



**Division of Criminal
Justice Services**

KATHY HOCHUL
Governor

MICHAEL C. GREEN
Executive Deputy Commissioner

MEMORANDUM

TO: New York State Chief Law Enforcement Officers

**FROM: Michael R. Wood
Deputy Commissioner, Office of Public Safety**

DATE: October 8, 2021

**SUBJECT: New York State Professional Policing Act of 2021: Hiring Standards
(9 NYCRR Part 6000) and Decertification Reporting (9 NYCRR Part 6056)**

On April 19, 2021, the “New York State Professional Policing Act (PPA) of 2021” was signed into law effectuating revisions and updates to numerous statutes in relation to the policing profession. Among several statutory changes, the PPA includes amendments to Executive Law (EXL) §§ 840, 845, General Municipal Law (GML) §209q, Civil Service Law (CSL) § 58 and Criminal Procedure Law (CPL) § 1.20(34) that will directly impact hiring standards and decertification reporting effective October 16, 2021.

Hiring Standards

Amendments to Executive Law §840(2) and a new (2-b) directed the Municipal Police Training Council (MPTC) to establish minimum hiring standards for all new hires. Impending changes to Part 6000 of Title 9 of the Compilation of Codes, Rules, and Regulations of the State of New York (NYCRR), codify requirements for all municipal police employers as it relates to background investigations and psychological standards under 9 NYCRR §§6000.10 and 6000.11, respectively. Again, these changes are effective October 16, 2021.

Pursuant to 9 NYCRR §6000.10(a), the appointing agency shall ensure a thorough background investigation is conducted by an experienced investigator to determine the candidate’s moral fitness for employment as a police officer. The background investigation procedures set forth in paragraph (b) shall include, but not be limited to:

- Comprehensive application and personal history statement;
- Fingerprint-based criminal history check;
- Review of information from family members, DMV, and others etc. as outlined in Section 6000.10(b)(3);
- In-person interview; and
- Search of the Central State Registry of Police and Peace Officer (Registry) and the National Decertification Index (NDI).

Further, 9 NYCRR § 6000.11(a) requires each candidate to be evaluated by a qualified psychologist or psychiatrist to determine whether the candidate is psychologically fit to perform the essential functions of a police officer. The psychological assessment must include the following:

- Screening for psychopathological disorders, personality characteristics, and substance abuse problems;

- Use of validated written tests;
- Required interview process [9 NYCRR § 6000.11(b)] and
- Psychological assessment report and recommendation.

An employer can choose to exempt a candidate from the psychological assessment if they possess a valid police training certificate pursuant to GML 209-q.

Please be advised any hiring process that commences on or after October 16, 2021, subject to Civil Service Law § 58, Criminal Procedure Law §1.20 (34) and Executive Law §840, must satisfy all of the abovementioned hiring standard requirements. All employers will be required to attest to compliance on the new DCJS Police Officer Registry Entry Form – Certification of Initial Employment (2214a) available here: <https://drive.google.com/file/d/10SaIQF7RnnNJdEr4Eiiz7CReDIVr3G0-/view?usp=sharing>

In order to conduct a search of the Registry, an agency must provide the candidate(s) full name, date of birth and last four digits of their social security number to the following email address: ops.registry.record.search@dcjs.ny.gov.

Additionally, the following web link provides information on police and peace officer decertification; including an excel document updated monthly that contains decertification data as reported to DCJS by employers: https://www.criminaljustice.ny.gov/Officer_Decertification.htm

The data contained on the spreadsheet is reported to the NDI. For access to the NDI, please submit your request by utilizing the following link: www.iadlest.org/our-services/ndi/request-ndi-access.

Decertification Reporting

Statutory amendments included in the PPA made significant changes to the decertification process with an eye toward enhancing decertification standards. 9 NYCRR Part 6056 has been amended to reflect those changes as follows:

- Section 6056.2(h)(1): redefines removal for cause based on clearly defined conduct;
- Section 6056.7: authorizes the DCJS Commissioner to correct any material inaccuracies reported by an employer after providing an opportunity to correct the inaccuracy and an opportunity to be heard; and
- Section 6056.4(f): a basic training certificate awarded under GML §209-q(1)(b) may be permanently invalidated upon a police officer's removal for cause.

As a reminder, police employers still make removal for cause determinations pursuant to regulation, and an officer continues to retain local due process rights. The determination by the local department must be reported to DCJS, but DCJS does not collect details about specific incidents or conduct leading to reporting under these regulations. Any legal advice should be sought and provided by your municipal attorney or similar authority.

Please be advised the amendments to 9 NYCRR Parts 6000 and 6056 will be published in issue 42 of the *Department of State Register* on October 20, 2021 for public comment. In the meantime, copies are enclosed for your reference.

Questions regarding compliance with the amended hiring standards or decertification reporting regulations should be directed to David Mahany via e-mail at davej.mahany@dcjs.ny.gov.

Enclosures (2)