

HUMAN SERVICES**(a)****OFFICE OF THE COMMISSIONER
Notice of Receipt of Petition for Rulemaking
Thermal Imaging During Interviews**

Petitioner: Caleb L. McGillvary.

Take notice that on August 8, 2024, the Department of Human Services (Department) received a petition for rulemaking from Caleb L. McGillvary seeking a new rule implementing thermal imaging interviews for individuals who apply for employment opportunities that require working directly with children, including potential foster children or adoptive parents, that would assess the individual's response to videos of children engaged in innocuous activities. The rule would also provide outcome options based on the assessment findings. Mr. McGillvary states that the reason for the new rule request is to implement a new screening tool to identify individuals who would pose a risk to children. He is seeking to enhance the safety and well-being of children under the care of these individuals.

In accordance with the provisions at N.J.A.C. 1:30-4.3 and 10:1-4.3, the Department will subsequently mail to the petitioner, and file with the Office of Administrative Law, a notice of action on the petition.

CORRECTIONS**(b)****STATE PAROLE BOARD
Notice of Receipt of Petition for Rulemaking
Thermal Imaging**

Petitioner: Caleb McGillvary.

Take notice that on August 1, 2024, the State Parole Board (SPB) received a petition for rulemaking from the above petitioner. The petitioner requests that the State Parole Board consider the following rule change:

The SPB shall "mandate the use of thermal imaging cameras during the administration of penile plethysmographs (PPGs)."

The petitioner submits that PPGs are utilized to measure sexual arousal patterns of persons undergoing evaluation; that concerns have been raised "regarding [PPGs] invasiveness and reliability"; that "[r]ecent advances in thermal imaging technology suggest [it may be] a less intrusive and potentially more accurate alternative" to PPGs; and that "[i]mplementing thermal imaging allows for the collection of valuable data that can be used to refine assessment methods and improve the reliability of evaluations."

In accordance with the provisions at N.J.S.A. 52:14B-4(f) and N.J.A.C. 1:30-4.2, the State Parole Board, upon consideration of the above

suggested rule change, will mail to the petitioner, and file with the Office of Administrative Law, a notice of action on the petition.

LAW AND PUBLIC SAFETY**(c)****DIVISION OF CRIMINAL JUSTICE
OFFICE OF PUBLIC INTEGRITY AND
ACCOUNTABILITY
POLICE TRAINING COMMISSION
Notice of Action on Petition for Rulemaking
Requested Polygraph Examinations for Police
Licensing****N.J.A.C. 13:1-10**

Petitioner: Caleb L. McGillvary.

Take notice that on or about June 19, 2024, the Police Training Commission (Commission) received a petition for rulemaking from the above petitioner. On August 5, 2024, a notice of receipt of the petition was published in the New Jersey Register at 56 N.J.R. 1577(a). The petitioner requested that the Commission amend the rules pertaining to police licensing to require polygraph examinations to screen for non-convicted sexual offenders and other national security threats.

Take further notice that the Commission certifies that the petition was duly considered pursuant to law and, upon due deliberation, has determined that the requested amendments of rules providing for polygraph examinations to screen for non-convicted sexual offenders and other national security threats is denied.

The basis for this petition is essentially that in order to address the significant public interest posed by the pressing problem of integrity in policing, the proposed rule should be added to the Commission's rules so to reduce corruption in New Jersey law enforcement. As added support for this argument, the petitioner argues that most sexual offenders have never been convicted and the Commission's rules need to create means to effectively screen for non-convicted sexual offenders.

The Commission's licensing requirements do not require polygraph examinations of law enforcement license applicants, as the same is prohibited pursuant to N.J.S.A. 2C:40A-1 and exceeds the authority of the Police Training Act. However, the existing rules require extensive background checks for existing and new officers. See, for example, N.J.A.C. 13:1-10.2 and 11.5.

In accordance with the provisions at N.J.A.C. 1:30-4.2, a copy of this notice has been mailed to the petitioner.