

AGENDA

MUNICIPAL POLICE TRAINING COUNCIL 265th Meeting March 6, 2024 at 10:00 a.m.

Live Stream Link:

<https://www.youtube.com/watch?v=mNEyUFv-ieM>

ACTION / APPROVAL ITEMS

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| 1. Introductory Remarks - Introductions - Adoption of Agenda – Approval of 264th Meeting Minutes | Commissioner Rosado |
| 2. Amendments to 2024 Meeting Dates: September 12 at 1:30PM | Commissioner Rosado |
| 3. MPTC Physical Performance Standard Transportability Study | Joshua Vinehout |
| 4. Basic Course for Police Officers Firearm Instructor Requirement | Michael Puckett |

INFORMATIONAL / UPDATE ITEMS

- | | |
|---|-------------------------|
| 1. Regulation Updates | Natasha Harvin-Locklear |
| 2. Basic Course for Police Officers – Professional Communications, Traffic Stops and Crash Management Updates | Michael Puckett |

NEW BUSINESS

Commissioner Rosado

**Next Meeting:
June 5, 2024**

Council Member Virtual Attendance:

Name: Dr. R. Bruce McBride
Location: 75 Harleston Court
University Park, Florida 34201

**Minutes of the 264th Meeting
New York State Municipal Police Training Council
December 6th, 2023**

Alfred E. Smith Building
80 South Swan Street
Albany, NY 12210
CrimeStat Room 118

Livestream link: <https://www.youtube.com/watch?v=6OJOFIUFY1w>

Council Members Present

Ronald Spike, Chairman, Sheriff, Yates County Sheriff's Office
Maureen Curtis, Vice President, Safe Horizon
Dr. R. Bruce McBride
John Mueller, Chief, Metropolitan Transportation Authority Police Department
Olufunmilola Obe, Chief of Training, NYPD
Opal Rivera, Assn. Commissioner, Department of Corrections and Community Supervision
Dr. Errol Toulon, Jr., Sheriff, Suffolk County Sheriff's Office (Remote)

DCJS Staff Present

Rossana Rosado, Commissioner, Division of Criminal Justice Services
Joseph Popcun, Executive Deputy Commissioner, Division of Criminal Justice Services
Cheyanne Burke, Director, Office of Legislative and Intergovernmental Affairs
Colleen Glavin, Deputy Commissioner and Counsel, Office of Legal Services
Natasha Harvin-Locklear, Associate Counsel, Office of Legal Services
Janine Kava, Director, Office of Public Information

OPS Staff Present

Michael A. Bonse, Deputy Commissioner, Office of Public Safety
Johanna Sullivan, Director, Office of Public Safety
Joshua Vinehout, Supervisor of Public Safety Programs
Michael Puckett, Public Safety Program Specialist 2
Molly Bates, Public Safety Program Specialist 2
Daniel Nedwell, Associate Training Technician (Police)
Janay Gasparini, Criminal Justice Program Specialist 2
EJ Weeks, Criminal Justice Program Specialist 2
Kerra Gordon, Criminal Justice Program Specialist 1
Jennifer Tharp, Criminal Justice Program Specialist 1
Christopher Farina, Senior Training Technician
Dorthea Medina, Administrative Specialist 1

Guests

Rich O'Brien, Staff Inspector, NYSP
Jackie Bray, Commissioner, DHSES
Benjamin Voce-Gardner, Dir. of Counterterrorism, DHSES
Terry Hastings, Senior Policy Advisor, DHSES
Julia Marshall, Program Analyst 1, DHSES
Robin Fitzgerald, Chief of Staff, DHSES
Eamonn Neary, Legal, DHSES

ACTION/APPROVAL ITEMS

#1 - Introductory Remarks – Adoption of Agenda- Approval of 263rd Meeting Minutes

The 263rd session of the Municipal Police Training Council (MPTC or Council) commenced at 10:15 a.m. with Chairman Spike leading all attendees in the Pledge of Allegiance, followed by a moment of silence in remembrance of all those in public safety who lost their lives.

Chairman Spike announced his departure from the Council after 27 years of service.

Introductions

Introductions were made by all in attendance. Sheriff Toulon joined the meeting remotely.

Introductory Remarks

Commissioner Rosado thanked the DCJS team and U.S Council members for advancing professional policing throughout New York. Commissioner Rosado congratulated Chairman Spike on his retirement and thanked him for his years of service to the MPTC and the State of New York. She highlighted the Chairman's law enforcement career noting that he has 50 years of service in the Yates County Sheriff's office. During that time, he has achieved and maintained accreditation in County Police Services, County Jail Operations, County 911 Dispatch, Court Security, and the Civil Division. He has also held the MPTC Chair position since 1997. Commissioner Rosado presented him with a plaque honoring his service. The Chairman graciously accepted the plaque and thanked everyone at the meeting.

Adoption of Agenda

Dr. McBride made a motion to adopt the 264th meeting agenda, with a second by **Chief Mueller**; the motion was passed by unanimous vote. Chairman Spike proceeded with the approval of 263rd meeting minutes.

Approval of 263rd Meeting Minutes

Dr. McBride made a motion to approve the 263rd meeting minutes as submitted with a second by **Chief Mueller**. The motion was passed by unanimous vote.

#2 – Adoption of 2024 Meeting Dates: March 6; June 5; September 4; December 4

Chairman Spike made a motion to adopt the 2024 meeting dates: March 6; June 5; September 4; and December 4 with a second by **Assistant Commissioner Rivera**. The motion was passed by unanimous vote.

#3 – Opioid Overdose Naloxone Training and Model Policy - Updates

Joshua Vinehout of the Office of Public Safety (OPS) provided the Council updates on the Opioid Overdose Naloxone Training and Model Policy. He began by informing the Council that the training and model policy was first introduced in 2014. DCJS worked in collaboration with the NYS Department of Health (DOH) – AIDS Institute, Albany Medical Hospital, the Harm Reduction Coalition, and Office of Addiction Services and Supports to equip law enforcement officers with naloxone. Since that time, 14,472 reports of naloxone administration by law enforcement have been submitted to DOH and 11,236 officers representing 651 agencies reported completing the training to DCJS.

Mr. Vinehout informed the Council that there is now an easier way for law enforcement officers to report Naloxone administration. Instead of paper documentation, reporting can now be done electronically via a DOH web-based link.

Mr. Vinehout continued by providing an overview of updates made to the MPTC Administration and Maintenance of Intranasal Naloxone Model Policy. Section II of the Model Policy was updated to include civilian rights pertaining to the possession and administration of naloxone. The policy now includes language informing law enforcement that civilians may possess and administer naloxone if they have been trained consistent with NYS Public Health law. The policy now also includes language preventing officers from confiscating naloxone from an individual or using it as probable cause for a search and seizure. The policy is also strengthened to encourage civilians to ask for help pursuant to the Good Samaritan Law. Section V was updated with best practices that support leaving naloxone behind by law enforcement officers to an individual who may have overdosed, a family member, or somebody who may be at risk for an overdose. Section VI was also updated to ensure any training that is being done is compliant with regulations under DOH, specifically the in-service DCJS training program.

Chairman Spike asked if these statistics represented EMS responders as well as police and peace officers. Mr. Vinehout informed him that it only represents police and peace officers.

Dr. McBride asked if the training materials needed to be updated. Mr. Vinehout responded that the instructional materials have already been updated. He then asked if it was a video presentation. Mr. Vinehout explained that it is an in-person training supplemented with training videos such as an officer talking about his experience and how he handled having to see the same individual overdose on multiple occasions, and another video that shows how to administer Naloxone.

Motion #1: Adopt the MPTC Administration and Maintenance of Intranasal Naloxone Model Policy.

Dr. McBride made a motion to approve the curriculum updates, with a second by **Maureen Curtis**. The motion was passed by unanimous vote.

INFORMATIONAL/UPDATE ITEMS

#1 – DHSES Threat Assessment/Extremism Model Policy

Joseph Popcun, Executive Deputy Commissioner of DCJS, introduced Jackie Bray, Commissioner of the Division of Homeland Security and Emergency Services (DHSES), with a brief background of her experience. Commissioner Bray went on to explain how the threat of extremism has progressed over the last 10 years. She emphasized how important it is for law enforcement to have the tools, training, and background to keep up with all these changes. Commissioner Bray also addressed the increase of law enforcement being recruited by different extremist groups and law enforcement being a target.

Director Voce-Gardner from DHSES, informed the Council of the importance of law enforcement awareness of the risk of domestic violent extremism. The first topic he spoke about was the risk of domestic violent extremism to law enforcement. Director Voce-Gardner provided statistics that showed the evolution of terrorist threats over a 20-year span with a comparison between New York and the rest of the United States.

Director Voce-Gardner focused on the insider threat of domestic violent extremism in law enforcement. He explained how law enforcement officers were being recruited in these extremist groups: With the numbers growing, law enforcement will be losing legitimacy, trust, and accountability; not to mention a threat to national security.

Director Voce-Gardner also mentioned the need to develop policies around screening applicants to law enforcement. He mentioned states such as California and Washington were already developing policies to address the issue. California enacted the California Law Enforcement Accountability (CLEAR) Act, which requires background investigators to assess candidates for any affiliation with hate groups and/or hate speech. Washington passed a bill which allows the state to deny, suspend, or revoke a police officer's certification if the officer is found to be affiliated with an extremist organization. He recommended that police and peace officers be educated, trained, and receive professional development to identify extremism.

Chairman Spike asked if DHSES was suggesting that the MPTC look at the questions asked by the professionals to address whether extremist ideologies exist? Commissioner Bray stated that she would like law enforcement to learn who these extremist groups are, their ideologies, and how to recognize the current threats.

Dr. McBride asked to what extent, do we cover the domestic threat that was mentioned today as far as basic training is concerned? Joshua Vinehout mentioned that basic training takes a broader approach due to the ever-changing landscape of extremist groups. Dr. McBride mentioned that a two-tier approach may be needed because we have basic course for recruits, but also for supervisors and executives. He ended by saying that this isn't going to be a quick fix and Commissioner Bray agreed.

Chairman Spike agreed with Dr. McBride when he said this policy affects not only basic training, but also supervisory and executive training. He added that it may involve the Accreditation Council as well and asked how OPS sees this. Mr. Vinehout stated that he believes it to be a training issue for the purpose of identifying potential extremism during a background investigation. Director Sullivan added that the Professional Policing Act requires background investigators to look at organizations in the regulations and the training would really assist investigators and officers. Joe Popcun expressed the importance of key stakeholders working together to address extremism. Chairman Spike thanked Commissioner Bray and Director Voce-Gardner for speaking.

#2- Regulations - Updates

Natasha Harvin-Locklear of the Office of Legal Services, informed the Council that the in-person death notification training regulations for new and current police officers, recommended to the Governor, are still under review.

#3- Law Enforcement In-Service Training Survey

Molly Bates of the Office of Public Safety provided the Council with a summary of the in-service training survey results which was administered to law enforcement agencies. The purpose of the survey was to assess the frequency at which in-service training is conducted by agencies; identify the methods agencies used to deliver in-service trainings; determine how much time is spent on skill development vs. knowledge based training; and identify what resources agencies used or needed to provide these trainings.

Molly Bates stated that out of the 700 recipients (Chiefs, Sheriffs, Academy Directors, and Jail Administrators) that received the survey, 245 people or 35% responded. Based on the survey results, the average frequency of in-service trainings was about three times a year and falls between 16 and 20 hours each year. The average frequency of firearms training was 1-2 times per year.

Molly Bates informed the Council that most agencies utilize their own instructors when they conduct training. It was also determined that agencies spent roughly the same amount of time between skill development (firearms, DT, tourniquet applications) and knowledge-based training (legal updates, policy changes, classroom setting).

Lastly, the survey asked what DCJS resources were used most frequently. The choices were DCJS hosted in-person training, DCJS online training, DCJS curriculum and DCJS Funding. The two most frequent DCJS resources were online training and DCJS curriculum. The response rate for in-person training offered through DCJS was close to the top two.

Molly Bates concluded by summarizing the final questions of the survey that elicited types of challenges, needs, and topics of interest officers may have. The three main challenges that were mentioned were manpower, funding, and the ability to send staff to trainings due to inadequate staffing and funding. A few things that were asked of DCJS were additional funding, more online trainings, and a request for DCJS courses to be offered in more rural areas. Topics that survey respondents wanted more training on included: investigations (criminal, crash management, death, etc.), leadership/supervisory, communications, firearms, and legal updates.

Chairman Spike asked if the presentation could be available, and Molly Bates replied yes.

Maureen Curtis asked what communications pertained to and Molly Bates explained that it included soft skills of communicating with victims, suspects, and persons in emotional crises as a component of de-escalation, domestic violence calls, social media postings, etc.

Dr. McBride expressed his disappointment in the lack of survey responses that were received. He asked how DCJS can offer more online courses since there are agencies that don't have the manpower. Johanna Sullivan mentioned that DCJS now offers all police officers with the ability to obtain a license to access online training via Acadis.

Chairman Spike brought up the interest in leadership/supervisory training. He felt there was a void within the ranks between the lieutenant and executive levels and believes it needs attention. Chief Mueller agreed and stated that there needs to be more training pertaining to those ranks. He mentioned that it would be beneficial to learn more about budgeting, understanding marketing principles, communication skills, recognizing emotional intelligence, managing different types of communities, different generations of officers, and different genders.

#4- OPS Training Updates and Initiatives

Joshua Vinehout updated the Council on the status of several initiatives OPS has been working on. He began with updating the Council on the status of the physical ability performance standard informing the Council that the Job Task Analysis has been completed and the vendor is now analyzing the data to determine whether NYPD's standard can be transported to municipal agencies. A detailed presentation of the findings will be presented to the Council during the March 2024 meeting.

Mr. Vinehout continued by updating the Council on the status of hiring staff, including a dedicated staff position for corrections related training. The new hire for this position will be assigned to updating the Basic Course for Correction Officers consistent with adult learning methodologies to maximize retention of the instructional material.

Mr. Vinehout then moved on to highlighting the three-week FBI National Academy Associates (FBINAA) Leadership Certification Program, a training program OPS is hosting. He informed the Council there are 49 students enrolled in the program and covered the various topics addressed during the program. He highlighted that feedback has been overwhelmingly positive through the first two sessions. Students will complete the final session in December and then have 60 days to complete a research assignment assigned by FBINAA. OPS is currently discussing with FBINAA to offer the certification program again in 2024 at a different location in NYS. Mr. Vinehout concluded by mentioning OPS is exploring other leadership offerings to bring to NY in the upcoming fiscal year.

Chairman Spike asked if the rank of 49 people enrolled was upper middle management? Deputy Commissioner Bonse replied that the ranks targeted were for lieutenant and above.

Dr. McBride asked if there will be a certificate and graduation ceremony offered when the research paper is completed. Joshua Vinehout said there would be a certificate as well as a planned graduation.

Chief Obe offered NYPD's Office of Professional Development as a resource to OPS to assist with the development of future leadership and professional development programs. Mr. Vinehout mentioned that OPS is working on updating the Course in Police Supervision which is mandated for all newly appointed first line supervisors, including the NYPD. He expressed his appreciation to Chief Obe mentioning a future collaboration will be necessary as OPS works on updating the course.

Mr. Vinehout continued with an overview of a video that was developed and shared with the Council that is intended to engage executives and field training officers in having a better understanding of the training recruits receive during the academy. Through awareness of the instructional content, continuity of training from the academy to field training can be achieved. The video can also assist executives in working with their local academy to include training topics that exceed the minimum standards but are specific to the agency's jurisdiction. OPS also created a public facing video to provide the public with an overview of the training NYS police officers receive during the academy. Chairman Spike asked if the video is suitable for the MPTC webpage. Mr. Vinehout reminded the Council that each statutory board is required to have their own website and thought that the website may be a suitable place to host the video for the public to view.

Mr. Vinehout then transitioned to the implementation of the recruit firearms curriculum and the development of firearm instructors approved to deliver the new the curriculum before the September 1, 2024, implementation deadline. He informed the Council that OPS continues to develop instructors to assist academies with meeting the deadline and will continue to monitor the need for additional instructors. He raised the issue of a new firearm qualification standard that is currently being evaluated by OPS. OPS will be collecting data on the type of firearm issued to an officer, grip strength and hand size, as well as other data points to assess if there is a disparate impact and if so, what could be done to mitigate that impact. Mr. Vinehout continued by informing the Council that OPS has already begun the process of collecting the data by equipping academies with the necessary tools to do so.

Dr. McBride raised the issue of how to handle the need for academies to have enough instructors to ensure the safe the delivery of the firearms training. Michael Puckett commented that some academies may employ the use of range safety officers who are not designated to

provide instruction but to ensure the safety of students on the range. If safety officers will be required to have received the new training, then it may be challenging for academies to meet the September 1, 2024 deadline. Mr. Puckett informed the Council that OPS will be examining the various roles of officers that are associated with conducting the training to determine a path moving forward that is mindful of the intent of the program and implementation deadline. Mr. Vinehout reminded the Council that when the implementation date of the recruit firearms training was selected, OPS discussed the need to potentially reevaluate it, if necessary. He then transitioned to the Firearm Instructor course and the need to redesign the course. He informed the Council that a firearm instructor course is ready to be piloted in January with several more planned with a future presentation of the final product to the Council during the September 2024 meeting.

Mr. Vinehout continued on by explaining the process being employed to update the Course in Police Supervision. The process includes a lengthy Request for Proposal to solicit potential vendors that will assist OPS and key stakeholders in developing the new course materials. He then transitioned to discussing the need to update the Domestic Violence Recruit and Instructor curriculum to align it with the recent domestic violence model policy work. The Office of the Prevention of Domestic Violence will be a collaborative partner on the project along with key stakeholders to redesign the curricula.

Mr. Vinehout described to the Council the purpose of a standardized instructor feedback form that has been developed by OPS and the mechanism by which OPS will make the form available to Course Directors. He explained the form will be utilized to obtain feedback from instructors in the field, who are delivering MPTC courses, to identify areas of the curriculum that may need to be enhanced for added clarity in delivering the content. The form may also be used to share innovative ways the instructional content is being delivered. In addition to the form, Mr. Vinehout informed the Council that OPS is currently in the process of drafting an RFA to hire consultants who will conduct training site visits of MPTC approved courses pursuant to the Council's duties and responsibilities outlined in executive law. The site visit will not only verify compliance with MPTC standards but also identify areas where OPS can assist academies and trainers by providing technical assistance.

The last item Mr. Vinehout presented to the Council was the Sexual Assault Trauma-Informed Online Training. He summarized the legislation that requires at least one police officer within an agency to be trained in a victim centered trauma informed response to sexual assaults consistent with the standards established by DCJS. OPS has been delivering in-person training to assist agencies with meeting the requirement; however, it is not a sustainable model. To address the issue, OPS is in the process of developing an online Sexual Assault Trauma-Informed Training with an anticipated completion date in time for the Council to review and approve during the December 2024 meeting.

New Business

There was no new business brought to the council. Deputy Commissioner Bonse and Director Sullivan reiterated their gratitude for the years of service Chairman Spike served on the Council and the positive impact the MPTC has had on the law enforcement community achieved through his leadership as Chairman.

There being no further business, the 264th session of the Municipal Police Training Council came to a close at 12:18 p.m. **with a motion to adjourn by Dr. McBride and a second by Maureen Curtis.** The motion was unanimously approved.

**NEXT MEETING:
March 6th, 2024, at 10:00 a.m.**

DRAFT

**NYS Municipal Police Training Council
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Action Item #3

MPTC Physical Performance Standard Transportability Study

The Office of Public Safety (OPS), in collaboration with Health Metrics of AZ, LLC/ARA Human Factors' (HMAZ), will provide a summary to the Council on the findings of the transportability study to assess the validity of transporting the City of New York Police Department's (NYPD) Job-related Physical Ability Test (PAT) and associated Physical Fitness Test Battery (PFTB) for use by Municipal Police Training Council. The test is to be a part of the police officer candidate police academy entrance and graduation requirements for police officers defined in paragraphs (b), (c), (d), (e), (f), (j), (k), (o), (p), (s) and (u) of the Criminal Procedure Law (CPL) 1.20(34).

OPS will seek the Council's approval to continue with the project after HMAZ provides an overview of the next steps necessary to establish a valid physical performance standard linked to the bona fide occupational requirements identified by the results of the completed job task analysis.

Motion:

The MPTC directs the Office of Public Safety to continue with the project, utilizing Health Metrics of Arizona, in the establishment of a valid physical performance standard linked to the bona fide occupational requirements identified by the results of the conducted job task analysis, consistent with New York State law and policy.

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Action Item #4

BCPO Firearms Instructor Requirement

The Office of Public Safety will update the Council on the status of the Firearms Instructor Workshop deliveries and request the Council to permit the instructor requirement for the upcoming September 1st Basic Course for Police Officers (BCPO) Firearms implementation be phased in by Training Zone.

At the 260th Meeting of the MPTC, the Council approved the new Firearms – Part 4M section as the minimum standard for firearms instruction at the Basic Course for Police Officers, effective September 1, 2024. The Council also required an instructor update for those instructors delivering this section of the course after the implementation deadline. OPS staff have been facilitating deliveries of these Instructor Workshops across New York State and will continue to do so.

The need for instructor updates of academies, to meet the instructor requirement before the curriculum implementation deadline, is greater than anticipated. As OPS continues to work with academies in assisting them with meeting the instructor requirement, it's important to ensure that academies are not prevented from using existing MPTC Firearms Instructors in safety roles on the range after the implementation of the new program. As a result, OPS requests the Council to permit the requirement that all instructors teaching at the BCPO complete the instructor update training to be phased in by Training Zone. Any Training Zones that have successfully trained all firearm instructors with the instructor update must only utilize these instructors during the delivery of the new firearms curriculum. OPS anticipates Training Zones 1, 2, and 3 will be able to meet the instructor requirement previously established by the implementation deadline. Additional Zones would then be required as more Instructor Workshop courses are delivered. OPS will seek approval for this requirement from the Council as those training needs are met.

Academies in Training Zones that have been unable to meet the instructor requirement must at minimum have at least one MPTC Firearms Instructor that has completed the update training prior to the implementation date. Instructors that have not met the requirements may serve as range safety officers and are not permitted to deliver the instruction. A range safety officer will be an instructor who possesses an MPTC Firearms Instructor certification but who has not yet completed the 5-day Instructor Workshop. These instructors may be used to monitor trainees and the training environment to ensure an adequate ratio of instructional staff to trainees; however, direct delivery of instruction should be performed only by those instructors who have also completed the update training.

Motion 1:

Require Firearms Instructors delivering the BCPO in Training Zones 1, 2, and 3 to complete the DCJS 5-day Firearms Instructor Workshop training in addition to possessing a valid MPTC Firearms Instructor certification. All firearms instructors serving in this capacity must be listed on the curriculum content to receive DCJS course approval for employers and academies conducting a Basic Course for Police Officers or equivalent beginning on or after September 1, 2024.

Motion 2:

Academies in Training Zones 4 through 14 must at minimum have at least one firearms instructor who has completed the DCJS 5-day Firearms Instructor Workshop training in addition to possessing a valid MPTC Firearms Instructor certification. All firearms instructors serving in this capacity must be listed on the curriculum content form to receive DCJS course approval for employers and academies conducting a Basic Course for Police Officers or equivalent beginning on or after September 1, 2024.

Motion 3:

Firearms Instructors in Zones 4 through 14, that have not completed the DCJS 5-day Firearms Instructor Workshop but possess a valid MPTC Firearms Instructor certification, may only serve as range safety officers. All instructors serving in this capacity must be listed on the curriculum content form and indicated on the form as a range safety officer, to receive DCJS course approval for employers and academies conducting a Basic Course for Police Officers or equivalent beginning on or after September 1, 2024.

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Informational Item #1

Regulation Updates

The Office of Legal Services staff will update the Council on the status of the regulatory amendments to Title 9 of the Compilation of Codes, Rules, and Regulations of the State of New York sections 6020.3 and 6022.3 (in-person death notification training for new and current police officers) which was approved by the Council during the March 2023 meeting.

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Informational Item #2

**Basic Course for Police Officers
Professional Communications, Traffic Stops and Crash Management Updates**

OPS staff will update the Council on a planned revision of the Professional Communications section of the Basic Course for Police Officers and the incorporation of contextually relevant training within sections on Traffic Stops and Crash Management.