

AGENDA
MUNICIPAL POLICE TRAINING COUNCIL
259th Meeting
September 7, 2022 at 10:00 a.m.

Live Stream Link:
<https://www.youtube.com/watch?v=d71do1qNnaY>

ACTION / APPROVAL ITEMS

- | | |
|--|---------------------------------------|
| 1. Introductory Remarks - Introductions - Adoption of Agenda – Approval of 258th Meeting Minutes | Chairman Spike
Commissioner Rosado |
| 2. Basic Course for Police Officers Update – NYS Juvenile Law and Procedures | Michael Puckett |
| 3. Basic Course for Police Officers Update – NYS Ancillary Statutes | Michael Puckett |
| 4. Basic Course for Police Officers Updates: Domestic Violence | Molly Bates |
| 5. MTA Basic Course for Police Officers Exemption Request | Joshua Vinehout |
| 6. NYPD School Safety Officer Course Exemption Reconsideration | Joshua Vinehout |

INFORMATIONAL / UPDATE ITEMS

- | | |
|---|-----------------|
| 1. Professional Policing Regulations Update | Natasha Harvin |
| 2. Overview of Upcoming Changes to Recruit Firearm Training | Michael Puckett |
| 3. Project Updates: Future MPTC Action Items | Joshua Vinehout |

NEW BUSINESS

Chairman Spike

Next Meeting:

December 7, 2022

**Minutes of the 258th Meeting
New York State Municipal Police Training Council
June 1, 2022**

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

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

Council Members Present

Ronald Spike, Chairman, Sheriff, Yates County Sheriff's Office
R. Bruce McBride, Commissioner (Ret.), State University of New York Police
Timothy Parisi, Chief, Ilion Police Department, representing
New York State Association of Chiefs of Police
Maureen Curtis, Vice President, Safe Horizon**remote
Edward Kennedy, Assistant Deputy Superintendent, New York State Police, representing
Superintendent Kevin Bruen
Dr. Errol Toulon, Jr., Sheriff, Suffolk County Sheriff's Office **remote
John Mueller, Commissioner (Ret.), Yonkers Police Department
Michael Cassidy, Deputy Chief, New York City Police Department

DCJS Staff Present

Rossana Rosado, Commissioner, Division of Criminal Justice Services**remote
Joseph Popcun, Executive Deputy Commissioner, Division of Criminal Justice Services
Natasha Harvin-Locklear, Associate Counsel, Office of Legal Services
Colleen Glavin, Deputy Commissioner and Counsel, Office of Legal Services
Brian Garvey, Associate Counsel, Office of Legal Services

OPS Staff Present

Johanna Sullivan, Director, Office of Public Safety
Joshua Vinehout, Supervisor, Public Safety Programs
Daniel Nedwell, Associate Training Technician (Police)
Molly Bates, Associate Training Technician (Police)
Gabe Marruso, Criminal Justice Program Specialist 2
Kelly Conlon, Criminal Justice Program Specialist 1
Sara Dean, Criminal Justice Program Specialist 2
Michael Puckett, Associate Training Technician (Police)
Chris Farina, Senior Training Technician (Police)
Betty Douglas, Administrative Specialist 1

Guests

John McIlwaine, Technical Sergeant, NYS Police Academy

ACTION/APPROVAL ITEMS

#1 - Introductory Remarks – Adoption of Agenda

The 258th session of the Municipal Police Training Council (MPTC or Council) commenced at 10:00 a.m. with Commissioner McBride leading all attendees in the Pledge of Allegiance, followed by a moment of silence for the school shooting in Uvalde, New Mexico, the recent mass shooting in Buffalo, in remembrance of Memorial Day, and for those who have lost their lives in the line of duty.

Sheriff Spike welcomed all and introduced new Council members John Mueller, Retired Chief of Police, Yonkers Police Department; Errol Toulon, Sheriff, Suffolk County Sheriff's Office; and Michael Cassidy, New York City Police Department. He then stated that there were some action items and the possibility of an Executive Session. Introductions made by all in attendance. Commissioner Rosado, Vice President Curtis and Sheriff Toulon joined the meeting remotely. Sheriff Spike noted that a quorum was present.

Commissioner McBride made a motion to adopt the 258th meeting agenda, with a second by **Assistant Deputy Superintendent Kennedy**; the motion was passed by unanimous vote. Chairman Spike proceeded with the adoption of the agenda.

#2 – Approval of 257th Meeting Minutes

Sheriff Spike noted that all members had received the minutes from the 257th Meeting. **Chief Parisi** made a motion to approve the 257th meeting minutes as submitted with a second by **Commissioner McBride**. The motion was passed by unanimous vote.

Commissioner Rosado thanked Chairman Spike and welcomed everyone to the meeting. She stated that, in her first six months with DCJS, she has been impressed with the professionalism and expertise in the agency, specifically the Office of Public Safety's handling of the Police Officer Memorial Service and Missing Persons Day Poster Contest, and expressed her gratitude for their assistance in all aspects of the DCJS mission including the support for MPTC. She stated that the Governor's State of the State Agenda and Budget, enacted in April, provided a significant increase in the agency's resources, primarily to address pandemic era gun violence. We're now working to deploy resources and strategies to bolster law enforcement's ability to stop the flow of illegal guns and to support community-based solutions for stronger neighborhoods and better opportunities for young people and families who have been most affected by violence. Work that is critical to successful safety of our state, especially in the wake of the Buffalo mass shooting. She expressed her gratitude to the Council and the work they do to keep New York safe and looks forward to sharing updates with the Council regarding the work DCJS does especially as she travels throughout the state to learn more about communities.

Chairman Spike thanked the Commissioner for her remarks. He then asked Council members to follow the written format in their handouts when making a motion so the motions can be recorded clearly.

#3 – License Plate Reader Model Policy Update

Daniel Nedwell of the Office of Public Safety presented a minor update to the MPTC License Plate Reader (LPR) Model Policy.

He stated that, in March of 2021, the Council approved changes to the LPR Model Policy that included reducing the minimum retention period of all LPR data from 20 years to one year consistent with best practices in data retention.

As a result, the NYS Archives – responsible for setting retention schedules for local New York State government entities – amended the Local Government Schedule (LGS-1) Schedule Item 1241 from 20 years retention for LPR data to one year to align with the best practices set forth in the model policy. With these changes to the schedule, the LPR Model Policy has been amended to reference the updated LGS-1 Schedule Item 1241 with a footnote on page 4 of the policy.

Motion: Adopt the amendment made to the MPTC License Plate Reader Model Policy.

Commissioner McBride made a motion to approve the amendment to the MPTC License Plate Reader Model Policy, with a second by **Assistant Deputy Superintendent Kennedy**. The motion was passed by unanimous vote.

#4 – MPTC Guidelines for Police Officer Psychological Exams

Joshua Vinehout of the Office of Public Safety presented an update to the MPTC Guidelines for Police Officer Psychological Exams. He gave a brief history of the evolution of the guidelines being proposed to the Council for adoption. Beginning in 2009, the MPTC adopted Guidelines for the Use of a Public Safety Psychological Examination. These guidelines were developed at the time when there was no requirement in section 58 of the Civil Service Law or the Municipal Police Training Council's police officer candidate hiring standards requiring civil service agencies to use psychological screening during the hiring process for police officers and deputy sheriffs. At the time, the Council felt that there was a need to provide guidance to law enforcement in the proper procedures for conducting psychological screening of police officer candidates and selecting psychologists who could best provide the psychological assessments. During 2009, the guidelines for conducting psychological exams were developed, discussed and, subsequently, formally adopted by the Council.

In 2021, the New York State Professional Policing Act (PPA) amended Executive Law §840(2) requiring the MPTC to establish psychological assessment minimum hiring standards. When those regulations were proposed to – and, subsequently, adopted by – the Council, DCJS, working in collaboration with Civil Service, other state agencies, municipal police departments and psychologists who conduct public safety psychological exams, used the 2009 document as a guiding point for establishing psychological assessment best practices consistent with the regulations.

In 2022, the regulations for psychological assessments for municipal agencies and others who are required to conduct psychological exams at the time of hiring a police officer candidate have been adopted by the Council. These guidelines have now been revised to reflect the new regulatory requirements. The previous language referencing psychological exams as being voluntary has been removed and now includes citations that reference the regulatory requirements for agencies to conduct psychological assessments.

He then gave an overview of the updated guidelines:

- Page 1 provides background of the change in regulations and statutory requirement for the MPTC to develop psychological assessment guidelines, the purpose of the document's existence and, consistent with other model policy format, follows with the definitions of certain language used throughout the document.
- Page 4, specifically, identifies at what point the psychological assessment must be conducted in compliance with the Americans Disabilities Act - after the conditional offer of employment.
- Page 5 articulates the regulatory requirements for conducting a psychological exam; what to screen for; the use of validated written tests; the requirement of a semi-structured interview process; and the process used by the qualified psychologist or psychiatrist to issue an assessment report based on their findings and recommendations.
- Page 8 discusses considerations for selecting a psychologist and best practices for drafting informed consent language; that the agency administering the test is the sole recipient of the evaluation results; and the candidate is not able to review the test results.
- Page 10 describes exam interpretation by a qualified psychologist or psychiatrist which is followed by a semi-structured interview of the candidate, allowing the psychologist to ask more in-depth questions. This process is used to clarify any possibly ambiguous exam question responses.
- Page 11 describes the issuance of the report by a qualified psychologist or psychiatrist and the appointing authority's decision-making process.

The document provides guidance to law enforcement for selecting a qualified psychologist or psychiatrist, making sure they're licensed in New York State, any public discipline notices, their experience, their curriculum vitae to determine the relevance of their experience in conducting public safety psychological assessments.

Chairman Spike questioned whether it should be chief of police or the sheriff's responsibility to choose the psychologist or is if selection is up to the Civil Service Commission of the agency. It was explained that the regulations require that the Civil Service Commission makes the final determination, however the agency recommends the psychologist or psychiatrist to the Civil Service Commission for final approval. It was also clarified that psychological assessment information is not to be shared between agencies unless the candidate gives consent within a year, per best practices, as the results are valid for one year after the assessment.

Mr. Vinehout further explained the need to use properly validated psychological assessment tests; the need for the agency to discuss with the psychologist their rating scale and the agency's needs; and that the regulations allow the final authority to lie with the appointing agency.

He stated that the major changes from the original 2009 document are that the voluntary language is removed and regulatory language is cited throughout the document; the formatting of the guidelines has been modified to resemble MPTC's model policy format more closely; and, the recommendation for the name of the document is now: MPTC Guidelines for Police Officer Psychological Exams.

There was discussion regarding the application of the Americans with Disabilities Act and the rules surrounding qualifying and disqualifying candidates along with the challenges agencies are currently facing in terms of lack of candidates and Civil Service lists and testing. It was determined that, if the Council approves the amendments, the next steps would be to provide the amended guidelines to law enforcement agencies, to post the model policy on the DCJS public website and include a link to these guidelines in the Frequently Asked Questions related to the Professional Policing Act and hiring standards posted on the DCJS website.

Motion: Adopt the amended MPTC Guidelines for Police Officer Psychological Exams with the change to page 8, section E.2: The selected psychologist should assist law enforcement to maintain an adverse impact analysis to detect any discriminatory pattern in psychological testing program and include the agency's affirmative action officer or similar title in decision making process.

Deputy Chief Cassidy made a motion to approve the amended MPTC Guidelines for Police Officer Psychological Exams, with a second by **Commissioner McBride**. The motion was passed by unanimous vote.

INFORMATIONAL/UPDATE ITEMS

#1- Professional Policing Regulations Update

Natasha Harvin-Locklear of the Office of Legal Services informed the Council that the regulations have been submitted for another round of emergency adoptions. Review has been completed with Civil Service and she is hopeful that the regulations will soon be adopted permanently. Johanna Sullivan informed the Council that OPS would release the regulations in conjunction with the FAQs.

#2 - Jail Time Credit and Calculation Course Update

Molly Bates of the Office of Public Safety presented an update to the Jail Time Credit and Calculation Course. As a background, Executive law §840 grants authority to the MPTC to establish minimum training standards for local corrections officers. As part of this authority, the MPTC adopted the 13-hour Jail Time Credit and Calculation course in September 2011. The course serves as the minimum training standard for local correctional staff assigned the task of calculating jail time credit and determining the sentence of inmates.

DCJS staff, with the assistance of subject matter experts, recently conducted a review and update of these materials. The updates include:

- Section 3 – Definitions - the definition of one year was updated to reflect changes in penal law §70.15 (sub 1a). A year is defined as 364 days for misdemeanor sentences and 365 days for felony offenses.
- Scenarios impacted by this change were updated throughout the curriculum and a new scenario was added to address a situation where an inmate is sentenced to two consecutive six-month sentences.
- Case law examples provided in the current curriculum were expanded for better understanding and provided in appendices.

- Course materials and handouts were condensed, and three challenges/scenarios were added to evaluate student learning.

All training topics, hours and objectives remain the same. OPS plans to offer more training on this topic later in the fiscal year. Anyone who completes the course can serve as an instructor provided they have a valid general topics certification.

#3 – Unmanned Aerial Vehicle Model Policy Update

Christopher Farina of the Office of Public Safety Missing Person Clearinghouse presented an update the MPTC's Unmanned Aerial Vehicle (UAV) Model Policy which was adopted by the Council during the June 2016 MPTC meeting.

The model policy is intended to provide personnel who are assigned responsibilities associated with the deployment and use of UAVs with guidelines for the proper usage of these vehicles; the maintenance, storage, retrieval, and dissemination of any digital multimedia evidence (DME) captured by UAVs; and to minimize risk to law enforcement personnel, the public and property during the operation of UAVs while protecting the right to privacy of citizens.

Since 2016, the technology of UAVs, as well as the regulations that govern the use of UAVs, has evolved from the time the model policy was adopted. OPS staff, in collaboration with key stakeholders, will conduct a thorough review of the model policy and bring forth any proposed amendments for the Council's consideration and adoption at a future meeting.

Commissioner McBride asked about what substantive issues that may need to be addressed and Mr. Farina responded that there are some training aspects which were not included in the original 2016 model policy, including part 107a regarding the pilots' certification and licensing to actually operate the UAVs. Chairman Spike asked when the model policy might be brought to the Council for approval and Mr. Farina said, tentatively, the December 2022 meeting. A panel is currently being assembled to review the policy.

There was some discussion regarding opposition to the use of UAVs and how to adequately address those concerns through effective outreach to localized community stakeholders, transparent communication and clearly conveying the utility of the UAVs in missing persons cases, accident reconstruction, and other safety-related situations.

#4 – Child Abuse Reporting and Investigative Procedures Model Policy Development

Josh Vinehout of the Office of Public Safety presented a plan to develop a Mandatory Reporting of Child Abuse Model Policy and related training program pursuant to the recent amendment to Executive Law §840 (j)(1), which requires the Council develop a model policy on reporting of child abuse and neglect. The law references Social Services Law and certain requirements for mandatory reporters. DCJS staff will put together a subject matter expert panel to draft a model policy on child abuse and neglect that follows Social Service Law. It will cover:

- Mandatory reporting procedures of child abuse, neglect, or death
- Provisions for taking a child into protective custody
- Immunity from liability
- Penalties for failure to report and obligations for the provision of services and procedures necessary to safeguard the life or health of the child
- Training on mandatory reporting

Resources that are currently available to law enforcement are the Office of Child and Family Services (OCFS) online training for mandatory reporters, in addition to the DCJS Child Abuse investigations online training for first responders.

Mr. Vinehout also informed the Council that the Family Court Act has been amended to change the definition of a juvenile delinquent to increase the age from seven to 12 years of age for a juvenile delinquent. The amendment to the Executive Law requires the Council to develop a training on juvenile law for police officers that includes the new Family Court Act §301.2 (1) definition of a juvenile delinquent and addresses how an officer should handle a child under the age of 12 who may commit an offense that would typically appear in family court. OCFS has drafted regulations that will define the differential treatment response program for handling of a child under the age of 12. It is a voluntary program that the local district social services will develop, under the guidance of the regulatory requirements for OCFS.

DCJS will work with OCFS to develop procedures and training for law enforcement regarding children under 12 years of age who no longer fall under the definition of a juvenile delinquent, and whose behavior, but for their age, would have brought them within the jurisdiction of family court. The effective date of these changes is December 29, 2022.

OPS staff will collaborate with OCFS and a subject matter expert panel to develop the model policy and associated training for the mandatory reporting of child abuse along with a training program on juvenile law that is applicable to law enforcement officers to present to the Council for approval at either the September or December Council meeting, before the law takes effect. The Basic Course for Police Officers will have to be updated to reflect the new juvenile law and juvenile delinquent definition.

New Business

Motion to enter executive session:

Motion to enter into executive session to discuss confidential information pertaining to the preparation and administration of a job task analysis examination questionnaire.

Chairman Spike made a motion to enter into executive session with a second by **Commissioner McBride**. The motion was passed by unanimous vote.

#1- Executive Session – Physical Fitness Job Task Analysis

Motion #1:

Proceed with distributing physical fitness job task analysis questionnaire.

Chairman Spike made a motion to proceed with the distribution of the physical fitness job analysis questionnaire. **Assistant Deputy Superintendent Kennedy** seconded the motion. The motion was passed by unanimous vote.

Motion #2:

Motion to exit Executive Session and reconvene in Open Session.

Chairman Spike made a motion to exit Executive Session with a second by **Commissioner McBride**. The motion was passed by unanimous vote.

There being no further business, the 258th session of the Municipal Police Training Council came to a close at 11:40 a.m. **with a motion to adjourn by Commissioner McBride and a second by Commissioner Mueller**. The motion was unanimously approved.

NEXT MEETING:

September 7, 2022 at 10:00 a.m.

**Executive Session Minutes of the 258th Meeting
New York State Municipal Police Training Council
June 1, 2022**

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

Council Members Present

Ronald Spike, Chairman, Sheriff, Yates County Sheriff's Office
R. Bruce McBride, Commissioner (Ret.), State University of New York Police
Timothy Parisi, Chief, Ilion Police Department, representing
New York State Association of Chiefs of Police
Maureen Curtis, Vice President, Safe Horizon**remote
Edward Kennedy, Assistant Deputy Superintendent, New York State Police, representing
Superintendent Kevin Bruen
Dr. Errol Toulon, Jr., Sheriff, Suffolk County Sheriff's Office **remote
John Mueller, Commissioner (Ret.), Yonkers Police Department
Michael Cassidy, Deputy Chief, New York City Police Department

DCJS Staff Present

Rossana Rosado, Commissioner, Division of Criminal Justice Services**remote
Joseph Popcun, Executive Deputy Commissioner, Division of Criminal Justice Services
Natasha Harvin-Locklear, Associate Counsel, Office of Legal Services
Colleen Glavin, Deputy Commissioner and Counsel, Office of Legal Services
Brian Garvey, Associate Counsel, Office of Legal Services

OPS Staff Present

Johanna Sullivan, Director, Office of Public Safety
Joshua Vinehout, Supervisor, Public Safety Programs
Daniel Nedwell, Associate Training Technician (Police)
Sara Dean, Criminal Justice Program Specialist 2
Michael Puckett, Associate Training Technician (Police)
Betty Douglas, Administrative Specialist 1

ACTION/APPROVAL ITEMS

Motion to enter executive session:

Motion to enter into executive session to discuss confidential information pertaining to the preparation and administration of a job task analysis examination questionnaire.

Chairman Spike made a motion to enter into executive session with a second by **Commissioner McBride**. The motion was passed by unanimous vote.

#1- Executive Session – Physical Fitness Job Task Analysis

Motion #1:

Proceed with distributing physical fitness job task analysis questionnaire.

Chairman Spike made a motion to proceed with the distribution of the physical fitness job analysis questionnaire. **Assistant Deputy Superintendent Kennedy** seconded the motion. The motion was passed by unanimous vote.

Motion #2:

Motion to exit Executive Session and reconvene in Open Session.

Chairman Spike made a motion to exit Executive Session with a second by **Commissioner McBride**. The motion was passed by unanimous vote.

**NYS Municipal Police Training Council
259th Meeting
September 7, 2022**

Action Item #2

Basic Course for Police Officers Updates – Juvenile Law

NYS Juvenile Law and Procedures – Part 3, Section D

New York State passed legislation that raised the lower age of juvenile delinquency from 7 to 12 years of age, except for alleged homicide related offenses, (Chapter 810 of the Laws of 2021, as amended by Chapter 38 of the Laws of 2022). The new law requires that a differential response program for children 7 to less than 12 years old, who no longer fall under the definition of juvenile delinquent under section 301.2 of the Family Court Act (FCA), but whose behavior would otherwise bring them under the jurisdiction of Article 3 of the FCA, be established by each Local Department of Social Services (LDSS). In addition, the fingerprinting of a juvenile delinquent under the new definition has been increased to at least 12 years of age or older and the act, which is subject of the arrest, or which is charged in the petition would, if committed by an adult, constitute a Class A or B felony. These changes are effective December 29, 2022.

Part 3, Section D of the Basic Course for Police Officers has been updated to reflect this new legislation. The update includes the revised definition of a juvenile delinquent and fingerprint eligible age, as well as the best practices response by law enforcement that involves the collaboration with LDSS for children under the age of twelve who are eligible for the LDSS differential response program. In addition, references to past effective dates of Raise the Age legislation for 16- and 17-year-olds has been removed.

The section hours and learning objectives remain the same. The updates to reflect the new legislation are applicable to the following current learning objectives and are effective for all new academy classes beginning on or after January 1, 2023:

Upon completion of instruction, the student should be able to identify:

- Legal restrictions on criminal prosecution of juveniles and adolescents
- Proper procedures and actions to follow when dealing with juveniles and adolescents
- Legal restrictions on fingerprinting, photographing, and maintenance of arrest information on juveniles and adolescents

Motion #1:

Approve the updates to the NYS Juvenile Law and Procedures – Part 3, Section D as the minimum standard of instruction in the Basic Course for Police Officers or equivalent, Specialized Investigator Course and Campus Public Safety Course, and require all instructors teaching this section to be at minimum a General Topics Instructor.

Motion #2:

All employers and academies conducting the Basic Course for Police Officers or equivalent, Specialized Investigator Course and Campus Public Safety Course, beginning on or after January 1, 2023, must utilize the newly approved NYS Juvenile Law and Procedures – Part 3, Section D.

**NYS Municipal Police Training Council
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Action Item #3

Basic Course for Police Officers Updates – NYS Ancillary Statutes

Ancillary NYS Statutes – Part 3, Section F

On July 6, 2022, a new state law was signed by the Governor (Ch. 208 of the Laws of 2022) amending New York's "Red Flag" Law, codified in Article 63-A of the Civil Procedure Law and Rules (CPLR), requiring police officers to file for an Extreme Risk Protection Order pursuant to CPLR § 6341. As a result of this new requirement, Part 3, Section F – Ancillary NYS Statutes has been updated with a new instructional learning objective: Identify the circumstances when to petition the court for an Extreme Risk Protection Order and the process to do so.

This update includes a basic overview of determining when to file an ERPO petition with the Local Supreme Court. It also includes a summary of the process to petition the Court and what to expect after the Court receives the petition. An additional 30 minutes has been added to this section increasing it from 2 hours to 2.5 hours to account for the new instructional material. This updated section is effective January 1, 2023, for all new academy classes beginning on or after this date; however, nothing precludes an academy session from teaching the new material prior to the start of the requirement date.

Motion #1

Approve the updates to Ancillary NYS Statutes – Part 3, Section F as the minimum standard of instruction in the Basic Course for Police Officers or equivalent, Specialized Investigator Course and Campus Public Safety Course, and require all instructors teaching this section to be at minimum a General Topics Instructor.

Motion #2:

All employers and academies conducting the Basic Course for Police Officers or equivalent, Specialized Investigator Course and Campus Public Safety Course, beginning on or after January 1, 2023, must utilize the newly approved curricula for Ancillary NYS Statutes – Part 3, Section F.

**NYS Municipal Police Training Council
259th Meeting
September 7, 2022**

Action Item #4

Basic Course for Police Officers Updates - Domestic Violence

Domestic Violence – Part 7, Section A

The Office of Public Safety will present to the Council updates to the Basic Course for Police Officers Domestic Violence curriculum. This section was recently reviewed to enhance and incorporate training material on the recognition and significance of lethality indicators in domestic violence incidents.

The current domestic violence curriculum is 16 hours and comprised of eight lessons:

Lesson 1: Initial Police Response	Lesson 5: Evidence to Support DV Arrests
Lesson 2: Tactics of Control and Related Criminal Charges	Lesson 6: Domestic Incident Reports
Lesson 3: Stalking in the context of DV	Lesson 7: Orders of Protection
Lesson 4: On-Scene Response and NYS Mandatory Arrest and Primary Aggressor Law	Lesson 8: Model Domestic Incident Policy for LE

The current amendments for consideration are as follows:

Lesson 2- Tactics of Control and Related Criminal Charges – (new or amended objectives)

- Identify possible criminal charges for tactics of control, above and beyond violation level harassment in the 2nd degree, always keeping in mind the extreme dangerousness of the common lethality indicators identified by the New York State Domestic Violence Fatality Review Team. (amended)
- Define the term “domestic violence lethality indicator and list common “lethality indicators” identified by the NYS Domestic Violence Fatality Review Team (new)
- Document common lethality indicators in all domestic violence reports and charging documents. (new)

Lesson 4- On Scene Response

- No change to objectives but incorporated content on recognizing lethality indicators in officer response and added identification questions within class exercise.

Lesson 5-Evidence to Support DV Arrests- (new or amended objectives)

- Identify potential sources of evidence applicable to investigation of domestic incidents, always keeping in mind the common lethality indicators identified by the New York State Domestic Violence Fatality Review Team. (amended)
- List common lethality indicators identified by the New York State Domestic Violence Fatality Review Team. (new)

Lesson 6- Domestic Incident Report (new objective)

- Identify which sections of the DIR represent lethality indicators.

The hours of instruction will remain at 16.

Motion #1:

Approve the updates to the Domestic Violence – Part 7, Section A as the minimum standard of instruction in the Basic Course for Police Officers or equivalent and Campus Public Safety Course, and require all instructors teaching this section to have successfully completed the MPTC approved Domestic Violence Instructor course.

Motion #2:

All employers and academies conducting the Basic Course for Police Officers or equivalent and Campus Public Safety Course, beginning on or after January 1, 2023, must utilize the newly approved curriculum.

**NYS Municipal Police Training Council
259th Meeting
December 1, 2021**

Action Item #5

MTA Basic Course for Police Officer Conversion Course Exemption Request

The Office of Public Safety will present motion requests to the Council on behalf of the Metropolitan Transit Authority Police Department (MTAPD) for exemption from the 97-hour *MPTC NYPD Basic Conversion Course*.

Background:

The Professional Policing Act of 2021 repealed Executive Law §840 (h) which previously gave the NYPD the ability to obtain a full exemption from the Basic Course for Police Officers (BCPO). Although the Council no longer has the authority to grant the NYPD full exemption from the BCPO, it has the authority to grant exemptions from portions of the course. As such, the Council approved exemptions to the NYPD from the following sections of the BCPO based on justification provided by the NYPD. These sections are as follows: Part 7, Section F - Basic Crash Management and Reporting; Part 4, Section R – Recognizing the Cannabis Impaired Motorist; Part 4, Section Q – DWI Detection and Standardized Field Sobriety Testing; Part 4, Section K – Emergency Medical Services; and Part 6, Section B – Behavioral Observation and Suspicious Activity Recognition.

As part of the motion in granting exemptions from these sections, the Council has required any sworn police officer that completes the Basic Course for Police Officers (NYPD) and transfers to, or is employed by an agency other than NYPD, to complete the 97-hour conversion course which consists of these exempt sections. This requirement has been in effect for any NYPD academy session beginning on or after October 16, 2021. Officers that complete the Basic Course for Police Officers (NYPD) or are employed by a police agency other than NYPD will need to complete the conversion course within one year of appointment.

Request:

Public authorities Law § 1266-h requires MTAPD officers to complete the BCPO in its entirety. MTAPD recruit officers attend the NYPD police academy. Since the exemptions that NYPD were given are specific to NYPD, all MTAPD recruit officers who attend the NYPD academy, beginning on or after October 16, 2021, do not satisfy the full training requirements of the BCPO.

The MTAPD is requesting an exemption from the 97-hour conversion course for the reasons cited in a letter sent to the Chairman of the Council. The exemption request submitted for the Council's review and consideration is being sought for all MTAPD officers having attended and completed the NYPD academy, beginning on or after October 16, 2021, and for any future academies' sessions hosted by the NYPD and attended by MTA police officers.

Motion One:

The MTAPD must complete the Basic Course for Police Officers prescribed by the Council.

Motion Two:

While still meeting the minimum standards of training prescribed by the Council pursuant to Public Authorities Law §1266-h, exempt MTAPD from the requirements of the 97-hour *MPTC*

NYPD Basic Conversion Course for all MTAPD recruit officers attending an NYPD Basic Course for Police Officers beginning on or after October 16, 2021.

Motion Three:

The exemption granted to the MTAPD from the 97-hour *MPTC NYPD Basic Conversion Course* will need to be reviewed if there are any future changes to MPTC requirements, NYPD course content related to this exemption, or change in essential job duties of an MTA police officer.

**NYS Municipal Police Training Council
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Action Item #6

NYPD School Safety Officer Course Exemption Reconsideration

In 2012, the MPTC granted an exemption from the Basic Course for Peace Officers for NYPD's school safety agents. At the time of the request, Executive Law §840(h) permitted the MPTC to exempt a city having a population of one million or more from the statutory training requirements for peace officers when the MPTC deems the course of training prescribed by such city is higher than what the MPTC prescribes.

The Professional Policing Act of 2021 repealed Executive Law §840(h), which previously gave the NYPD the ability to obtain a full exemption from the Basic Course for Peace Officers when training school safety agents. As such, all NYPD school safety agents must now successfully complete the MPTC Basic Course for Peace Officers. Pursuant to Criminal Procedure Law §2.30(1), any NYPD specific training for school safety agents is to be conducted in addition to the minimum training standards for peace officers established by the Council.

NYPD has requested for the removal of the exemption to take effect beginning on January 1, 2023, prior to the start of a new cohort of school safety agents beginning training.

Motion:

Remove the exemption from the Basic Course for Peace Officers and require NYPD, beginning January 1, 2023, to use the Basic Course for Peace Officers to train new school safety agents.

All curriculum submitted for approval must contain the minimum topics and hours for these courses. Any employer specific training for school safety agents will be conducted in addition to the training curriculum minimum standards for peace officers established by the Council.

**NYS Municipal Police Training Council
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September 7, 2022**

Informational Item #1

Professional Policing Regulations Update

The Office of Legal Services will provide the Council an update on the status of the Professional Policing Regulations.

**NYS Municipal Police Training Council
259th Meeting
September 7, 2022**

Informational Item #2

Overview of Upcoming Coming Changes to Recruit Firearm Training

The Office of Public Safety will provide to the Council a detailed overview of the rationale behind the anticipated changes to the recruit firearm training. This will be done in preparation for the Council's full review of the final materials which will be provided prior to the next meeting in December.

**NYS Municipal Police Training Council
259th Meeting
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Informational Item #3

Project Updates: Future MPTC Action Items

The Office of Public Safety will provide the Council with a status update on current projects that will require the Council's review and consideration for adoption at future meetings.