



STATE OF NEW YORK  
DIVISION OF CRIMINAL JUSTICE SERVICES

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Alan J. Croce, Chairman / Commissioner  
New York State Commission of Correction  
80 Wolf Road, 4th Floor  
Albany, New York 12205

Dear Chairman Croce:

Over the past year, our staffs have worked together to fully integrate the Basic Course for Peace Officers into the Basic Course for Correction Officers (BCCO). I have been advised that your staff performed in an exemplary manner in completing this important transition and I thank you for that effort.

As peace officers (CPL §2.10(25)), correction officers must successfully complete the Basic Course for Peace Officers and training relating to the special nature of the duties of such peace officer within one year of appointment and the Initial Firearms Course within six months of appointment. Further, CPL §2.30(1) (c) requires that "...no person appointed as a peace officer...shall exercise the powers of a peace officer, unless he has received such certification..."

In the Matter of County of Orange v. New York State Division of Criminal Justice Services et al. (770 N.Y.S.2d 180), decided December 24, 2003, the Appellate Division held that employers of peace officers statutorily authorized to carry weapons must provide those officers with firearms training, even where the employer forbids the officers to carry such weapon.

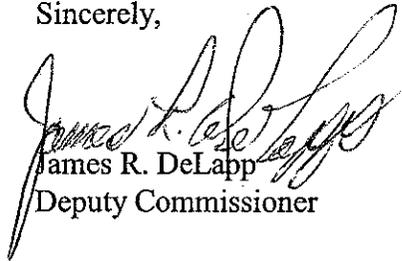
Accordingly, the Office of Public Safety must require that the Basic Course for Peace Officers with Firearms be presented to those peace officers who are required by statute to complete initial firearms training, which includes correction officers. The addition of initial firearm training into the new BCCO will satisfy the requirements and I respectfully request it be included.

In the case where batons (or other weapons) are authorized by a peace officer employer, peace officers must successfully complete the Initial Other Weapons Course - Baton (or the appropriate other weapon course) within six months of appointment. CPL §2.10(1) (c) requires that peace officers successfully complete annual training when they carry or use a weapon during

any phase of the officer's official duties, which constitutes on-duty employment. Correction officers who do not carry a firearm, baton, or other weapon during on-duty employment are not required to complete annual weapons training. The inclusion of initial firearms training into the Basic Course for Correction Officers will now enable employers of correction officers to comply with the minimum basic training requirements of both the Criminal Procedure Law and the Compilation of Codes, Rules, and Regulations of the State of New York.

If you have any questions, please contact Senior Training Technician (Police) Michael K. Miller via the Internet at [michael.miller@dcjs.state.ny.us](mailto:michael.miller@dcjs.state.ny.us) or by telephone at 518.485.2838.

Sincerely,



James R. DeLapp  
Deputy Commissioner