Navajo Nation Peace Officer Standards and Training Board
Rules and Regulations

A. PURPOSE

The purpose of these rules and regulations is to implement Resolution CJY 66-18; July 18, 2018 of the Navajo Nation Council, which created the Navajo Nation Police Commission.

B. DEFINITIONS

1. "Academy" means an entity that conducts the Commission-prescribed basic training courses for peace officers.

2. Agency" means a law enforcement entity empowered by the Navajo Nation to exercise powers of arrest and search and seizure.

3. "Appointment" or "Appointed" means the selection by an agency of an individual to be trained as a peace officer through successful attendance and completion of a basic police academy or basic police training program of any state, the federal government, or the Navajo Nation Police Academy. "Appointment" may also mean the selection of an individual by an agency pending (l) reinstatement of a prior peace officer certification; or (2) successful completion of a specialty certification training program.

4. "Commission" means the Navajo Nation Peace Officer Standards and Training Commission.

5. "Commissioned" means that an individual has been officially designated as a peace officer of the Navajo Nation by the Division Director of the Division of Public Safety after demonstrating compliance with these rules, including the necessary training requirements, credentials, qualifications, and in-service training.

6. "Cancellation" means the termination of commissioned status without prejudice.

7. "Certified" means the peace officer appointee has successfully completed basic police training at a police academy or basic police training program of any state, the federal government or the Navajo Nation Police Academy and also meets minimum qualifications set by the Commission.

8. "Comprehensive Final Examination" or "CFE" means the Commission-approved, examination that measures mastery of the knowledge and skills required for Certification.

9. "Controlled Substance" has the same meaning as it does in 17 N.N.C. Subchapter 10.

10. "Denial" means the permanent refusal of the Commission to grant certified status.

11. "Experimentation" means the former, illegal use or possession of a controlled substance, which, while illegal, did not amount to long-term or addictive use.

12. "Illegal" means in violation of a Navajo Nation, federal, or state statute, law, rule, or regulation.

13. "Lapse" means the expiration of certified status.

14. "Outside provider" means an entity other than the Commission or an agency that makes continuing training available to peace officers.

15. "Peace officer" means any person who is a law enforcement officer vested by the laws of the Navajo Nation with a duty to maintain public order or make arrests.

16. "Peace officer trainee" means an individual recruited and appointed by an agency to attend a basic peace officer training program or police academy.

17. "Revocation" means the permanent withdrawal of certified status.

18. "Service ammunition" means munitions that perform equivalently in all respects when fired during training or qualification to those carried on duty by a peace officer.

19. "Service firearm" means the specific firearm or equivalent that a peace officer carries for use on duty.

20. "Suspension" means the temporary withdrawal of certified status.

21. "Termination" means the end of employment or services with an agency as a peace officer through removal, discharge, resignation, retirement, failure to complete law enforcement basic training program within one (1) year of appointment, or otherwise.

22. "Malfeasance" means a wrongful or unlawful act.

23. "Misfeasance" means a lawful act performed in a wrongful manner.

24. "Nonfeasance" means the failure to act when a duty to act existed.

C. CERTIFICATION OF PEACE OFFICERS

1. Certification status mandatory.

a. An individual must have a valid and active peace officer certification from the Commission prior to serving as a peace officer or exercising the duties of a peace officer.

b. An individual must satisfy the minimum qualifications and training requirements to receive certification.

2. Application for certification. An individual who seeks to be certified as a peace officer shall submit to a law enforcement agency an application that contains all documents required by subsections D, E., F., and G.

3. Inactive status. Certification status of a peace officer becomes inactive upon termination.

4. Lapse of certification status. After three consecutive years on inactive status, the certification status of a peace officer lapses. If an individual's certification lapses, he or she may apply for recertification through the application provisions of Section C. 4.

5. Reinstatement from inactive status. A peace officer whose certification status is inactive and has not lapsed may seek reinstatement of active status if the requirements of the peace officer's basic law enforcement training program are met, a background investigation report is current pursuant to Sections E.4 and G.A.1., and agency reports and records are available for the peace officer pursuant to Section G.

D. BASIC TRAINING REQUIREMENTS

1. **Required training for certification status.** The Commission shall only certify peace officer trainees who have successfully completed the number of hours required by the basic police training academy or program which appointed the peace officer trainee.

2. **Exceptions.** The training requirement in subsection C.1. above is not required when an agency deploys an appointed peace officer trainee during a:

a. Riot, insurrection, disaster, or other event that exhausts the peace officer resources of the agency and the person is attending an academy; or

b. Field training program that is a component of a basic training program at an academy, and the peace officer trainee is under the direct supervision and control of a certified peace officer.

3. **Firearms training required.** Unless otherwise specified in this Section, a peace officer trainee shall complete a firearms qualification course required by the applicable basic training before carrying a firearm in the course of duty.

4. **Wavier of required training.** A person may apply to the Commission for a waiver of required training if the person's certification status lapsed or the person previously functioned in the capacity of a peace officer in another state or for a federal law enforcement agency. The Commission shall grant a complete or partial waiver of required training if it determines that it is in the best interests of the community, and public welfare and safety are not jeopardized, and:

a. The appointing agency submits to the Commission written verification of the person's previous experience and training on a form prescribed by the Commission, including a copy of the individual's basic police training certification or academy graduation certificate;

b. The person meets the minimum qualifications listed in Section D;

c. The person complies with the requirements of Section E.

d. The appointing agency complies with the requirements of Sections F. and G.;

e. The person satisfactorily passes the practical demonstrations of proficiency in physical condition, vehicle operations, pursuit operations, and firearms, including firearms qualifications, as required.

f. The person successfully completes the Commission's Comprehensive Final Examination (CFE) measuring the person's comprehension of the Navajo Nation peace officer basic training requirements as follows:

i. If during the last three (3) years, the person has at least two (2) years of experience as a peace officer in another Indian Nation, or a state or for a federal law enforcement agency, and the Commission determines that the person's training is substantially similar to the Navajo Nation's peace officer basic training requirements, then the person may take only the portions of the CFE covering legal and liability issues specific to the Navajo Nation;

ii. If the person's certification is lapsed, the person must take all blocks of the CFE; or

iii. If the person's out-of-state or federal law enforcement experience does not meet the criteria in Section C. 1, but the Commission determines that the person's basic training and in-service training records demonstrate substantial comparability to the Navajo Nation's peace officer basic training requirements, the person must take all blocks of the CFE.

E. MINIMUM QUALIFICATIONS FOR APPOINTMENT

1. Minimum qualifications. Before undergoing basic police training, or applying for certification with the Commission an individual must:

a. Be a citizen of the United States of America;

b. Have reached the age of 21 or will be 21 years of age before graduating from the Navajo Police Academy;

c. Have a diploma from a high school recognized by the department of education of the jurisdiction in which the diploma is issued, or have successfully completed a General Education Development (G.E.D.) examination, or have a degree from an institution of higher education accredited by an agency recognized by the U.S. Department of Education;

d. Undergo a complete background investigation that meets the standards of Section E prior to beginning basic training.

e. Undergo a medical examination that meets the standards of Section F. within 180 days before appointment.

f. Possess a valid driver's license;

g. Have not been convicted of a violent crime, a crime of moral turpitude, or a crime that constitutes a felony in the jurisdiction where committed.

h. Have not been dishonorably discharged from the armed forces of the United States;

i. Have not been previously denied certified status, have certified status revoked, have current certified status suspended, or have voluntarily surrendered certified status in lieu of disciplinary action in any jurisdiction if the reason for denial, revocation, suspension, or possible disciplinary action constitutes a violation of Sections H or J.

j. Have not possessed or used marijuana for any purpose within the past year;

k. Have never possessed or used marijuana while employed or appointed as a peace officer;

l. Have never illegally , produced, cultivated, transported, or sold a controlled substance;

m. Have never illegally used a controlled substance except for experimentation;

n. Have never demonstrated a pattern of abuse of controlled substances or alcohol;

o. Have not been charged with a major moving violation within the last three (3) years, or charged with more than three (3) minor moving violations in the past three (3) years;

p. Agree in writing to abide by the code of ethics in Section D. 6.

2. Failure to satisfy requirements. A person employed as a peace officer appointee or trainee by any criminal law enforcement agency of the Navajo Nation shall forfeit his or her position unless, no later than twelve (12) months after beginning his or her employment as a peace officer, the person satisfies the minimum qualifications for certification.

4. Exceptions. An agency head who wishes to appoint an individual who was disqualified due to illegal possession or use of—or a pattern of abuse of—alcohol or a controlled substance may petition the Commission to consider the individual if the unique circumstances indicate that the community will be best served by doing so and the public welfare will not be endangered. At a minimum the petition shall:

a. Specify the type of alcohol or controlled substances that the individual possessed or used, the number of uses, the individual's age at the time of each possession or use, the method by which the information regarding possession or use of alcohol and controlled substances came to the agency's attention, and any attempt by the agency head to verify the accuracy of the information; and

b. State the factors the agency head wishes the Commission to consider in making its determination. These factors may include:

i. The duration of possession or use;

ii. The motivation for possession or use,

iii. The time elapsed since the last possession or use,

iv. How the alcohol or controlled substance was obtained,

v. How the controlled substance was ingested,

vi. Why the individual stopped possessing or using the controlled substance, and

vii. Any other factor the agency head believes is relevant to the Board's determination.

5. Juvenile indiscretion. An agency head who wishes to appoint an individual who was disqualified due to possession or use of—or pattern of abuse of—alcohol or a controlled substance may petition the Commission to consider the individual if the circumstances indicate that the otherwise disqualifying conduct constitutes juvenile indiscretion. At a minimum, the petition shall:

a. Specify the nature of the conduct, the number of times the conduct occurred, the method by which information regarding the conduct came to the agency's attention, and any attempt by the agency head to verify the accuracy of the information; and

b. Include sufficient information to demonstrate:

i. The conduct occurred when the individual was less than age 18;

ii. The conduct occurred more than 5 years before application for appointment;

iii. The individual has consistently exhibited responsible, law-abiding behavior between the time of the conduct and application for appointment;

iv. There is reason to believe that the individual's immaturity at the time of the conduct contributed substantially to the conduct;

v. There is evidence that the individual's maturity at the time of application makes reoccurrence of the conduct unlikely; and

vi. The conduct was not so egregious that public trust in the law enforcement profession would be jeopardized if the individual is certified.

c. If the Commission finds that the information submitted is sufficient to demonstrate the factors listed in subsection 5 (b), the Commission may grant appointment.

6. Code of Ethics. Because the People of the Navajo Nation confer upon all peace officers the authority and responsibility to safeguard lives and property, a peace officer shall commit, by his or her signature, to the following Code of Ethics:

> "I will exercise self-restraint and be constantly mindful of the welfare of others. I will be exemplary in obeying the laws of the land and loyal to the Navajo Nation and my agency and its objectives and regulations. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept secure unless revelation is necessary in the performance of my duty. I will never take selfish advantage of my position and will not allow my personal feelings, animosities, or friendships to influence my actions or decisions. I will exercise the authority of my office to the best of my ability, with courtesy and vigilance, and without favor, malice, ill will, or compromise. I am a servant of the people and I recognize my position as a symbol of public faith. I accept it as a public trust to be held so long as I am true to the law and serve the people of the Navajo Nation."

7. Maintenance of Minimum Qualifications. All certified peace officers must continue to meet the minimum qualifications for certification. The Commission may suspend or revoke an individual's certification for failure to continuously meet these minimum qualifications.

F. BACKGROUND INVESTIGATION REQUIREMENTS

1. Personal history statement. A person who seeks to be appointed shall complete and submit to the appointing agency a personal history statement on a form prescribed by the Commission before the start of a background investigation. The Commission shall use the the personal history statement to determine whether the individual is eligible for certified status as a peace officer. The questions on the form shall concern whether the individual meets the minimum requirements for appointment, has engaged in conduct or a pattern of conduct that would jeopardize the public trust in the law enforcement profession, and is of good moral character.

2. Investigative requirements for the applicant. To assist with the background investigation, a person who seeks to be appointed shall provide the following:

a. Proof of United States citizenship. A copy of a birth certificate, United States passport, or United States naturalization papers are acceptable proof. In the case of application for waiver of this requirement, proof of citizenship in a foreign country and proof of approved legal status to work in the United States of America.

b. Proof of education. A copy of a diploma, certificate, or transcript is acceptable proof.

c. Record of any military discharge. A copy of the Military Service Record (Form DD 214, Form DD 256, Member 4, Certificate of Discharge or Release, Discharge Summary Report, or current discharge record) is acceptable proof.

d. Personal references. The names and addresses of at least three people who can provide information as personal references who have known the applicant for at least one year, excluding relatives or former employers.

e. Previous employers or schools attended. The names and addresses of all employers and schools attended.

f. Residence history. A listing of the complete address for every location that the person has lived in the last five (5) years.

3. Investigative requirements for the agency. A complete background investigation includes the following inquiries to determine that the person seeking appointment meets the requirements of Section D., and that the person's personal history statement is accurate and truthful. For each individual seeking to be appointed, the appointing agency shall:

a. Query all the law enforcement agency records in jurisdictions listed in subsections 2.e and 2.f;

b. Query the motor vehicle division driving records from any state listed in subsections 2.e and 2.f;

c. Complete and submit a Fingerprint Card Inventory Sheet to the Federal Bureau of Investigation, the Navajo Division of Public Safety, and respective State Department of Public Safety, or appropriate Tribal or state law enforcement agency for query;

d. Query the National Crime Information Center/Interstate Identification Index (NCIC/III), the relevant tribal, state and county criminal information data and records system, and the Navajo Nation criminal information data and records system, or the equivalent for each jurisdiction listed in subsections 2.e and 2.f;

e. Contact all personal references and employers listed in subsections 2.d, 2.e, and 2.f and document the answers to inquiries concerning whether the person meets the standards of this Section;

4. **Certified Peace Officer Annual Requirement**. Once certified, a Peace Officer shall submit to an annual background check and report to the Commission and appointing agency.

G. MEDICAL REQUIREMENTS

1. Medical, physical, and psychological eligibility for certification.

a. An agency may only appoint individuals who are able to perform all the essential functions of the job of peace officer or peace officer trainee effectively, with or without reasonable accommodation, without creating a reasonable probability of substantial harm to the individual or others.

b. If an agency wishes to appoint an individual who is unable to perform all the essential functions of the job of peace officer effectively, the agency may seek a restricted certification for the individual. The Commission may place restrictions or requirements on the individual as a condition of certification so long as it will not create a reasonable probability of harm to the individual or others.

2. **Medical examination process.** Medical examinations must be performed prior to Certification.

a. The examining physician shall make a report to the agency, including:

i. summary of the examination;

ii. Description of any significant medical findings;

iii. Description of any limitation to the ability to perform the essential functions of the job of a peace officer or peace officer trainee; and

iv. Medical opinion about the applicant's ability to perform the essential functions of the job of peace officer or peace officer trainee, with or without reasonable accommodations.

b. The examining physician shall consult with the agency, upon request, about the report and the efficacy of any accommodations the agency deems reasonable.

3. **Psychological examination process.** Psychological examinations must be held prior to Certification.

a. The examining certified psychologist shall make a report to the agency, including:

i. summary of the examination; and

ii. analysis of any significant findings including any emotional or mental condition which might adversely affect the individual's performance as a peace officer or peace officer trainee.

b. The examining psychologist shall consult with the agency, upon request, about the report and the efficacy of any potential accommodations.

H. AGENCY RECORDS AND REPORTS

1. **Agency reports.** On forms prescribed by the Commission, agencies shall submit:

a. A report by the agency head attesting that the requirements of Section D and E. are met for each individual appointed. The agency must submit the report before an individual is permitted to perform the duties of a peace officer or attends an academy or basic police training program.

b. Certified peace officers shall have an adjudicated background update completed every five (5) years.

c. Agencies must report all terminations of peace officers to the Commission within 15 days but no later than 30 days, including:

i. The nature of the termination and effective date;

ii. A detailed description of any termination for cause; and

iii. A detailed description of, and supporting documentation for, any cause existing for suspension or revocation of certified status.

2. Agency records. An agency shall make relevant records available to the Commission. The agency shall maintain the following for each individual for whom certification is sought:

a. An application file that contains all of the information required in Sections B., C., D., E., F., and G. for each individual appointed for certification as a peace officer;

b. A copy of reports submitted under Subsection G.1., above;

c. A signed copy of the affirmation to the Code of Ethics required under Section D.6.;

d. A written report of the results of a completed or partially completed background investigation or annual background check of certified peace officers, and all written documentation obtained or recorded under Section E.;

e. A completed medical report required under Section F.; and

f. A record of all continuing training, proficiency training, and firearms qualifications conducted under Section J.

3. Record retention. An agency shall maintain the records required by this Section as follows:

a. For applicants investigated under Sections E. or H. who are not appointed: three (3) years; and

b. For applicants who are appointed: original files for five (5) years from the date of termination so long as a digital copy is retained indefinitely, except records retained under Subsections 2.d. and 2.f. above shall be retained for three (3) years following completion of training.

I. DENIAL, REVOCATION, SUSPENSION, OR CANCELLATION OF PEACE OFFICER CERTIFIED STATUS

1. Causes for denial, suspension, or revocation. The Commission may deny certification status or suspend or revoke the certification status of a peace officer for the following reasons:

a. Failure to satisfy a minimum qualification for appointment, certification, or listed in Sections D., E., F., and J.;

b. Willfully providing false information;

c. Having a medical, physical, or psychiatric mental illness, disability or condition that substantially limits the person's ability to perform the duties of a peace officer effectively, or may create a reasonable probability of substantial harm to the person or others, for which a reasonable accommodation cannot be made;

d. Violation of a restriction or requirement for certification status imposed under this Section or Sections F., G., I., or J.;

e. Illegally cultivating, selling, possessing, or using a controlled substance;

f. Unauthorized use of, or being under the influence of, liquor or a controlled substance;

g. The commission of an offense that is a felony in the jurisdiction where committed; an offense that would be a serious crime or federal major crime if committed in the Navajo Nation; or an offense involving dishonesty, illegal sexual conduct, or physical violence;

h. Committing malfeasance, misfeasance, or nonfeasance in office; or

i. Performing the duties or exercising the authority of a peace officer without possessing active certification;

j. Making a false or misleading statement, written or oral, to the Commission or its representative, or in the course of an official investigation;

k. Failing to furnish information in a timely manner to the Commission or its representative on request;

l. Engaging in any conduct or pattern of conduct that tends to disrupt, diminish, or otherwise jeopardize public trust in the law enforcement profession.

2. Cause for termination. The Commission shall terminate the certification of a peace officer if the Commission determines that the person was not qualified when certified status was granted, and revocation is not warranted under subsection H.1. above.

3. Cause for mandatory revocation. Upon the receipt of a certified copy of a judgment of a felony conviction of a peace officer, or the conviction of a peace officer for an offense that would be a major crime or serious misdemeanor if committed in the Navajo Nation, the Commission shall revoke certified status of the peace officer. Upon receipt of a written and verified complaint for misfeasance, malfeasance, or nonfeasance of a commissioned peace officer, the Commission shall refer the matter to the Agency head and/or the Navajo Office of Internal Affairs to investigate the complaint.

4. Action by the Commission. Upon receipt of information that cause exists to deny certification, or to cancel, suspend, or revoke the certified status of a peace officer, the Commission shall determine whether action should be initiated regarding certified status. The Commission may request from the agency additional inquiries or investigations to obtain sufficient information to make a fair determination.

5. Notice of action. The Commission shall notify the individual of any proceedings regarding certified status for a cause listed under subsection H.1., H. 2., or H.3 above. The notice shall be served as required by the Navajo Nation Rules of Civil Procedure, and specify the individual's right to request a hearing in writing within 30 days of notice.

6. Final Commission Decisions. The Commission will render all final decisions regarding the suspension, revocation, denial, or cancellation of certification in writing and notify all parties according to the Navajo Rules of Civil Procedure.

7. Appeal of Adverse Decisions. An applicant, peace officer or former peace officer whose commission is denied, revoked, or suspended by the Commission may appeal final Commission decisions to the Office of Hearing and Appeals.

8. Effect of agency action. The Commission shall make all decisions regarding suspension, revocation, or denial of certification independently. An agency decision regarding appointment will be considered by the Commission but under no circumstances will an agency's decision regarding the fitness of an individual control the Commission's decision of whether to revoke, deny, or suspend certification.

J. RESTRICTION OF CERTIFIED PEACE OFFICER STATUS: TRAINING OR QUALIFICATION DEFICIENCIES

1. Restricted status. The Commission may restrict a peace officer's certified status (instead of terminating certification) if he or she fails to satisfy the requirements of Section J. (Certification Retention Requirements).

a. The Commission shall consider reports of training or qualification deficiencies. The Commission shall determine the issue of whether the peace officer has successfully completed the required training or qualification and can produce documentation to verify it. The Commission may take into consideration exceptional circumstances.

b. The Commission may remove restrictions when the training or qualification requirement is met and the peace officer files written verification of the training or qualification with the Commission. If the peace officer fails to meet the requirements within a reasonable time, the Commission may pursue termination of certification.

c. The Commission shall provide notice under this Section as required by the Navajo Nation Rules of Civil Procedure.

2. Firearms qualification. If a peace officer fails to satisfy Section J. 5, the peace officer shall not carry or use a firearm in the course and scope of the officer's duties, and the agency may not place the officer in a position that requires the use of duty firearms.

3. Continuing and proficiency training. If a peace officer fails to satisfy Sections J. 1 and J. 3, the peace officer shall not engage in enforcement duties, carry a firearm, wear or display a badge, wear a uniform, make arrests, perform patrol functions, or operate a marked police vehicle.

K. COMMISSION RETENTION REQUIREMENTS

1. Continuing training required. A peace officer shall complete forty (40) hours of continuing training each year beginning January 1, following the date the officer is certified. At least eight (8) of the forty (40) hours of continuing training shall include proficiency training.

2. Continuing training course standards for peace officers. The provider of a continuing training course for peace officers shall ensure that:

a. The course curriculum consists of advanced or remedial instruction on one or more of the topics that are specified in police basic training requirements;

b. The instructor meets the requirements of the Commission or the jurisdiction from which they are Peace Officer Standards and Training (POST) certified;

c. Each attendee receives an attendance verification certificate, which includes a statement that the provider believes the course meets the requirements of this Section for audit purposes;

d. If the training provider is an agency, an attendance roster and lesson plan or other information sufficient to determine compliance with this Section is made available upon request by the Commission for Commission audit;

e. a copy of the lesson plan or other information sufficient to determine compliance with this Section is given to each attendee; and

4. Proficiency training course standards; Peace Officer's Appointing Agency. The provider of a proficiency training course for peace officers shall ensure that:

a. The training requires physical demonstration of one or more performance objectives included in the basic law enforcement training requirements of the officer's certification training program or peace officer basic training course and demonstration of the use of judgment in the application of the physical act;

b. The curriculum consists of advanced or remedial instruction on one or more of the following topic areas:

i. Arrest and control tactics,

ii. Tactical firearms (not the annual firearms qualification required under this Section),

iii. Emergency vehicle operations,

iv. Pursuit operations,

v. First aid and emergency care,

vi. Physical conditioning, and

vii. High-risk stops;

c. The instructors meet the requirements of the basic law enforcement training agency from which the peace officer was certified.

d. all attendees receive an attendance verification certificate, which includes a statement that the provider believes the course meets the requirements of this Section, is given to each attendee for audit purposes; and

f. all attendance verification certificates are available, upon request by the Commission, for Commission audit.

g. Courses that qualify for proficiency training credit may be conducted by the agency. Agency-provided proficiency training courses must meet the requirements of this Section.

5. Firearms qualification required. A peace officer must complete a Commission-approved firearms qualification course annually, using service firearms and service ammunition, and a Commission-approved target identification and judgment course.

6. Firearms qualification course standards.

a. All firearms qualification courses must be:

i. Prescribed under the Peace Officer's basic law enforcement training program, or

ii. Approved by the Commission to measure firearms competency at least as accurately as courses prescribed under the Peace Officer's basic law enforcement training program.

b. The provider of a firearms qualification course shall ensure that the course includes:

i. A time accuracy component;

ii. Duty or duty equivalent firearms and ammunition

c. The provider of a firearms qualification or firearms target identification and judgment course shall ensure that the course is taught by a firearms instructor who meets the requirements of instructors approved by the Commission.

7. Outside Training Providers. Outside training providers may request that the Commission pre-approve their continuing training courses by submitting an application packet that includes the curriculum and credentials of the provider and its instructors. A peace officer who attends training conducted by an outside training provider that was not pre-approved by the Commission may request credit for the course by providing the Commission with the curriculum and credentials of the provider and its instructors. The Commission reserves the right to extend pre-approval or credit in its sole discretion.

8. Audit for Compliance with Commission Retention Requirements. Agencies shall conduct an audit for compliance with the requirements of Section J and submit the report to the Commission annually. At the request of the Commission, an agency shall conduct an independent audit of its records to determine compliance with the requirements of this Section J.

L. TIME-FRAMES

1. Time frames for review. For the purposes of this Chapter, the Commission establishes the following time frames for peace officer certification:

a. Administrative completeness review time frame: 90 days.

b. Substantive review time frame: 180 days.

c. Overall time frame: 270 days.

2. Completeness review. The administrative completeness review time frame begins on the date the Commission receives the report required by Commission approved report forms and records from the appointing agency.

a. Within 90 days, the Commission shall review the report and may issue to the appointing agency a notice of administrative deficiency that lists each document or item of information establishing compliance with minimum qualifications have been met that is missing.

b. If the Commission issues a notice of administrative deficiency, the appointing agency shall make the missing documents and information available to the Commission within 90 days of the date of the notice. The administrative completeness review time frame is suspended from the date of the deficiency notice until the date the missing documents and information are made available to the Commission.

c. If the appointing agency fails to make available all missing documents and information within the 90 days provided, the Commission shall close the applicant's file. An applicant whose file is closed and who wants to be certified shall apply again under Sections B. or C.4.

d. When the substantive review is complete, the Commission shall grant or deny certification.

3. Substantive review. The substantive review time frame begins on the date the Commission issues the notice of administrative completeness.

a. During the substantive review time frame, the Commission may make one comprehensive written request for additional information.

b. The appointing agency shall make available to the Commission the additional information identified in the request for additional information within 60 days. The time frame for the Commission to finish the substantive review of the application is suspended from the date of the request for additional information until the additional information is made available to the Commission.

c. If the appointing agency fails to make available the additional information requested within the 60 days provided, the Commission shall close the applicant's file. An applicant whose file is closed and who wants to be commissioned shall apply again under Sections B. or C.4.

d. When the substantive review is complete, the Commission shall grant or deny certifications.

M. MINIMUM COURSE REQUIREMENTS

1. Instructors. Only an instructor who meets the requirements of this Section may facilitate a Commission-approved course.

2. Instructor classifications.

a. General instructor. An individual qualified to teach non-proficiency topics.

b. Specialty instructor. An individual qualified to teach non-proficiency topics.

c. Proficiency instructor. An individual qualified to teach proficiency topics.

3. Instructor qualification standards.

a. All instructors must meet the following requirements:

i. Be authorized by an agency or the administrator of an academy to provide a peace officer basic training course;

ii. Maintain instructional competency; and

1. Possess a professional license or certification other than a peace officer certification that relates to the topics to be taught; or

2. Provide documentation to the Commission that demonstrates the expertise and ability to enhance peace officer training in a special field and teaching certification.

b. Proficiency instructors shall also meet the following requirements:

i. Successfully complete a proficiency instructor course in a topic area listed in courses of instructions of a basic law enforcement training program approved by the Commission or the Peace Officer's basic law enforcement training program that includes a competency assessment to instruction in that area; and

ii. Complete a form approved by the Commission that demonstrates advanced training and experience in the topic area including a competency assessment to instruct in that area as approved by the Commission;

4. Instructional competency.

a. An academy administrator or an agency head shall immediately notify the Commission in writing of any instructor:

i. Who jeopardizes the safety of students or the public;

ii. Whose instruction violates acceptable training standards;

iii. Who is grossly deficient in performance as an instructor; or

iv. Who is a proficiency instructor and fails to complete satisfactorily the competency assessment in the instructor's topic area as determined in the discretion of the Commission.

b. The Commission may discredit any course taught by an instructor who fails to maintain instructional competency.

5. Curriculum standards. Minimum curriculum standards shall be determined by the Commission.

N. HEARINGS; REHEARING

If an individual's certification is revoked, suspended, or denied, he or she may seek administrative review through the Navajo Office of Hearings and Appeals (OHA).