed by the MPTC.

Officers must qualify with each service firearm they have access to during the course of their official duties.

A qualifying course of fire of fifty (50) rounds (see page 17); fired double action with the dominant hand from the instructor's position of choice is required. The use of cover is encouraged but optional. A silhouette target is used with a scoring area equal to, or smaller than that of, the standard B-27 target. Trainees are required to fire at least two (2) qualifying scores of 70 percent (175 out of a possible 250) with service/duty ammunition.

Initial Firearms and Deadly Physical Force Course

Who: Every peace officer who is authorized by statute, those whose category (CPL 2.10) does not include specific language requiring the officer to obtain a pistol license pursuant to Penal Law §400.00, or those authorized by their employer to carry a firearm in the course of their official duties.

MPTC Certificate: Yes

Instructor Requirements: The justification for the use of force module of this course may be instructed by a General Topics Instructor; however the firearms/range portion of this course must be instructed by a Firearms Instructors certified in accordance with 9 NYCRR 6024.

7 Hours Penal Law Article 35, Justification-Use of Force/Deadly Physical Force (ref. Basic Course for Police Officers, Part 3-B.) Instruction may be provided as part of a Basic Course or during an Initial Other Weapons and Deadly Physical Force Course within the twelve preceding months.

Instruction must provide an in depth review of NYS Penal Law Article 35. Emphasis is placed on recognition, retention, understanding and practical information provided. Students must be able to:

1. Recognize circumstances that justify use of physical force.
2. Recognize circumstances that justify use of deadly physical force.
3. Define “physical force,” “deadly physical force,” “physical injury” and “serious physical injury.”
4. Recognize the considerations and consequences associated with use of physical force and deadly physical force.

40 Hours Firearms Training (ref. Basic Course for Police Offices, Section 41)

47 hours

Instruction and discussion must include the complete familiarization with the nomenclature of the service weapons that the officer is authorized to carry in the performance of their official duties. Use of firearms and standard safety precautions must be emphasized. Loading and unloading, position, sight alignment, proper grip, trigger control and effective range of the respective weapons must be covered before firing. All service handguns, which the officer is authorized to carry during any phase of their official duties, must be fired for qualification.

Instructors should note that evaluation of trainee grip strength, use of dry firing, dummy ammunition, computer-generated shooting systems, and reactive targets as instructional aids are useful in teaching basic firearms skills. Instructors must always consider whether any individual or group may consider the type of target design or configuration as offensive.

Initial Firearms and Deadly Physical Force Course (continued)

Instructors should develop courses of fire that incorporate one or more of the training objectives that require a skill demonstration. Shooting skill demonstrations are to be done with live ammunition. Other demonstrations with weapons may be done using dry fire or with dummy ammunition.

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

Qualifying Course of Fire

The qualifying course of fire as adopted by the Municipal Police Training Council (MPTC) (ref. Part 4-M of the Basic Course for Police Officers) consists of a fifty (50) round course, fired double action with the dominate hand from the instructor's positions of choice. The use of cover is encouraged, but is optional. A silhouette target is used with a scoring area equal to, or smaller than that of, the standard B-27 target. Trainees are required to fire at least two qualifying scores of 70 percent (175 of a possible 250) with service/duty ammunition.

- 25 yard line - 8 rounds fired in 40 seconds with one reload.
- 15 yard line - 12 rounds fired in 40 seconds with one reload.
- 7 yard line - 18 rounds fired in two phases:
 - Phase #1 - 6 rounds fired in two round increments - no time limit.
 - Phase #2 - 12 rounds fired in 25 seconds with one reload.
- 3 yard line - 12 rounds fired in two phases:
 - Phase #1 - 6 rounds fired in two round increments - no time limit.
 - Phase #2 - 6 rounds fired in 6 seconds.

Initial Firearms Course Training Objectives

The training objectives for this unit are divided into mandatory and non-mandatory categories. The mandatory objectives must be taught to each trainee and appear on the curriculum content form. Teaching non-mandatory objectives is suggested, but not required. Any non-mandatory objectives should appear on the curriculum content form as appropriate.

Upon completion of this unit of instruction, the trainee will be able to:

Initial Firearms and Deadly Physical Force Course (continued)

A. Mandatory Objectives

1. List and define the four (4) Basic Rules of Safety.
2. Demonstrate the method of holding a handgun with the trigger finger off the trigger and outside the trigger guard (TFOTG).
3. Demonstrate the method of handing handguns to other persons.
4. Describe the reason hearing protection must be used during firearms training.
5. Describe the reason wrap around eye protection must be use during firearms training.
6. List and describe two (2) methods by which lead poisoning can occur in the human body.
7. Describe the lead safety precautions shooters should observe.
8. Describe one method of home storage of the duty handgun.
9. List and describe the visible parts of the duty handgun carried by trainee (either a semiautomatic pistol or a double action revolver).
10. Demonstrate administrative loading and unloading the duty handgun carried by trainee (either a semiautomatic pistol or a double action revolver).
11. Demonstrate combat reloading the duty handgun without looking at the handgun.
12. List and describe the four (4) components of a metallic cartridge.
13. List the five (5) fundamentals of marksmanship.
14. Demonstrate one standing shooting position.
15. Demonstrate one kneeling shooting position.
16. Demonstrate one prone shooting position.
17. Demonstrate and define the difference between supported and unsupported barricade shooting positions.
18. Demonstrate one method of correction of semiautomatic pistol stoppages (only if the trainee is carrying that type of handgun).
19. Demonstrate one method of correction of semiautomatic pistol stoppages with one hand disabled (only if the trainee is carrying that type of handgun).

Initial Firearms and Deadly Physical Force Course (continued)

20. Demonstrate shooting a target with one hand using the dominant hand.
21. Demonstrate shooting a target with one hand using the support hand.
22. Demonstrate shooting multiple targets.
23. Demonstrate shooting a target during low-light and nighttime conditions (It is suggested this demonstration be conducted during the hours of darkness; however a darkened indoor range or low light simulation goggles may be substituted).
24. Demonstrate the ability to make shoot or no shoot decisions (This objective may be met through a variety of methods. A target overlaid on another, different color targets; photographic targets, numbered targets, or computer generated shooting systems are example of ways to compel the trainee to make a shooting decision.).
25. Using a standing position seven yards from an 8 ½" by 11" target, demonstrate the steps of drawing a handgun from a snapped holster, without looking at the holster, with one hand, and striking the target with one round within 2.5 seconds.
26. Demonstrate returning a drawn handgun to a holster and snapping the holster, with one hand, without looking at the holster.
27. Demonstrate one method of handgun retention.
28. Define the term "cover" when used in officer survival.
29. Define the term "concealment" when used in officer survival.
30. Demonstrate cleaning and inspecting a duty handgun.
31. Describe the effects of cleaning materials on cartridge primers.
32. Identify the use of verbal commands, when appropriate, to order and/or warn person(s) that deadly physical force may be used against them.
33. Recognize those factors to be considered appropriate to draw a weapon.
34. Recognize circumstances to be considered when discharging a firearm at a person.
35. Demonstrate proper procedures for approaching and controlling a potential assailant in close quarters (3 - 10 feet).

Initial Firearms and Deadly Physical Force Course (continued)

B. Non-mandatory Objectives

1. List and describe the visible parts of the duty handgun not carried by trainee (either a semiautomatic pistol or a double action revolver).
2. Demonstrate administrative loading and unloading the duty handgun not carried by trainee (either a semiautomatic pistol or a double action revolver).
3. Demonstrate combat reloading the duty handgun with one hand disabled
4. Demonstrate shooting a target moving laterally in front of the trainee.
5. Demonstrate shooting a stationary target while the trainee is moving.
6. Explain the term “will to live” when used in officer survival.
7. Identify those factors relevant to the selection of a duty handgun or duty shotgun (or patrol rifle) by considering type of incident and geographical location when options are available.
8. List and describe the visible parts of a duty shotgun (or patrol rifle).
9. Demonstrate the method of holding a duty shotgun (or patrol rifle) with the trigger finger off the trigger and outside the trigger guard (TFOTG.)
10. Demonstrate the method of handing a duty shotgun (or patrol rifle) to other persons.
11. Demonstrate administrative loading and unloading the duty shotgun (or patrol rifle).
12. Demonstrate combat reloading the duty shotgun (or patrol rifle) without looking at the weapon.
13. Demonstrate cleaning and inspecting a duty shotgun (or patrol rifle).
14. Describe the procedure to inspect and clean soft body armor.

A written examination is required. If multiple examinations are given during a basic course, 50% of the overall grade must be based on the portion prescribed by the MPTC.

Officers must qualify with each service firearm they have access to during the course of their official duties.

A fifty (50) round course (see page 17), fired double action with the dominate hand from the instructor's positions of choice is required. The use of cover is encouraged, but is optional. A silhouette target is used with a scoring area equal to, or smaller than that of, the standard B-

27 target. Trainees are required to fire at least two qualifying scores of 70 percent (175 of a possible 250) with service/duty ammunition.

Initial use of force hours provided during one course of training will be valid for all initial weapons training provided within following twelve months.

Annual Firearms and Deadly Physical Force Course

Who: Peace officers who have access to, or supervise those who have access to, a firearm in the course of their official duties. Peace officers who are authorized by statute, but who do not have access to a firearm in the course of their official duties are not required to complete annual firearms training.

MPTC Certificate: No

Instructor Requirements: The Justification – Use of Force and agency policy portion of this course may be instructed by a General Topics Instructor; however the firearms/range portion of this course must be instructed by a Firearms Instructors certified in accordance with 9 NYCRR 6024.

<u>Hours</u>	<u>MPTC Topic Title</u>
1 Hour	<p>Instruction must provide an in depth review of NYS Penal Law Article 35 and agency policies and procedures. Emphasis is placed on recognition and practical application of information provided. Students must be able to:</p> <ol style="list-style-type: none"> 1. Recognize circumstances that justify use of physical force. 2. Recognize circumstances that justify use of deadly physical force. 3. Define “physical force,” “deadly physical force,” “physical injury” and “serious physical injury.” 4. Recognize the considerations and consequences associated with use of physical force and deadly physical force.
<u>5 Hours</u>	Firearms Range Training.

6 hours

Instructors should note that evaluation of trainee grip strength, use of dry firing, dummy ammunition, computer-generated shooting systems, and reactive targets as instructional aids are useful in reviewing basic firearms skills. Instructors must always consider whether any individual or group may consider the type of target design or configuration as offensive.

Instructors should develop courses of fire that incorporate one or more of the training objectives that require a skill demonstration. Shooting skill demonstrations are to be done with live ammunition. Other demonstrations with weapons may be done using dry fire or with dummy ammunition.

The implementation of “force on force,” or like scenarios, are excellent teaching methods. However, they should not be conducted with firearms that fire live ammunition. Only handguns that will not fire live ammunition (either temporarily converted or dedicated) should be

Annual Firearms and Deadly Physical Force Course (continued)

used in conjunction with the appropriate safety equipment - like eye protection. These handguns include marked cartridge firing or molded dummy handguns that will properly fit the students' duty holster.

A written examination is required. If multiple examinations are given during a basic course, 50% of the overall grade must be based on the portion prescribed by the MPTC.

Officers must qualify with each service firearm they have access to during the course of their official duties.

A fifty (50) round course, fired double action with the dominate hand from the instructor's positions of choice is required. The use of cover is encouraged, but is optional. A silhouette target is used with a scoring area equal to, or smaller than that of, the standard B-27 target. Trainees are required to fire a qualifying score of 70 percent (175 of a possible 250) with service/duty ammunition.

Annual use of force hours provided with one weapon will be valid for all annual weapons training provided within the same calendar year.

Initial Other Weapons and Deadly Physical Force Course – Baton or

Initial Other Weapons and Deadly Physical Force Course –Expandable Baton

Who: Peace officers who have access to, or supervise those who have access to a baton or expandable baton in the course of their duties. Training may also be conducted for other weapons not defined by the MPTC.

MPTC Certificate: Yes

Instructor Requirements: MPTC certified Defensive Tactics Instructor.

<u>Hours</u>	<u>MPTC Topic Title</u>
7 Hours	<p>Penal Law Article 35, Justification-Use of Force/Deadly Physical Force (ref. Basic Course for Police Officers, Part 3-B.) Instruction may be provided as part of a Basic Course or during an Initial Other Weapons and Deadly Physical Force Course within the twelve preceding months.</p>

Instruction must provide an in depth review of NYS Penal Law Article 35 and agency policies and procedures. Emphasis is placed on recognition and practical application of information provided. Students must be able to:

1. Recognize circumstances that justify use of physical force.
2. Recognize circumstances that justify use of deadly physical force.
3. Define “physical force,” “deadly physical force,” “physical injury” and “serious physical injury.”
4. Recognize the considerations and consequences associated with use of physical force and deadly physical force.

<u>3 Hours</u> 10 hours	Baton or Expandable Baton Training
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A written examination is required. If multiple examinations are given during a basic course, 50% of the overall grade must be based on the portion prescribed by the MPTC.

Initial use of force hours provided during one course of training will be valid for all initial weapons training provided within following twelve months.

**Initial Other Weapons and Deadly Physical Force Course –
Aerosol Subject Restraint**

Who: Peace officers who have access to, or supervise those who have access to, a hand-held aerosol subject restraint device (MACE™, Pepper Spray, etc.) in the course of their official duties.

MPTC Certificate: Yes

Instructor Requirements: An MPTC certified Aerosol Subject Restraint or Chemical Agents Instructor is required for this training involving OC Spray and related products.

<u>Hours</u>	<u>MPTC Topic Title</u>
7 Hours	<p>Penal Law Article 35, Justification-Use of Force/Deadly Physical Force (ref. Basic Course for Police Officers, Part 3-B.) Instruction may be provided as part of a Basic Course or during an Initial Other Weapons and Deadly Physical Force Course within the twelve preceding months. Such training <u>must</u> be reflected on the curriculum content form.</p> <p>Instruction must provide an in depth review of NYS Penal Law Article 35 and agency policies and procedures. Emphasis is placed on recognition and practical application of information provided. Students must be able to:</p> <ol style="list-style-type: none"> 1. Recognize circumstances that justify use of physical force. 2. Recognize circumstances that justify use of deadly physical force. 3. Define “physical force,” “deadly physical force,” “physical injury” and “serious physical injury.” 4. Recognize the considerations and consequences associated with use of physical force and deadly physical force.
1 ½ Hours	Introduction and Overview of OC Spray Devices
1 ½ Hours	Criteria for the Selection of OC Spray Products
4 Hours	Operation Guidelines for OC Spray Products
<u>1 Hour</u>	Final Examination

15 hours

A written examination is required. If multiple examinations are given during a basic course, 50% of the overall grade must be based on the portion prescribed by the MPTC.

Student exposure to the OC Spray product is strongly recommended, but not required.

Annual Other Weapons and Deadly Physical Force Course

Who: Peace officers who have access to, or supervise those who have access to other weapons (as defined by the MPTC as batons and aerosol subject restraint devices) in the course of their duties.

MPTC Certificate: No

Instructor Requirements: An MPTC Certified Defensive Tactics Instructor. When an agency is deploying new weapons, defensive tactics instructors must also provide documentation of familiarization with the new weapon, such as an extendable baton, electronic dart gun or electronic stun gun.

<u>Hours</u>	<u>MPTC Topic Title</u>
1 Hour	<p>Instruction must provide an in depth review of NYS Penal Law Article 35 and agency policies and procedures. Emphasis is placed on recognition and practical application of information provided. Instruction may be provided as part of an Annual Other Weapons and Deadly Physical Force Course or Annual Firearms and Deadly Physical Force Course within the same calendar year. Students must be able to:</p> <ol style="list-style-type: none"> 1. Recognize circumstances that justify use of physical force. 2. Recognize circumstances that justify use of deadly physical force. 3. Define “physical force,” “deadly physical force,” “physical injury” and “serious physical injury.” 4. Recognize the considerations and consequences associated with use of physical force and deadly physical force.
<u>1 Hour</u>	<p>Other Weapons Training (Baton, Expandable Baton, or Aerosol Subject Restraint) Officers must receive practical training with each weapon they are authorized to carry.</p>

2 hours

A written examination is required. If multiple examinations are given during a basic course, 50% of the overall grade must be based on the portion prescribed by the MPTC.

Annual use of force hours provided with one weapon will be valid for all annual weapons training provided within the same calendar year.

Appendix B - Applicable Laws / Court Decisions

Executive Law §845-a. Central state registry of peace officers.

The division shall collect information to maintain, on a current basis, a registry of all peace officers in the state. Such registry shall contain, with respect to each peace officer, his name, date of birth, rank or title, official station, and whether he is employed full-time or part-time.

Each head of a state or local agency, unit of local government, state or local commission, or public authority, or public or private organization which employs peace officers shall transmit to the division, no later than the fifteenth day of January in the year next succeeding the year in which the provisions of this section become effective, a list containing the name of every peace officer employed by his agency, government, commission, authority or organization on the fifteenth day of such month of January indicating with respect to each peace officer his name, date of birth, rank or title, official station and whether he is employed full-time or part-time. Each such head shall thereafter, no later than the fifteenth day of each January and July, transmit to the division a list of those peace officers who have been appointed or have ceased to serve in the preceding calendar month and, in the instance of new appointees, shall include all the information required to be furnished in the initial listing.

Each such head shall have the option to enter into an agreement with the division whereby the required semi-annual updating of registry information may be regularly done on a more frequent basis.

The division shall establish rules and regulations to provide for a permanent system of identification for each peace officer.

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

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

Criminal Procedure Law §2.30. Training requirements for peace officers

1. Every peace officer in the state of New York, appointed after the effective date of this article, who works a full complement of hours which constitutes full-time employment for the officer's employer, must successfully complete a training program, a portion of which shall be prescribed by the Municipal Police Training Council and by his employer, the state or local agency, unit of local government, state or local commission, or public authority or private organization that employs him. The portion prescribed by the Municipal Police Training Council shall be comprised of subjects, and the hours each is to be taught, that shall be required of all types or classes of peace officers. The hours of instruction required by the Municipal Police Training Council shall not exceed thirty- five, unless a greater amount is either required by law or regulation, or is requested by the employer.

The segment prescribed by the employer for his employees shall be composed of subjects, and the hours each is to be taught, relating to the special nature of the duties of the peace officers employed by him. Each state or local agency, unit of local government, state or local commission, or public authority, or public or private organization which employs peace officers shall provide the training mandated by this section, and transmit to the Municipal Police Training Council within six months after the effective date of this article the proposed training program for peace officers, comprised of subjects required by the employer, the cost of which will be borne by the employer. The program shall:

- (a) List the subjects comprising the proposed curriculum and the number of hours each is to be taught;
- (b) List the proposed instructors for each subject with their qualifications; and
- (c) Indicate the proposed location of the school.

‡In the reviewing of the employer's submission, the instructors must be found qualified by background and experience, and if so found, the course shall be certified by the Municipal Police Training Council. When the subjects prescribed by the employer are identical to the subjects in the training program required by the Municipal Police Training Council, the officer shall not be required to take duplicate training for those subjects. It is the responsibility of every employer to provide the training program certified by the Municipal Police Training Council. Each peace officer satisfactorily completing the course shall be awarded a certificate by the Division of Criminal Justice Services attesting to that effect, and no person appointed as a peace officer after the effective date of this article shall exercise the powers of a peace officer, unless he has received such certification within twelve months of appointment. Where an employer has authorized a peace officer to carry or use a weapon during any phase of the officer's official duties, which constitutes on-duty employment, the program shall include the same number of hours of instruction in deadly physical force and the use of firearms and other weapons as is required in the basic training program for police officers by the Municipal Police Training Council. The program shall include the information set forth in subdivision seven of §265.10 of the penal law. No employer shall allow any peace officer, notwithstanding when the officer was appointed, to carry or use a weapon during any phase of the officer's official duties, which constitutes on-duty employment, unless the officer has satisfactorily completed a course of

training approved by the Municipal Police Training Council in the use of deadly physical force and firearms and other weapons, and annually receives instruction in deadly physical force and the use of firearms and other weapons as approved by the Municipal Police Training Council. The course of training in the use of deadly physical force and firearms and other weapons shall be provided by the officer's employer, not later than six months from the date on which the officer was appointed, where the officer is authorized to carry a weapon pursuant to law.

2. Upon the failure or refusal to comply with the requirements of subdivision one of this section, the commissioner of the Division of Criminal Justice Services shall apply to the Supreme Court for an order directed to the person responsible requiring compliance. Upon such application, the court may issue such order as may be just, and a failure to comply with the order of the court shall be a contempt of court and punishable as such.
3. Any individual who is a peace officer or a New York City special patrolman on the effective date of this article and has previously taken a formalized course of training while a peace officer or a New York City special patrolman may apply, in writing, to the Municipal Police Training Council for certification. The application shall be granted or denied for reasons specifically and concisely stated in writing, and if granted, the exact extent of any waiver of the training then presently required for new appointees shall be set forth. The certification shall be granted only if the Municipal Police Training Council determines that the course of training previously taken by the applicant is in substantial compliance with the training then presently required for new appointees.

When an application is denied, it is the responsibility of the officer to obtain the training that is required in order to obtain certification. When a peace officer meets the training requirements specified herein, the Division of Criminal Justice Services shall issue that person a certificate attesting to the fact that he has satisfactorily completed the required training.

4. Any peace officer appointed after the effective date of this article who normally works on a part-time basis for less than the full complement of hours which would constitute full-time employment for their position as determined by their employer, shall receive training which may, in whole or in part, be in-service training. The portion of the training program required by the Municipal Police Training Council shall not exceed ten hours of instruction. The segment of the training program prescribed by the employer shall be comprised of subjects, and the hours each is to be taught, relating to the special nature of the duties of the Municipal Police Training Council within six months after the effective date of this article the proposed training program for its officers, in accordance with the procedure and requirements set forth in subdivision one of this section. Each peace officer satisfactorily completing the training requirements shall be issued a certificate by the Division of Criminal Justice Services attesting to that effect.
5. Every employer of peace officers shall annually report to the Municipal Police Training Council, in such form and at such time as the council may by regulation require, the names and addresses of all peace officers who have during the course of the year, satisfactorily completed any of the training requirements prescribed by this section.

6. A certificate attesting to satisfactory completion of the training requirements imposed under this section awarded to any peace officer by the executive course director of the Municipal Police Training Council pursuant to this section shall remain valid:
- (a) During the holder's continuous service as a peace officer, and
 - (b) For two years after the date of the commencement of an interruption in such service where the holder had, immediately prior to such interruption, served as a peace officer for less than two consecutive years; or
 - (c) For four years, after the date of the commencement of an interruption in such service where the holder had, immediately prior to such interruption, served as a peace officer for two consecutive years or longer.

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

9 NYCRR Part 6023: Instructor Standards and Qualifications

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

<u>Section</u>		
6023.1	-	Definitions
6023.2	-	Certification
6023.3	-	Requirements for Instructor Certification
6023.4	-	Requirements for Special Certification
6023.5	-	Term and Renewal of Instructor Certification
6023.6	-	Exemption from Instructor Certification
6023.7	-	Revocation of Certification

§6023.1 Definitions.

When used in this Part:

- (a) The terms council and commissioner shall have the same meaning as set forth in section 6020.1 of this Title.
- (b) The term police officer shall have the same meaning as set forth in section 1.20(34) of the Criminal Procedure Law.
- (c) The term peace officer shall have the same meaning as set forth in section 2.10 of the Criminal Procedure Law.
- (d) The term instructor certification shall mean any certification made by the commissioner to an individual whose qualifications meet or exceed the requirements established by sections 6023.3 and 6023.4 of this Part.

§6023.2 Certification.

- (a) Instructor certification may be granted by the commissioner upon demonstration of instructional competency and subject-matter expertise, in accordance with the minimum requirements established by sections 6023.3 and 6023.4 of this Part.
- (b) A standard list of special topics for which instructor certification may be granted may be established and maintained by the commissioner.

§6023.3 Requirements for Instructor Certification.

- (a) Each applicant requesting instructor certification must:
- (b) Possess a high school diploma or its equivalent;
- (c) If a police or peace officer, be employed as such at the time such officer requests instructor certification and have successfully completed a Municipal Police Training Council approved Basic Course for Police Officers or Basic Course for Peace Officers, as appropriate.
- (d) If not a police or peace officer, be sponsored by his or her employing police or peace officer agency; and
- (e) Have successfully completed an Instructor Development Course approved by the commissioner or satisfy the requirements set forth the section 6023.4 of this Part.

§6023.4 Requirements for Special Certification.

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

§6023.5 Term and Renewal of Instructor Certification.

- (a) An instructor certification will be valid for five years from the date of issuance unless revoked by the commissioner prior to its expiration.
- (b) An instructor certification may be renewed, subject to the following conditions:
 - (1) An instructor must be evaluated by an approved instructor evaluator during the year prior to the expiration of his or her instructor certification.
 - (2) Evaluation in any topic will serve to update a general topics instructor certification.
 - (3) Instructors who maintain certification in a special topic area recertified. Evaluations must be facilitated by an approved instructor evaluator who maintains instructor status in the same topic. Instructors must be reevaluated in every special topic for which they intend to maintain instructor certification.

- (4) All evaluations must be received by the commissioner during the year prior to the expiration of any instructor's certification. If an instructor fails to be evaluated in any special topic for which he or she currently holds certification, that topic may be deleted from the instructor's record.

§6023.6 Exemptions from Instructor Certification.

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

§6023.7 Revocation of Certification.

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

9 NYCRR Part 6024: Firearms Instructor Standards and Qualifications

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

Section

6024.1	-	Definitions
6024.2	-	Requirements for Firearms Instructor Certification
6024.3	-	Requirements for Special Firearms Instructor Certification
6024.4	-	Term and Renewal of Firearms Instructor Certification
6024.5	-	Revocation of Firearms Instructor Certification

§6024.1 Definitions.

When used in this Part:

- (a) The terms council and commissioner shall have the same meanings as set forth in section 6020.1 of this Title.
- (b) The term police officer shall have the same meaning as set forth in section 1.20(34) of the Criminal Procedure Law.
- (c) The term peace officer shall have the same meaning as set forth in section 2.10 of the Criminal Procedure Law.
- (d) The term instructor certification means any certification made by the commissioner to an individual whose qualifications meet or exceed the requirements established in sections 6024.2 and/or 6024.3 of this Part.

§6024.2 Requirements for Firearms Instructor Certification.

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

- (a) Possess a high school diploma or its equivalent;
- (b) Have a minimum of three years of police or peace officer experience. The peace officer experience requirement can only be satisfied by those persons who have carried a firearm in the course of their official duties and have done so for the prescribed period of time.
- (c) Successfully complete a Municipal Police Training Council approved Basic Course for Police Officers or Basic Course for Peace Officers, as appropriate.
- (d) Successfully complete an Instructor Development Course which is acceptable to the commissioner.

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

§6024.3 Requirements for Special Firearms Instructor Certification.

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

§6024.4 Term and Renewal of Firearms Instructor Certification.

- (a) Firearms instructor certification shall be valid for a period of five years from the date of issuance unless revoked by the commissioner prior to expiration.
- (b) For renewal of certification, the instructor must be evaluated in the classroom and on the firearms range during the last 12 months of the certification period. The evaluation must be conducted by a certified Firearms Instructor evaluator.

§6024.5 Revocation of Firearms Instructor Certification.

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

9 NYCRR Part 6025: Basic Course for Peace Officers

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

<u>Section</u>		
6025.1	-	Definitions
6025.2	-	Statement of Purpose
6025.3	-	Minimum Standards
6025.4	-	Requirements for Approval of a Basic Course for Peace Officers
6025.5	-	Requirements for Issuance of a Certificate of Completion
6025.6	-	Time Limits for Completion of the Basic Course for Peace Officers
6025.7	-	Issuance of Certificates of Completion
6025.8	-	Annual Reporting of Peace Officer Training

§6025.1 Definitions.

- (a) The terms "council" and "commissioner" shall have the same meaning as set forth in section 6020.1 of this Title.
- (b) The term "course director" shall mean the course director or other head of a peace officer training school.
- (c) The term "employer" shall mean any State or local agency, unit of local government, State or local commission, or public authority or private organization that employs peace officers as defined in subdivision (e) of this section.
- (d) The term "Basic Course/Basic Course for Peace Officers" shall mean the course of training, a portion of which is prescribed by the council and a portion of which is prescribed by his employer as set forth in section 6025.3 of this Part, or a course which has been approved by the council, in writing, as meeting or exceeding the minimum standards prescribed in section 6025.3 of this Part.
- (e) The term "peace officer" shall mean a person designated as such pursuant to section 2.10 of the Criminal Procedure Law.
- (f) The term "part-time peace officer" shall mean a peace officer that normally works on a part-time basis for less than the full complement of hours that would constitute full-time employment for his or her position as determined by his or her employer.

- (g) The term "school" shall mean any training school exclusively for peace officers as certified by the commissioner.

§6025.2 Statement of Purpose.

- (a) It shall be clearly understood that the portion of the basic course described in section 6025.3 of this part is designed as an absolute minimum course of basic training prescribed by the council for all peace officers and part-time peace officers in the State of New York appointed after September 1, 1980.
- (b) In addition, employers are strongly encouraged to prescribe training that is to be a portion of the basic course for the peace officers employed by them and which is to be comprised of subjects relating to the special nature of the duties of such peace officers. Regular in-service training beyond the basic course is strongly recommended for all peace officers.
- (c) No person appointed as a peace officer after September 1, 1980 shall exercise the powers of a peace officer unless, within 12 months after appointment, such peace officer is certified as having completed the basic course.

§6025.3 Minimum Standards.

- (a). The minimum amount of training for which certification can be granted by the commissioner shall consist of:
 - 1. The 35 classroom hours of instruction for peace officers or the 10 classroom hours of instruction for part-time peace officers, in subjects and time allotments as prescribed by the council; and
 - 2. Those subjects and hours of instruction for peace officers and part-time peace officers as may be prescribed by their employers.
- (b) Illustrative of, but not necessarily limited thereto, the basic training curriculum prescribed by the council may include certain major groupings of subjects such as basic law, ethics, investigations, observation and perception, techniques and mechanics of arrest, field note-taking and report writing, interagency cooperation and conflict resolution.
- (c) No peace officers, notwithstanding the date of their appointment, shall be allowed by their employer to carry or use a weapon during any phase of their official duties which constitutes on-duty employment, unless they have, within six months of the effective date of this article or appointment, whichever is later, satisfactorily completed a course of training approved by the council in the use of deadly physical force and firearms and other weapons, and annually receive instruction in deadly physical force and the use of firearms and other weapons as approved by the council.

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

- (a) A course director proposing a peace officer training school shall file with the commissioner, at least 45 days in advance of the designation of the school, a copy of the program listing the location of the schools, the subjects comprising the curriculum which shall include both those prescribed by the council and those prescribed by the employer, and a list identifying the instructors for each subject. All instructors must be qualified by background, training and experience. The commissioner may require any additional information to establish the competence of an instructor or for any other pertinent purpose.
- (b) The commissioner shall then make an individual written certification for a school when in his or her judgement the information furnished warrants such action.
- (c) Schools must be certified for each course to be offered.

§6025.5 Requirements for Issuance of a Certificate of Completion.

- (a) Attendance shall be required of each peace officer at all sessions of the basic course except for valid reason. The course director of the local peace officer training school is authorized to determine the validity of and excuse absences of not more than 10 percent of the hours of instruction. An absentee from any scheduled class session shall make up such absence as required by the course director. However, no peace officer authorized by his employer to carry or use a weapon during any phase of the officer's official duties, which constitutes on-duty employment, may be absent from any part of the instruction in deadly physical force and use of firearms and other weapons prescribed by the council for police officers.
- (b) A peace officer who has been absent for more than 10 percent of the total instruction and who desires to apply for certification by the commissioner may appeal to the commissioner in writing, forwarding therewith a statement by the local course director together with sufficient supporting information by which the commissioner may judge the merits of the appeal.
- (c) The course director shall be responsible for maintaining an accurate record of attendance for each peace officer at the basic course. The course director shall retain such records as required by the appropriate schedule for records retention and disposition promulgated by the Commissioner of Education. Such records shall be available for inspection by the council or the commissioner.
- (d) Each peace officer in the basic course shall maintain, as one of the requirements for certification, an adequate notebook during the course and shall submit such notebook to the course director. The notebook shall contain appropriate entries of pertinent material covered during the classroom sessions of the basic course. Among the factors to be evaluated in the notebook are sufficiency of course content, organization, and appropriateness of material, regularity of entries, neatness, accuracy and legibility.

- (e) The taking and passing of a written examination as prescribed by the council is required of each peace officer for certification. If a series of examinations is required by the course director, the candidate must achieve a total passing average for the series. That portion as prescribed by the council shall constitute not less than 50 percent of the final average. The giving and supervising of the examination, and the grading of examination papers shall be the responsibility of the course director. The course director shall retain the examination papers as required by the appropriate schedule for records retention and disposition promulgated by the Commissioner of Education. Such records shall be available for inspection by the council or the commissioner.

§6025.6 Time Limits for Completion of the Basic Course for Peace Officers.

- (a) No person appointed as a peace officer after September 1, 1980 shall exercise the powers of a peace officer unless such person has been awarded a certificate by the commissioner attesting to the satisfactory completion of the basic course prescribed in section 6025.3 of this Part within 12 months of appointment.
- (b) No employer shall allow any peace officer, notwithstanding when the officer was appointed, to carry or use a weapon during any phase of the officer's official duties, which constitutes on-duty employment, unless the officer has within six months after September 1, 1980 or appointment, whichever is later, satisfactorily completed a course of training as prescribed in section 6025.3(c) of this Part, and annually thereafter receives instruction in deadly physical force and the use of firearms and other weapons as approved by the council.
- (c) Any person who is a peace officer or part-time peace officer on September 2, 1980, having been previously appointed thereto and having had, while so performing, a formalized course of training, may, if he or she so desires, apply to the council for certification. Such application shall be granted, and a certificate issued, only if the council determines that the course of training previously taken is in substantial compliance with the training required for new appointees. The application shall be in writing and shall contain a statement setting forth in detail the contents of such formalized training course. This statement shall include such items of information as follows: the sponsor and dates of the school (s); the subjects and the hours each was taught; and such other items of information as the council may request. The application shall be responded to in writing and shall contain a concise statement granting, denying, or granting in part and denying in part the application, and the reasons therefore. To the extent the application is found deficient, the peace officer must first submit to the council, in writing, a statement indicating where he or she is to obtain such training, the instructor(s), the location of the school and the subject and number of hours each is to be taught. Upon receiving approval of the peace officer's statement and after having satisfactorily completed the necessary training, a certificate will be issued.

- (d) These rules and regulations shall not be construed to preclude an employer from establishing time limits, for satisfactory completion of the basic course, of less than the maximum limits prescribed in this section. If an employer has adopted time limits of less than the maximum limits prescribed in this section, such time limits shall supersede the time limits established by this section.

§6025.7 Issuance of Certificates of Completion.

- (a) Upon certification by the course director showing that a peace officer has satisfactorily completed the basic course, a written certificate of satisfactory completion may be issued to such peace officer by the commissioner.
- (b) Receipt of the certificate by a peace officer shall be considered only as fulfillment of the statutory mandated training requirement and shall not be construed as a limitation of the discretionary power of the appointing officer to terminate the services of an otherwise unsatisfactory peace officer.

§6025.8 Annual Reporting of Peace Officer Training.

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

**State of New York
Supreme Court, Appellate Division
Third Judicial Department**

Decided and Entered: December 24, 2003

94365

In the Matter of **COUNTY OF
ORANGE,**

Appellant,

v

OPINION AND ORDER

**NEW YORK STATE DIVISION OF
CRIMINAL JUSTICE
SERVICES et al.,**

Respondents.

Calendar Date: November 17, 2003

Before: Cardona, P.J., Mercure, Peters, Spain and
Carpinello, JJ.

Catherine M. Bartlett, County Attorney, Goshen (Laura Matlow of counsel), for appellant.

Eliot Spitzer, Attorney General, Albany (Robert M. Goldfarb of counsel), for respondents.

Mercure, J.

Appeal from a judgment of the Supreme Court (Connor, J.), entered January 17, 2003 in Albany County, which dismissed petitioner's application, in a combined proceeding pursuant to CPLR article 78 and action for declaratory judgment, to review a determination of respondent Commissioner of Criminal Justice Services denying petitioner's request for issuance of peace officer certificates to its probation officers.

Petitioner employs a number of full-time probation officers, all of whom qualify as "peace officers" (see CPL 2.10 [24]). Pursuant to a 1991 amendment to CPL 2.30, employers of peace officers must provide a "course of training in the use of deadly physical force and firearms and other weapons * * * not later than six months from the date on which the officer was appointed, where the officer is authorized to carry a weapon pursuant to law" (L 1991, ch 474, § 1). Because petitioner's Probation Department

prohibits peace officers from carrying or possessing firearms or other deadly weapons, petitioner has not provided its officers with any training in the use of those weapons. Nevertheless, after providing other relevant training, petitioner requested that respondent Division of Criminal Justice Services (hereinafter DCJS), which has the responsibility of awarding certificates to peace officers who have satisfactorily completed the required training (see CPL 2.30 [1]), issue peace officer certificates for 21 probation officers. DCJS refused to issue the certificates on the ground that the probation officers had not completed the weapons training required by CPL 2.30, reasoning that the requirement applies regardless of whether the employer permits officers to carry or possess firearms and deadly weapons.

Petitioner thereafter commenced this CPLR article 78 proceeding and declaratory judgment action challenging DCJS's determination. Petitioner sought an order compelling respondents to issue peace officer certificates and a declaration that it is not required to provide firearms training to its probation officers. Supreme Court dismissed the petition and petitioner now appeals, asserting that the firearms training requirement in CPL 2.30 applies only where employers have authorized the peace officers to carry and use a weapon while on duty. We disagree.

As an initial matter, although DCJS is charged with awarding certificates to peace officers who have completed the training requirements set forth in CPL 2.30, the question of which peace officers must undertake the training presents a question of "pure statutory reading and analysis, dependent only on accurate apprehension of legislative intent" (Matter of Gruber [New York City Dept. of Personnel - Sweeney], 89 NY2d 225, 231 [1996], quoting *Kurcsics v Merchants Mut. Ins. Co.*, 49 NY2d 451, 459 [1980]). While DCJS's interpretation is not entitled to deference, however, we agree with DCJS that the training requirement applies to all peace officers statutorily authorized to carry weapons even where the employer forbids the officers to carry such weapons.

As amended, the statute provides that a peace officer's employer must provide training in the use of firearms and other weapons within six months of the officer's appointment "where the officer is authorized to carry a weapon pursuant to law" (CPL 2.30 [1] [emphasis added]). There is no dispute that probation officers, unlike certain other peace officers (see e.g. CPL 2.10 [4], [7-a], [8]), are authorized to carry firearms under Penal Law § 265.20 (1) (c) and CPL 2.10 (24). Thus, we agree with respondents that, on its face, the statute mandates that petitioner provide firearms training within the applicable timeframe to the probation officers it employs, regardless of whether petitioner permits those officers to carry or use a weapon (see Preiser, Practice Commentaries, McKinney's Cons Laws of NY, Book 11A, CPL 2.30, at 89). We reject petitioner's argument that the phrase "authorized to carry a weapon pursuant to law" is ambiguous and can be construed as meaning authorized by the employer, as a matter of policy, to carry a weapon. We note that Department of Probation and Correctional Alternatives regulations do permit employers to make this policy choice (see 9 NYCRR 355.3[a], [f]). Although such a policy decision may be legally permissible, however, the decision itself is made as a matter of discretion only, not as a matter of law, and may be changed at any time.²

¹ No individual appointed as a peace officer may exercise the powers of a peace officer unless he or she has received this certification within 12 months of appointment (see CPL 2.30 [1]).

² We note that petitioner's policy prohibited its employees from carrying firearms while on duty "except when required or authorized by the Course director of the Orange County Probation Department"

(emphasis added), further underscoring the fact that this policy decision is subject to alteration at any time.

A review of the legislative history supports our conclusion that employers must provide firearms training to all peace officers, including those who are not permitted to carry or use weapons during the course of their official duties. A letter from a sponsor of the bill, Senator Donald Halperin, indicates that the purpose of the amendment was "to clarify the fact that it is the employer's responsibility to train their employees in the use of firearms when those employees are statutorily authorized to carry a firearm" (Letter from Sponsor, Bill Jacket, L 1991, ch 474, at 6 [emphasis added]; see Sponsor's Mem, Bill Jacket, L 1991, ch 474, at 7). The legislative history also reflects a concern that the prior version of the statute did not prohibit an untrained peace officer from carrying a firearm while off duty even where an employer did not permit an employee to carry or use a weapon while on duty and, thus, was not required to provide training (Letter from Glenn Valle, July 17, 1991, Bill Jacket, L 1991, ch 474, at 16; Letter from Dept. of Correctional Servs., Bill Jacket, L 1991, ch 474, at 18-19). Put another way, under the prior version of the statute, a loophole existed – an employer was required to provide training only if it authorized peace officers to carry weapons while on duty. Those peace officers, however, were statutorily authorized to carry weapons while off duty (see Penal Law § 265.20 [a] [1] [c]) regardless of whether training had been provided.

In this regard, both prior and subsequent to its 1991 amendment, CPL 2.30 (1) provided that "[w]here an employer has authorized a peace officer to carry or use a weapon during any phase of the officer's official duties, which constitutes on-duty employment, the program shall include the same number of hours of instruction in deadly physical force and the use of firearms and other weapons as is required in the basic training program for police officers by the municipal police training council" (CPL2.30 [1] [emphasis added]). The statute also contains another provision prohibiting an employer from allowing an officer to carry or use a weapon while on duty unless training has been completed. We conclude that the legislative history of the amendment reflects an intent to further ensure public safety by requiring that all peace officers would receive the specified training regardless of whether their employer authorized the use of weapons under the prior version of the statute. To the extent that these two earlier provisions can be read to conflict with the 1991 amendment – i.e., the earlier provisions refer to an employer authorizing a peace officer to carry a weapon, while the amendment applies to peace officers authorized by law to carry weapons – "the original [act] must be deemed to have been repealed by the amendment" (McKinney's Cons Laws of NY, Book 1, Statutes § 192, at 356).

In sum, both the language of the statute and the legislative history support respondents' argument that the statutory requirement applies to all peace officers regardless of their employer's policies with respect to the use of weapons.

Accordingly, DCJS's refusal to issue the certificates cannot be deemed arbitrary and capricious and Supreme Court properly dismissed the petition.

Cardona, P.J., Peters, Spain and Carpinello, JJ., concur.

3 Although petitioner's policy states that "[n]o employee is authorized to purchase or possess a firearm while off duty by virtue of [his or her] peace officer status," any peace officers that it employs remain legally exempt from licensing requirements and weapons charges (see Penal Law § 265.20 [a] [1] [c]). ORDERED that the judgment is modified, on the law, without costs, by declaring that petitioner is required to provide firearms training to its probation officers as a condition precedent to the issuance of a peace officer certificate, and, as so modified, affirmed.

ENTER:

Michael J. Novack
Clerk of the Court

Appendix C- Frequently Asked Questions

How do I become a Peace Officer?

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

Do Peace Officers need to take an oath of office?

Those categories of peace officer who are deemed to be Public Officers must take and file an oath of office pursuant to Article 2, §10 of the Public Officers Law. For more information on Public Officers, contact our records unit at (518) 485-8864.

Do Peace Officers need to be citizens?

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

What training is necessary to become a Peace Officer?

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

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

A Curriculum Content Form is required to propose a peace officer basic or in-service course, and a Class Roster / Notification of Completion is required at the completion of a course.

Is there a written examination for Peace Officer basic training?

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

What instructor qualifications are necessary to teach Peace Officer Courses?

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

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

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

If an instructor has completed the 80-hour FBI Firearms Instructor Course, they must be evaluated by and MPTC certified Firearms Instructor Evaluator during their first hour of instruction in the classroom and their first hour of instruction on the range. Once completed, a copy of the instructor certificate must be submitted to the Division with the evaluation.

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

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

What if a student fails the firearms, or any, portion of the Basic Course for Peace Officers with Firearms?

Regulation requires students satisfactorily complete all aspects of training. If a student fails to qualify with a firearm during the Basic Course for Peace Officers *with* Firearms, then that student has failed to pass the entire course. No partial credit is given.

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

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

Our agency does not issue, or authorize the use of firearms. Do we need to train our personnel in the use of firearms?

If a category of peace officer (CPL §2.10) does not include specific language requiring the officer to obtain a pistol license per Penal Law §400.00, then that category is deemed authorized by law to possess a firearm (ref. Appellate Court decision in Orange County v. DCJS). These categories of officers are required to successfully complete an approved Basic Course for Peace Officers and the Initial Firearms and Deadly Physical Force Course or the Basic Course for Peace Officers *with* Firearms in order to complete peace officer training requirements.

Peace Officers in the above named categories who are not authorized by their employer to use, nor will they have access to, a firearm in the course of their duties are not required to complete Annual Firearms training.

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

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

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

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

Do Fire Policemen need to take the Basic Course for Peace Officers?

Pursuant to General Municipal Law 209-c, if a fire policeman has completed the Fire Police course approved by the Office for Fire Prevention and control, they do not need to complete the Basic Course for Peace Officers. They must still be registered pursuant to Executive Law 845-a.

Appendix D - Training Requirements by Category (CPL §2.10 and §2.16)

Training Requirements by Category (CPL §2.10 and §2.16)

Section 2.30 of the Criminal Procedure Law requires that peace officers are provided basic training by their employers.

Every peace officer **MUST** complete the Basic Course for Peace Officers AND complete employer provided training that meets the special duties of the peace officer.

Certain categories of peace officers **MUST** complete the Initial Firearms and Deadly Physical Force Course, regardless of whether or not the employer has authorized them to carry a firearm on duty.

Every peace officer that has access to a firearm in the course of their official duties **MUST** complete the Initial Firearms and Deadly Physical Force Course.

Every peace officer that has access to a baton in the course of their official duties **MUST** complete the Initial Other Weapons and Deadly Physical Force Course - Baton.

Every peace officer that has access to other weapons in the course of their official duties **MUST** complete the Initial Other Weapons and Deadly Physical Force Course for the weapon they carry.

Peace officers who do not carry firearms, batons, or other weapons during their duties are not required to complete annual training.

The Basic Course for Peace Officers is required to be completed twelve (12) months of appointment.

The Initial Firearms and Deadly Physical Force Course is required to be completed within six (6) months of appointment.

The Basic Course for Peace Officers and the Initial Firearms and Deadly Physical Force Course may be provided together as the Basic Course for Peace Officers with Firearms.

Peace officers who do not successfully complete the statutorily mandated training within the above time periods are not authorized to exercise the powers of a peace officer.

***Multiple peace officer titles within same subdivision.**

The following chart defines the training requirements for each category of peace officer by subdivision of section 2.10 and Section 2.16.

CPL §2.10 Sub.	CPL Title	Basic Course for Peace Officer Required	Employer Provided Training That Meets the Special Duties of the Peace Officer Required	Initial Firearms and Deadly Physical Force Course Required	Initial Other Weapons and Deadly Physical Force Course - Baton Required	Initial Other Weapons and Deadly Physical Force Course - Other Required	Annual Firearms and Deadly Physical Force Course Required	Initial Other Weapons and Deadly Physical Force Course Required
1	Town and Village Constables	Yes	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty
2*	New York City Sheriff, Undersheriff, and deputy sheriffs.	Yes	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty
2*	Public safety officers of Westchester Co DPS appointed after 01/31/1983	Yes	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty
3	NYS Commission of Investigation Investigators	Yes	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty
4*	NYS Tax and Finance employees designated by the commissioner - appointed prior to 11/01/1985	Yes	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty
4*	NYS Tax and Finance employees designated by the commissioner - appointed after 11/01/1985	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
5	NYC Tax and Finance employees designated by the commissioner	Yes	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty
6	NYS Dept of Agriculture confidential investigators and inspectors designated by the commissioner - appointed prior to 11/01/1985	Yes	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty
7	Officers or agents of a society for the prevention of cruelty to animals	Yes	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty
7-a	Officers or agents of a society for the prevention of cruelty to children	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
8	NYC Dept. of Health inspectors and officers	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
9	Suffolk Co. park rangers	Yes	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty
10	Broome Co. park rangers	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
11*	Cayuga Co. park rangers	Yes	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty
11*	Onondaga Co. park rangers	Yes	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty
12*	NYS Office of Mental Hygiene special policemen, course directors of in-patient facilities.	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty

CPL §2.10 Sub.	CPL Title	Basic Course for Peace Officer Required	Employer Provided Training That Meets the Special Duties of the Peace Officer Required	Initial Firearms and Deadly Physical Force Course Required	Initial Other Weapons and Deadly Physical Force Course - Baton Required	Initial Other Weapons and Deadly Physical Force Course - Other Required	Annual Firearms and Deadly Physical Force Course Required	Initial Other Weapons and Deadly Physical Force Course Required
12*	NYS Office of Mental Retardation and Developmental Disability special policemen, course directors of in-patient facilities.	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
13	NYS Dept of Health special policemen.	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
14	Repealed 01/01/1999.							
15	NYS Thruway Authority uniformed enforcement forces.	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
16	NYS Dept of Health employees designated pursuant to §3385 of Public Health Law.	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
17	Buffalo Municipal Housing Authority uniformed housing guards.	Yes	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty
18*	City of Rye bay constable	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
18*	Village of Mamaroneck bay constable	Yes	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty
18*	Village of South Nyack bay constable	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
18*	Town of East Hampton bay constable	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
18*	Town of Hempstead bay constable	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
18*	Town of Oyster Bay bay constable	Yes	Yes	Yes.	If carried on duty	If carried on duty	If carried on duty	If carried on duty
18*	Town of Riverhead bay constable	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
18*	Town of Southampton bay constable	Yes	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty
18*	Town of Islip bay constable - if served prior to 04/03/1998 as harbormaster for T/Islip (see complete text of law)	Yes	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty
18*	Town of Islip bay constable	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
18*	Town of Shelter Island bay constable	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
18*	Town of Brookhaven bay constable	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
18*	Town of Babylon bay constable	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
18*	Town of Smithtown bay constable	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
18*	Town of Huntington bay constable	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
18*	Town of North Hempstead bay constable.	Yes	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty

CPL §2.10 Sub.	CPL Title	Basic Course for Peace Officer Required	Employer Provided Training That Meets the Special Duties of the Peace Officer Required	Initial Firearms and Deadly Physical Force Course Required	Initial Other Weapons and Deadly Physical Force Course - Baton Required	Initial Other Weapons and Deadly Physical Force Course - Other Required	Annual Firearms and Deadly Physical Force Course Required	Initial Other Weapons and Deadly Physical Force Course Required
19	Harbor masters appointed by a county, city, town, or village.	Yes	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty
20	Triborough bridge and tunnel authority officers, sergeants, and lieutenants.	Yes	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty
21a	Unified Court System uniformed court officers	Yes	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty
21b	Unified Court System court clerks in the first and second departments	Yes	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty
21c	District court marshal, deputy marshal, clerk, or uniformed court officer	Yes	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty
21d	City court marshal or deputy marshal	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
22	Lake George park commission patrolmen	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
23	NYS Division of Parole - parole officers	Yes	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty
23a	NYS Division of Parole - parole revocation specialists	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
24	Probation officers	Yes	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty
25*	NYS Department of Correctional Services officials and correction officers.	Yes	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty
25*	Any penal correctional institution correction officer.	Yes	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty
26	Peace officers designated pursuant the NYS defense emergency act. (see complete text of law)	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
27*	NYC special patrolmen appointed by the police commissioner.	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
28	NYC Fire Department officers and members of the uniformed force.	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
29	Special policemen for horse racing.	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
30	County of Nassau supervising fire inspectors, fire inspectors, the fire marshal and assistant fire marshal who are full-time employees	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty

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31	NYS Dept of Environmental Conservation supervisor of forest ranger services, assistant supervisor of forest ranger services, forest ranger 1, 2, and 3	Yes	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty
32	NYS Dept of Motor Vehicles investigators	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
33	NYC city marshal	Yes	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty
34	Waterfront and airport investigators	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
35	NYS Board of Elections special investigators	Yes	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty
36	NYS Liquor Authority investigators	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
37	Special patrolmen of a political subdivision	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
38	NYC Department of Investigation special investigator	Yes	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty
39	Broome Co special patrolman	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
40	NYC Health and Hospital Corporation special officers	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
41	Fire police squads	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
42	Cornell University special deputy sheriffs	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
43	Mounty Vernon Housing Authority housing patrolmen	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
44	NYC Division of Fire Prevention officers, employees, and members	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
45	Niagara Frontier Transportation Authority peace officers	Yes	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty
46	Sea Gate Association peace officers	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
47	NYS Department of Insurance peace officers	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
48	NYS air base security guards	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
49*	Army National Guard military police	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
49*	Air National Guard security personnel	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
50	City of White Plains transportation supervisors	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
51*	City of Binghamton officers and members of the fire investigation division of the fire department	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty

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51*	City of Rochester officers and members of the fire investigation division of the fire department	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
51*	City of Utica officers and members of the fire investigation division of the fire department	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
52	NYS Office of Mental Health security hospital treatment assistants.	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
53*	County of Suffolk agent of the course director of weights and measures.	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
53*	County of Nassau agent of the course director of weights and measures.	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
53*	County of Westchester agent of the course director of weights and measures.	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
54	Special policemen appointed by a town	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
55	Expired							
56	Town of Brookhaven dog control officers	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
57	Snug Harbor cultural center harbor park rangers appointed as NYC special patrolmen by the Police Commissioner	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
57a*	Westchester Co DPS seasonal park rangers	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
57a*	Westchester Co Public Safety Emergency Force officers	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
58	Troy Housing Authority uniformed members of the security force	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
59	NYC Dept of Sanitation officers and members	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
60	Expired							
61*	County of Suffolk chief fire marshal, assistant chief fire marshal, fire marshal II and fire marshal I who are full-time employees	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
61*	NYS Superintendent of Banks investigators	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
62*	Town of Babylon chief fire marshal, assistant chief fire marshal, fire marshal II and fire marshal I who are full-time employees	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty

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62*	NYS Division of Youth employees who are specifically designated by the course director	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
63*	Town of Southampton uniformed members of the fire marshal's office	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
63*	Town of Riverhead uniformed members of the fire marshal's office	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
63*	Town of Greenburgh town court security officer	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
64	City of Buffalo Police Department cell block attendant	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
65	Town of Brookhaven chief fire marshal, assistant chief fire marshal, fire marshal II and fire marshal I who are full-time employees	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
66	Village of Spring Valley village court security officers	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
67	Town of Putnam Valley town court security officers	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
68*	Town of Southampton uniformed court officers	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
68*	NYS state inspector general and investigators	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
68*	Town of Arcadia dog control officers	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
68*	County of Livingston sheriff's office uniformed marine patrol officers	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
68*	County of Chautauqua sheriff's office court security officers	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
69	Village of Amityville uniformed court officers	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
70	County of Yates sheriff's office uniformed marine patrol officers	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
71	Town of Smithtown fire marshal	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
72	Canisius College members of the security force	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
73	Town of Newburgh uniformed court officers	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
74*	Ithaca College special deputy sheriffs appointed by the sheriff of Tompkins Co	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty

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74*	NYS Office of Parks, Recreation, and Historically Preservation parks and recreation forest rangers	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
74*	Village of Quogue uniformed court officers	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
74*	Town of East Hampton uniformed court officers	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
75*	Town of Clarence dog control officers	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
75*	Town of Islip airport security guards at Long Island MacArthur Airport	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
75*	City of Buffalo officers and members of the fire investigation unit of the fire dept.	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
76*	Village of Southampton village court uniformed court officers	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
76*	City of Peekskill animal control officers	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
77*	Syracuse University peace officers	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
77*	Town of East Hampton chief fire marshal, assistant chief fire marshal, and fire marshal who are full-time employees	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
78	Security officer employed by a community college specifically designated as a peace officer	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
79*	County of Wayne sheriff's office court security officers	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
79*	NYS Dept of State, Office of Fire Prevention and Control supervisors and members of the arson investigation bureau and fire inspection bureau	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
79*	Peace officers appointed by the city university of New York pursuant to subdivision sixteen of section sixty-two hundred six of the education law	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty

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79*	Animal control officers of the city of Elmira, who at the discretion of the city council of the city of Elmira	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
80	Employees of the Onondaga county sheriff's department serving as uniformed court security officers	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
81*	Members of the security force employed by Erie County Medical Center	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
81*	Employees of the town of Riverhead serving as court officers	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
81*	Employees of the town court of the town of Southold serving as uniformed court officers	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
81*	Commissioners of and court officers in the department of public safety for the town of Rye	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
81*	Employees of the town of Yorktown serving as court attendants	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
81*	Employees of the Lewis county sheriff's department serving as uniformed court security officers	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
82	Employees of the New York City Business Integrity Commission designated as peace officers by the chairperson of such commission	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty
CPL §2.16	Watershed protection and enforcement officers appointed by the city of Peekskill	Yes	Yes	If carried on duty	If carried on duty	If carried on duty	If carried on duty	If carried on duty