

AGENDA

MUNICIPAL POLICE TRAINING COUNCIL 261st Meeting March 8, 2023 at 10:00 a.m.

Live Stream Link:

<https://www.youtube.com/watch?v=ZLY5jayl0dk>

ACTION / APPROVAL ITEMS

- | | |
|--|---------------------------------------|
| 1. Introductory Remarks - Introductions - Adoption of Agenda – Approval of 260th Meeting Minutes | Chairman Spike
Commissioner Rosado |
| 2. Juvenile Law and Procedures Online Training | Joshua Vinehout |
| 3. In-Person Death Notifications Model Policy, Training, and Regulations | Scott Neff |
| 4. Firearms Safety Guidelines Curriculum Updates | Michael Puckett |

INFORMATIONAL / UPDATE ITEMS

- | | |
|--|-------------------------|
| 1. Comprehensive Evaluation of Existing MPTC Courses | Joshua Vinehout |
| 2. Public Hearing of MPTC Video Conferencing Resolution and Procedures | Natasha Harvin-Locklear |

NEW BUSINESS

Chairman Spike

Next Meeting:
June 7, 2023

Council Member Virtual Attendance:

Name: Sheriff Errol Toulon
Location: 200 Suffolk Avenue
Yaphank, NY 11980

Name: Chief Timothy Parisi
Location: Ilion Police Department
55 First Street
Ilion, New York 13357

**Minutes of the 260th Meeting
New York State Municipal Police Training Council
December 7, 2022**

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

Livestream link: https://www.youtube.com/watch?v=M_u85YmqFfl

Council Members Present

Ronald Spike, Chairman, Sheriff, Yates County Sheriff's Office
Dr. R. Bruce McBride
Timothy Parisi, Chief, Ilion Police Department (remote)
Maureen Curtis, Vice President, Safe Horizon
Major Steven Graap, New York State Police representing Superintendent Steven Nigrelli
Dr. Errol Toulon, Jr., Sheriff, Suffolk County Sheriff's Office (remote)
Opal Rivera, Assn. Commissioner, Department of Corrections and Community Supervision
Michael Cassidy, Deputy Chief, New York City Police Department

DCJS Staff Present

Rossana Rosado, Commissioner, Division of Criminal Justice Services
Joseph Popcun, Executive Deputy Commissioner, Division of Criminal Justice Services
Natasha Harvin-Locklear, Associate Counsel, Office of Legal Services
Sarah Peter, Empire Fellow, Division of Criminal Justice Services
Matthew Zacharewicz, Criminal Justice Policy Analyst, Division of Criminal Justice Services

OPS Staff Present

Johanna Sullivan, Director, Office of Public Safety
Joshua Vinehout, Supervisor of Public Safety Programs
Daniel Nedwell, Associate Training Technician (Police)
Molly Bates, Associate Training Technician (Police)
Cindy Neff, Identification Specialist 4
Sara Dean, Criminal Justice Program Specialist 2
Michael Puckett, Associate Training Technician (Police)
Christopher Farina, Senior Training Technician (Police)
Dee Medina, Administrative Specialist 1 Tr 2

Guests

John McIlwaine, Technical Sergeant, NYS Police Academy
John Duro, Lieutenant, NYS Police Academy

ACTION/APPROVAL ITEMS

#1 - Introductory Remarks – Adoption of Agenda- Approval of 260th Meeting Minutes

The 260th session of the Municipal Police Training Council (MPTC or Council) commenced at 10:08 a.m. with Commissioner McBride leading all attendees in the Pledge of Allegiance, followed by a moment of silence in remembrance of Pearl Harbor, honoring crime victims, and those serving in law enforcement and public safety. Also remembered was our military and law enforcement who have lost their lives in the line of duty, and especially recognizing the recent death of Yonkers PD, Detective Sergeant Frank Gualdino.

Introductions

Sheriff Spike welcomed all and introduced new Council members Opal Rivera, Dept. of Corrections and Community Supervision (DOCCS), and Major Steven Grasp, New York State Police. Introductions made by all in attendance. Chief Parisi and Sheriff Toulon joined the meeting remotely. Sheriff Spike noted that a quorum was present.

Introductory Remarks

Commissioner Rosado thanked and expressed her gratitude to the Office of Public Safety for the support they provide to the Council and to the mission of DCJS. The Commissioner provided DCJS updates which included: two new SNUG programs in Utica and Niagara Falls that were introduced in early September; announcement of 50 million dollars of new public safety funding by the Governor in late September; launch of Project Rise in October by DCJS which is funded by 28 million dollars of investment to support community needs in seven cities most affected by gun violence; Lt. Governor Antonio Delgado awarded Middletown Police Officer Evan Baron the NYS Police Officer Medal of Valor in November; and DCJS opened their next round of Securing Communities Against Hate Crimes grant funding in November with 50 million dollars available to strengthen security at community-based organizations that could be susceptible for hate crimes or attacks.

Sheriff Spike asked Council members to follow the written format in their handouts when making a motion to ensure motions are recorded clearly.

Adoption of Agenda

Dr. McBride made a motion to adopt the 260th meeting agenda, with a second by **Deputy Chief Cassidy**; the motion was passed by unanimous vote. Chairman Spike proceeded with the approval of 259th meeting minutes.

Approval of 259th Meeting Minutes

Deputy Chief Cassidy made a motion to approve the 259th meeting minutes as submitted with a second by **DR. McBride**. The motion was passed by unanimous vote.

#2 – Adoption of 2023 Meeting Dates: March 8th; June 7th; September 13th; December 6th

Deputy Chief Cassidy made a motion to adopt the 2023 meeting dates: March 8th; June 7th; September 13th; December 6th with a second by **Maureen Curtis**. The motion was passed by unanimous vote.

#3 – Unmanned Aircraft System Model Policy Update

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

Mr. Farina began by recognizing panel members who provided input to make the necessary updates to the model policy. He informed the Council that the name of the model policy has been changed to Unmanned Aircraft Systems (UAS) and is intended to provide personnel who are assigned responsibilities associated with the deployment and use of UASs with guidelines for the proper usage of these systems; 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 UASs while protecting the right to privacy of citizens. Mr. Farina provided the Council with an overview of significant updates that consisted of community partnership, engagement procedures and demonstrations, privacy concerns, line-of-sight considerations, accident notification procedures, and other necessary updates due to significant FAA changes to pilot certification, technological advances, and terminology modifications.

Dr. McBride asked how many agencies have manned aircraft? Cindy Neff stated that she conducted a survey last year and from those that responded, there were about 12 counties in NY that don't have access to any at all. According to the FAA and other NY State agencies, there is no current list that shows who has access to them.

Dr. McBride then asked if there are training sites that offer programs for agencies? Christopher Farina stated that there is a state site in Oriskany, NY that provides training including a UAS Part 107 Preparation course. In addition to DHSES providing training, manufacturers will also conduct physical trainings with the drones themselves.

Director Sullivan stated that there are two ways in which DCJS is seeking to fund and support law enforcement. She informed the Council DCJS would like to offer local law enforcement with resources to be able to purchase UASs through our Missing Person Clearinghouse funds or through the DCJS Law Enforcement Technology Request for Information.

Dr. McBride asked if there was a certified training curriculum. Director Sullivan informed the Council there was not.

Sheriff Toulon asked if there were any time constraints for the Tactical Team to receive a waiver if there is an emergency where a Commander may need to deploy a waiver requirement? Christopher Farina said there is a section in the current model policy that states a waiver can be granted by contacting the FAA and can be issued over the phone in an emergency type of situation.

Maureen Curtis inquired if there is a proactive approach where the agency can go out into the community and let them know about the UAS before it's flying above their community. Christopher Farina stated that he would encourage agencies to do demonstrations during certain times of the year and advertise that this information is on their website. This would give civilians the ability to ask questions and get those questions answered quickly and efficiently.

Maureen Curtis then asked if the agency could not only have a FAQ on their website but also on various community websites? Christopher Farina believed that a link could be supplied for that

purpose, which would be handled at the local level – perhaps through a Memorandum of Understanding.

Motion:

Adopt the amendments to the MPTC Unmanned Aerial Vehicle Model Policy and rename to MPTC Unmanned Aircraft System Model Policy.

Maureen Curtis made a motion to adopt the MPTC Unmanned Aerial Vehicle Model Policy and rename to MPTC Unmanned Aircraft System Model Policy, with a second by **Dr. McBride**. The motion was passed by unanimous vote.

#4 – Mandated Reporting Child Abuse Model Policy

Daniel Nedwell of the Office of Public Safety presented to the Council for their review and adoption a Mandated Reporting of Child Abuse Model Policy. He informed the Council the policy was developed in collaboration with key stakeholders pursuant to the requirements of Executive Law 840 directing the Council to develop policy and procedures on the reporting of child abuse and neglect. Mr. Nedwell provided a summary of the key areas of the policy noting the policy being heavily rooted in legal framework of applicable statutes. Key areas include: reporting procedures and obligations of persons required to report, provisions for taking a child into protective custody, interviewing a child of suspected abuse or maltreatment, mandatory reporting of deaths, immunity from liability, penalties for failure to report, obligations for the provision of services and procedures necessary to safeguard the life or health of the child, and mandated reporter training.

Upon conclusion of Mr. Nedwell's summary of the model policy, Chief Cassidy requested clarification regarding the age requirement of a child to report a suspected case of child abuse or maltreatment. Mr. Nedwell clarified it is under the age of 18.

Maureen Curtis asked if there was any additional training that's provided to talk about domestic violence in the home and whether the child is in fact, in danger and not just exposed to violence? Director Sullivan mentioned that it is covered in the domestic violence training for police officers.

Chairman Spike asked if the model policy will affect the Basic Course for Police Officer curriculum? Joshua Vinehout said it would not; however, the model policy is intended to be used as a supplemental material for agencies once the recruit graduates from the academy.

Chief Timothy Parisi noticed the word "shall" in section VII, C – Taking the Child into Custody. He requested clarification if the statute requires that law enforcement take a child into protective custody if there is reasonable cause to believe the child is in imminent danger. After reviewing the statutory language, Mr. Nedwell informed Chief Parisi that the statute required law enforcement to do so.

Motion:

Adopt the Mandated Reporting of Child Abuse or Neglect Model Policy.

Deputy Chief Cassidy made a motion to Adopt the Mandatory Reporting of Child or Neglect Model Policy, with a second by **Dr. McBride**. The motion was passed by unanimous vote.

#5 – Extreme Risk Protection Order Model Policy

Molly Bates of the Office of Public Safety presented to the Council for their review and adoption an Extreme Risk Protection Order (ERPO) Model Policy pursuant to the requirements of Executive law § 840 (3)(i) which requires the Council to develop a model policy and educational materials on the procedure for filing extreme risk protection orders (ERPO).

Ms. Bates informed the Council the Office of Public Safety, in collaboration with key stakeholders, has developed an ERPO model policy designed to provide guidance to law enforcement in using this civil process to prevent firearm access by those at risk of harming themselves or others and for the quick and safe removal of firearms, rifles, or shotguns in those individuals' possession.

Molly Bates provided a brief summary of the ERPO related items adopted by the Council during the September meeting that included updates to the Basic Course for Police Officer's Ancillary Statutes Section for the filing of ERPOs. DCJS also worked with EveryTown for Gun Safety to present a webinar on ERPOs. Ms. Bates provided the Council an overview of the model policy by highlighting key areas that included: factors to consider when determining to file the application, process to file an application, service of an ERPO, storage, release, and disposition of prohibited items, preparing for a hearing, ERPO renewal process, and agency training considerations.

Joshua Vinehout informed the Council there was a minor adjustment that was made to the policy after it was sent to the Council. On page 14, Section VI.E.1 under FERPO Hearing, there is an additional sentence added at the end to not only consider the statutory factors and the additional considerations when developing probable cause to file a TERPO, but to also consider – in instances when preparing for the service of an ERPO or an TERPO – any additional information that is gathered which might also be relevant to informing the court when preparing for the hearing. You may do additional background checks and lethality assessments to assess the individual in terms of safety of the officers and other items that may come to the officers' attention; consideration should be made bringing that information to the court as well during the actual ERPO Hearing.

Chairman Spike questioned whether it could be served on a Sunday and if there was any way around that. Mr. Vinehout stated that because of the exigent nature of the ERPO/TERPO, the request should be made to the court to provide and allow for service on a Sunday. Chairman Spike then asked if Saturday was included if there was a religious observation. Mr. Vinehout stated that it was, and Director Sullivan added that best practice is to include the request in the application to indicate to the court that there is an emergency and you need to be able to serve on those days.

Ms. Bates informed the Council an additional amendment was made on page 15, Section VIII.A. after the policy was sent to the Council. Clarifying language was added to request the court to provide an extension in certain situations when the temporary ERPO will expire.

Chairman Spike asked if the model policy was trying to address the issue of police officer representation in court. Director Sullivan confirmed that the Chairman was correct and that every jurisdiction has different relationships with their district, county and city attorneys so efforts were made within the model policy to encourage representation, but not dictate. Mr. Vinehout mentioned that the policy further expands upon the point of council representation on page 14, section VI.A. regarding preparing for the final hearing.

Chief Parisi stated the policy does a good job spelling out best practices to answer legislation.

Dr. McBride stated that this was a complex policy, and it is best to have a specialist in case you're on the scene and you have an ERPO situation. Is that a possibility? Ms. Bates mentioned that the policy recommends an ERPO Coordinator; each agency may consider appointing someone as the ERPO Coordinator. Dr. McBride agreed with Chief Parisi about having this regionalized or having it go through the district attorney offices as search and seizures can get complicated. Director Sullivan explained that a lot of these issues were addressed in the policy concerning plain sight along with search order vs. search warrant.

Chairman Spike stated that they tried to establish a coordinator when the new discovery rules came out. They had to find someone in an administrative sergeant lieutenant's position that could coordinate all discovery and digital evidence placing a large burden on that individual. Chairman Spike also mentioned the need to have a few of his deputies trained on how to deal with ERPO situations as they are very sensitive issues which must be done very professionally.

Sheriff Toulon addressed the Council informing them his agency had the most amount of ERPOs in New York State and there were some days his agency was doing up to 10 a day. He identified a team to do this every day, so they're trained, they've been working with each other, they know all of the policies and procedures. Luckily, there haven't been many issues when they had to encounter the removal of firearms. Sheriff Toulon believes the policy is really going to be helpful for law enforcement.

Maureen Curtis questioned Section V.b.4 "Service of a minor" asking if minors are allowed to have a gun. Molly Bates stated they were not legally allowed to have one, but they may have one or access to one. An ERPO is another safeguard in place to prevent them from having one. Josh Vinehout added that if parents had a firearm in the household, it would force them to safeguard that firearm, as well. Maureen Curtis added that she thought it was great that there is coordination with advocates to do safety planning when the ERPO is being petitioned and obtained.

Chairman Spike asked if FOIL applied with any of the ERPO documents and if people would have access to the officer's application or does it stay with the court. Director Sullivan said that redaction of some sensitive information is mentioned in the policy; however, FOIL is going to have to be on a case-by-case basis. Director Sullivan asked Chairman Spike if his concern was somebody being able to access the court file and getting all the information. Chairman Spike replied "Yes". Director Sullivan didn't know that answer to that, but she said that she would touch base with the Office of Court Administration. Commissioner Rosado thought the ERPOs may be covered under the medical HIPPA laws. Director Sullivan wasn't sure about that but stated that she would get back to her.

Motion:

Adopt the Extreme Risk Protection Order Model Policy.

Sheriff Toulon made a motion to adopt the Extreme Risk Protection Order Model Policy, with a second by **Dr. McBride**. The motion was passed by unanimous vote.

After the motion was made, Chairman Spike stated that three different policies have been discussed. He asked if any of these go to the Accreditation Council. Director Sullivan told him

that whenever we have an MPTC model policy and it relates to an accreditation standard, they must use the MPTC policy. We do make sure there is coordination, and they are aware. When DCJS consults with the accredited agencies, the policies that are put forth by the MPTC are provided.

#6 – Basic Course for Police Office Firearm Training Curriculum

Michael Puckett of the Office of Public Safety presented to the Council for their review and approval an update to Firearms - Part 4, Section M of the Basic Course for Police Officers. Before beginning a detailed summary of the newly designed curriculum based around a neural model of skills acquisition with a focus on skill retention, he thanked the contributors who assisted with the project. He explained the redesign focused on decision-making, long-term skill retention, correct skill performance, arresting bad habits before they develop, and operational safety. The layout of the course design is slow and deliberate focusing on the building of skills to ensure component skills are correctly taught before building upon them or integrating new skills. Mr. Puckett proposed to the Council that the new curriculum be an 80-hour minimum standard with skills progression across 14 days of training and 10 of those days being required to be conducted on the range. He then explained to the Council what a typical range day will look like to include safety briefing/maintenance/clean-up, instruction and skill drills, and live fire.

Mr. Puckett continued by providing a summary of instructional support that is included with the new materials such as daily training design outlines, lesson plans for block of instruction and enhancement drills, drill design sheets, range cards, and NLTA drills. He concluded with a summary of the implementation process proposing the new curriculum be a requirement for basic police training beginning on September 1, 2024; the peace officer requirement will be determined at a future time. The resources needed to train enough police firearm instructors will be intensive, and until such time OPS has a better handle on time needed to train police firearm instructors, Mr. Puckett recommended holding off making the new curriculum a requirement for basic peace officer initial firearms training. Mr. Puckett also informed the Council that OPS is not currently proposing to change the current firearm qualification until further research is conducted on the new proposed qualification standard. In addition, the Council was advised the current Firearms Instructor Course will be redone to align with the new recruit firearm content while simultaneously establishing a mentorship program where academies can send their lead instructors to observe the delivery of the new curriculum at another academy.

Chairman Spike clarified that the policy was changing from a 40-hour to an 80-hour minimum which will add 40 hours to the BCPO. Michel Puckett stated that most academies are already completing that many hours. Chairman Spike expressed concern in the training of instructors and changing their mindset because most of them have been doing it a certain way for many years. He inquired if 40 hours would be sufficient? Mike Puckett stated that they've had a lot of success inspiring people to change their mindset and seek out additional training beyond the 5-days of training.

Chairman Spike then asked what the vision was going forward and for agencies that do qualifications annually? Mike Puckett stated that there is no requirement for in-service training for police officers. We find that most agencies fall back on running the current recruit officer qualification; however, there is nothing that precludes an agency from running different qualifications annually.

Dr. McBride asked if the first four lessons were for the entire day. Mr. Puckett informed him that they were brief lessons; the shortest one being an hour and the longest one being 80 minutes.

Dr. McBride then commented that he thought the curriculum should be viewed as a work in progress and requested updates on the status of the project.

Dr. McBride then asked what the ammunition costs for agencies will be. Mr. Puckett responded by summarizing the investment needed by academies to implement in the curriculum. He found 2,200 or so rounds per recruit were required to follow the curriculum, a dry fire magazine, dummy rounds as placeholders within the magazine, a shot timer – which would be a onetime purchase because they could last 30 years, are the necessary equipment expenses new to the curriculum. OPS has discussed supporting some these costs through state funding. Director Sullivan stated that this wasn't going to be until September of 2024, and she'd like to see what kind of burden they're putting on people and how they can support them.

Dr. McBride raised concerned that if the level of instruction is changing then the qualifications must change, and we must pay a lot of attention to that. Michael Puckett agreed and mentioned that there was a disparate impact when they ran the proposed qualification at the academy due to gender issues on the range. He believes it may be equipment selection; he wants to make sure that everything they do is well supported. Director Sullivan added that they are talking about bringing a researcher on to help OPS make sure there isn't an unnecessary disparate impact.

Dr. McBride then commented that the philosophy in recruit firearms training must start to be consistent for in-service; adjusting for the fact that not many people have in-service. Michael Puckett said that the core goal is skills retention. The design was intentional so that when the recruit officers become police officers, they come back to the range with a good knowledge of what they previously learned.

Deputy Cassidy asked where Part 8, Section A came from for Motion Three – reality-based training. Mike Puckett clarified that it is a section from the Basic Course for Police Officers implemented around 2017. Recruit officers are required to complete scenarios relating to topics such as domestic violence and mental health. The motion is necessary to ensure the component skills received in firearms training are taught prior to running the reality-based training. Some academies have been conducting the reality-based training before receiving the requisite firearm skills.

Chairman Spike inquired about proficiency of an 80% pass/fail score at the end of the proposed 50-round course. Mr. Puckett informed the Council we will continue with the current qualification standard of 70% pass/fail at this time until further research is conducted on the proposed new qualification standard. Chief Cassidy requested clarification whether the new proposed qualification being currently evaluated is focused on accuracy and timing. Mike Puckett affirmed it is.

Chairman Spike inquired if there are any concerns with many agencies finding that their officers can qualify better if they use a nine-millimeter instead of the 40 or 45. Michael Puckett agreed that officers are finding that nine-millimeter handguns are easier to control, easier to qualify with, and they give the officer the maximum amount of ammunition to carry with the minimum amount of space taken up on their duty belt. He also stated that the cost of nine-millimeter ammunition is the cheapest.

Motion 1:

Approve Use of Firearms – Part 4, Section M as the minimum standard of instruction in the Basic Course for Police Officers or equivalent and the Specialized Investigator Course. All

employers and academies conducting a Basic Course for Police Officers or equivalent beginning on or after September 1, 2024, must utilize the newly approved curriculum.

Deputy Chief Cassidy made a motion to approve with a second by **Dr. McBride**. The motion was passed by unanimous vote.

Motion 2:

All instructors delivering the Basic Course for Police Officers must complete the DCJS 5-day Firearms Instructor Workshop training in addition to possessing a valid MPTC Firearms Instructor certification to receive DCJS course approval after the implementation date requirement.

Deputy Chief Cassidy made a motion to approve with a second by **Maureen Curtis**. The motion was passed by unanimous vote.

Motion 3:

Require Reality Based Training – Part 8, Section A to be conducted after the delivery of Firearms training for the Basic Course for Police Officers or equivalent and the Specialized Investigator Course for all courses beginning on or after January 1, 2023.

Deputy Chief Cassidy made a motion to approve with a second by **Dr. McBride**. The motion was passed by unanimous vote.

#7 – NYPD School Safety Agent Course Exemption Reconsideration

On behalf of the NYPD, Joshua Vinehout of the Office of Public Safety presented to the Council a request to remove an exemption from the Basic Course for Peace Officers. Mr. Vinehout summarized to the Council that the MPTC granted an exemption from the Basic Course for Peace Officers for NYPD's school safety agents in 2012. 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 new 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. Mr. Vinehout concluded by requesting the removal of the exemption to take effect beginning on January 1, 2023.

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.

Questions: None

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

INFORMATIONAL/UPDATE ITEMS

#2 – Juvenile Law and Procedures Online Training

Joshua Vinehout informed the Council that the Office of Public Safety is currently developing a Juvenile Law and Procedures Online Training pursuant to a recent amendment to Executive Law 840. The amendment requires the Council to establish a training program for juvenile officers that addresses the new definition of a juvenile delinquent and informs officers of the new differential response program.

Mr. Vinehout continued by informing the Council that although the Office of Public Safety does not have a finished product to present to the Council at this time, the Office of Public Safety will have the training finished and released to agencies prior to December 29th when the statute takes effect. He also mentioned that the final online training will be presented at the Council's March 2023 meeting for their adoption. If it is adopted, we can then grandfather those officers that have taken the training prior to the Council adopting for issuance of an MPTC training certificate.

Chairman Spike asked how long this online training may take. Joshua Vinehout stated that it's expected to take approximately one hour.

#2- By-Laws Proposed Amendment

Natasha Harvin-Locklear of the Office of Legal Services informed the MPTC that Counsel wants to propose an amendment to the MPTC by-laws pertaining to the open meetings law; in particular, video conferencing. The Governor has adopted a new law, Chapter 56 of 2022, that would allow members to attend meetings via video conference without disclosing their location. However, for the Council to take part in the provision, a resolution must be adopted by the Council. A public hearing must be held for the public prior to adopting a resolution. The Counsel's Office is in the process of drafting and finalizing the resolution and procedures; and deciding on when to have the public hearing in the near future. Under the current structure, Council members must provide their location if the meeting is being attended via videoconference. Under the new law, Council members will not be required to disclose their location if there are extraordinary circumstances such as a disability, illness, childcare issues, or any other unexpected factors defined by the Council.

Commissioner Rosado asked which rules the Council is currently under until this amendment gets adopted. Natasha Harvin-Locklear stated that we are under the current rules that require the Council to provide their physical location when participating remotely and must have a physical location for the public to attend where the Council member is participating remotely. If this information isn't provided, the Council member will not be allowed to vote and will not be counted towards the quorum.

New Business

There was no new business brought to the Council.

There being no further business, the 260th session of the Municipal Police Training Council came to a close at 12:28 p.m. **with a motion to adjourn by Deputy Chief Cassidy and a second by Dr. McBride.** The motion was unanimously approved.

NEXT MEETING:

March 8, 2023, at 10:00 a.m.

**NYS Municipal Police Training Council
261st Meeting
March 8, 2023**

Action Item #2

Juvenile Law and Procedures Online Training

Office of Public Safety staff will present to the Council for their adoption a Juvenile Law and Procedures Online training program. The online training satisfies the requirements of Executive Law § 840 (1)(j)(i) directing the Council to establish a training program pertaining to the laws of juveniles.

The approximately one-hour online training covers the pre-arraignment processing procedures of a youth from ages 7 through 17 who commit an offense. It addresses the differences between adolescent offender, juvenile delinquent, and juvenile offender. It also addresses the handling of children under twelve years of age who no longer fall under the definition of a juvenile delinquent. The following learning objectives are covered:

1. Identify the pre-arraignment processing procedures of youths who commit an offense.
2. Define the differences between an adolescent offender, juvenile delinquent and juvenile offender.
3. Identify what makes a child eligible for a differential response and the process necessary to notify a local department of social services of the child's eligibility.

Motion #1

Adopt the Juvenile Law and Procedures Online Training as the minimum training standard pursuant to Executive Law 840 requirements.

Motion #2

Issue MPTC certificates to police and peace officers who have already completed the Juvenile Law and Procedures Online Training.

NYS Municipal Police Training Council
261st Meeting
March 8, 2023

Action Item #3

In-person Death Notification Model Policy, Training, and Regulations

Executive Law Section 840 was amended to require the Council to develop, maintain and disseminate with the Office of Victim Services, a model law enforcement in-person death notification policy and training program consistent with best practices procedures. In addition, the statute requires the Council to recommend to the Governor rules and regulations with respect to the establishment and implementation, on an ongoing basis, of an in-person death notification training program for all current and new police officers, along with recommendations for periodic retraining of police officers.

Model Policy

The Office of Public Safety will present to the Council an In-Person Death Notification Model Policy for their review and approval. The model policy provides guidance to law enforcement agencies in developing written policies and procedures for personnel who are assigned responsibilities associated with delivering an in-person death notification to the next of kin. It provides assigned officers with the tools to properly plan, prepare, and deliver the notification, as well as procedures to conduct follow-up after the notification is delivered.

The model policy was developed in collaboration with the New York State Office of Victim Services, New York State Police, New York State Association of Chiefs of Police, New York State Sheriffs' Association, New York City Police Department, SUNY Office of University Police, and Niagara University.

Training Curriculum for new and current police officers

In addition to the proposed model policy, Office of Public Safety staff will present to the Council for their review and approval an hour and a half in-service training curriculum that is consistent with both the model policy and Basic Course for Police Officers training previously adopted by the Council in June 2019.

The in-service training curriculum instructional objectives areas follows.

Upon completion of this training, the student will be able to:

1. Summarize their agency's in-person death notification policy and procedures.
2. Identify and explain the 4 steps of the in-person death notification process.

Regulatory Amendments

And lastly, pursuant to the amended executive law requiring the Council to recommend to the Governor rules and regulations with respect to the establishment and implementation of an ongoing basis of a training program for all current and new police officers, the Office of Public Safety will propose the following regulatory amendments to NYCRR Sections 6020.3 and 6022.3.

BASIC COURSE FOR POLICE OFFICERS
§ 6020.3 Minimum standards.

- (a) No basic course shall be approved by the commissioner that does not follow the minimum curriculum as prescribed by the council.
- (b) Specific curriculum categories, respective titles/topics, and time allotments shall be established by the council and published by the commissioner.
- (c) (1) Training regarding the investigation and intervention of crimes involving sexual assault shall be conducted in accordance with the policies and procedures, and minimum standards as established by the council. The investigation and enforcement of crimes involving sexual assault under New York State law, shall include, but not be limited to:
 - (i) techniques for interviewing sexual assault victims;
 - (ii) fair treatment standards for crime victims pursuant to article twenty-three of the Executive Law;
 - (iii) evidence gathering and evidence preservation; and
 - (iv) dissemination of information concerning availability of local services for the victims of such crimes.
- (2) This training course and curriculum shall be reviewed regularly by the council and modified as need may require.
- (d) Supervised field training review and orientation shall be conducted in accordance with the policies and minimum standards as established by the council. Performance of field training shall be documented on a form prescribed or approved by the commissioner.
- (e) Training regarding the handling of emergency situations involving individuals with autism spectrum disorder and other developmental disabilities shall be conducted in accordance with the policies and procedures, and minimum standards as established by the Council.
- (f) Training regarding delivering in-person death notifications to a deceased individual's next of kin shall be conducted in accordance with the policies and procedures, and minimum standards as established by the Council.
- [(f)] (g) Only instructors qualified/certified in accordance with the provisions of Parts 6023 and/or 6024 of this Title may provide instruction in a basic course.
- [(g)] (f) Only course directors as defined in section 6020.1(b) of this Part may administer a basic course for police officers.

POLICE IN-SERVICE COURSES
§ 6022.3 Minimum standards

- (a) A MPTC-certified in-service training course shall minimally contain required topics and meet required time allotments as established by the council for approval of a MPTC certificate of completion to be granted.
- (b) (1) Training regarding the investigation and intervention of crimes involving sexual assault shall be conducted in accordance with the policies and procedures, and minimum standards as established by the council. The investigation and enforcement of crimes involving sexual assault under New York State law, shall include, but not be limited to:
- (i) techniques for interviewing sexual assault victims;
 - (ii) fair treatment standards for crime victims pursuant to article twenty-three of the Executive Law;
 - (iii) evidence gathering and evidence preservation; and
 - (iv) dissemination of information concerning availability of local services for the victims of such crimes.
- (2) It is preferred that this training course and curriculum be completed at intervals prescribed by the council.
- (3) This training course and curriculum shall be reviewed regularly by the council and modified as need may require.
- (c) Training regarding the handling of emergency situations involving individuals with autism spectrum disorder and other developmental disabilities shall be conducted in accordance with the policies and procedures, and minimum standards as established by the Council.
- (d) Training and periodic retraining of police officers assigned to handle in-person death notifications to a deceased individual next of kin shall be conducted in accordance with the policies and procedures, and minimum standards as established by the Council.
- [(d)] (e) Only course directors or instructors qualified/certified in accordance with the provisions of Part 6023 and/or 6024 of this Title may administer or conduct training which is certified pursuant to this Part.

Motion #1

Approve and disseminate to law enforcement the Municipal Police Training Council In-person Death Notification Model Policy as presented

Motion #2

Adopt the hour and a half in-service In-person Death Notification training curriculum as presented as the minimum standard of training for all current police officers.

Motion #3

Approve and recommend to the Governor the proposed amendments to New York Codes, Rules and Regulations Section 6020.3 and 6022.3.

**NYS Municipal Police Training Council
261st Meeting
March 8, 2023**

Action Item #4

Firearms Safety Guidelines

The Office of Public Safety staff will present updates to several courses to be consistent with the newly approved recruit firearms training module. As part of the recently approved Basic Course for Police Officers (BCPO) section 4-M Firearms, the traditional firearms rules were revised to be consistent with operational safety and in recognition of the realities of human performance. This new structure requires that rules are treated as such and never broken, regardless of one's environment – on the range, operational, reality-based training, administrative, during cleaning, etc. This new safety paradigm also includes recommendations that are to be followed whenever it is possible to do so.

The rules and recommendations adopted as part of the BCPO section are as follows:

Rules – followed at all times in all environments.

1. Always know where your muzzle is pointed; point it there intentionally.
2. Keep your trigger finger off the trigger unless intending or willing to press it.

Recommendations – followed whenever possible.

1. Check the condition of your weapon each and every time it is handled.
2. Do not place a finger on the trigger unless the weapon is aligned on a target.
3. Be sure of what is in front of and behind your target.

In light of these recent changes, and the neuroscientific basis for them, the following changes have been made or are requested to be endorsed by the MPTC:

Firearms Instructor Course

Revise Section 2 - Basic Firearms Safety, learning objective #1 to read "List the firearm safety rules and recommendations and explain why each is either a rule or recommendation."

Current objective reads: Describe the four (4) rules of firearms safety.

Patrol Rifle Operator

Revise Section 1 - Rifle Introduction and Safety, learning objective #2 to read "List the firearm safety rules and recommendations and explain why each is either a rule or recommendation."

Current objective reads: Describe the four (4) rules of firearms safety.

SWAT Operator

Revise Section 13 – Firearms, learning objective #1 to read “List the firearm safety rules and recommendations and explain why each is either a rule or recommendation.”

Current objective reads: Describe the four (4) rules of firearms safety.

Reality Based Training Instructor

Section 5 – Safely Conducting Reality Based Training, VII – Rules and Briefings updated to reflect new safety rules. No learning objective changes (informational only).

Motion

Approve the amendments to the Firearms Instructor Course, Patrol Rifle Operator Course, and SWAT Operator Course as read to reflect the new firearm safety rules and recommendations previously adopted by the MPTC at the December 2022 meeting for the Basic Course for Police Officers – Firearms.

**NYS Municipal Police Training Council
261st Meeting
March 8, 2023**

Informational Item #1

Comprehensive Evaluation of Existing MPTC Courses

Office of Public Safety staff will present to the Council a plan to evaluate all current MPTC courses to determine each course's relevancy to contemporary 21st century police issues, frequency in which the course is utilized by agencies, the extent to which the course aligns with current best practices, and the course's need to fulfill statutory requirement(s), among other items. The evaluation of each course will be used to determine the need to prioritize staff resources and issue recommendations to the Council for each of the courses.

**NYS Municipal Police Training Council
261st Meeting
March 8, 2023**

Informational Item #2

Public Hearing of MPTC Video Conferencing Resolution and Procedures

Pursuant to Chapter 56 of the Laws of 2022, the Office of Legal Services (OLS) will conduct a public meeting to hear all interested parties and citizens regarding the adoption of proposed Resolution No. 1 of 2023 and related procedures, to be added to the MPTC by-laws, pertaining to the authorization of members of the Municipal Police Training Council to attend meetings by videoconferencing under extraordinary circumstances. OLS will present to the Council any public comments received and the proposed by-law's amendments. If no comments are received prior to or during the meeting, the Council may move to vote on adopting the videoconferencing procedures and by-laws amendments.

Proposed motion if no public comments:

Adopt the MPTC Videoconferencing Resolution and Procedures and proposed amendments to the MPTC By-Laws.

Resolution No. _____
Municipal Police Training Council

WHEREAS, pursuant to Executive Law §839, there is hereby created within the Division of Criminal Justice Services the Municipal Police Training Council; and

Whereas, as a public body the Municipal Police Training Council is subject to the Open Meetings Law requirements; and

WHEREAS, by passing Chapter 56 of the Laws of 2022 (“Chapter 56”), the New York State Legislature amended Section 103 of the Open Meetings Law; and

WHEREAS, Chapter 56 adds Section 103-a of the Open Meetings Law, permitting the Municipal Police Training Council to authorize its members to attend meetings by videoconferencing under extraordinary circumstances; and

WHEREAS, Section 103-a(2)(a) requires the Municipal Police Training Council to adopt a resolution authorizing the limited use of videoconferencing under such circumstances; and

WHEREAS, Section 103-a(2) allows for hybrid meetings by requiring “that a minimum number of members are present to fulfill the public body’s quorum requirement in the same physical location or locations where the public can attend”; and

WHEREAS, Section 103-a(2)(c) requires that members be physically present at any such meeting “unless such member is unable to be physically present at any such meeting location due to extraordinary circumstances . . . including disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the member’s physical attendance at such meeting”; and

WHEREAS, in accordance with Section 103-a(2)(d), any members attending by videoconference must be “heard, seen and identified, while the meeting is being conducted, including but not limited to any motions, proposals, resolutions, and any other matter formally discussed or voted upon”; and

WHEREAS, Section 103-a(2)(g) requires that any meeting where a member attends by videoconference be recorded, posted to the Division of Criminal Justice Services website within five business days, and transcribed upon request; and

WHEREAS, pursuant to Section 103-a(2)(h), if videoconferencing is used to conduct a meeting, the Municipal Police Training Council shall provide the opportunity for members of the public to view such meeting via video and to participate in proceedings via videoconference in real time where public comment or participation is authorized, and shall ensure that videoconferencing authorizes the same public participation or testimony as in person participation or testimony.

WHEREAS, per the Committee on Open Government, public bodies are still permitted to conduct its meetings at multiple physical locations from which members of the body may participate if those locations are open to in-person public attendance, regardless of extraordinary circumstances. The intent of the amendments to the Open Meetings Law was to expand the authority of a public body to allow its members to participate in a meeting using

videoconferencing under limited circumstances when the member's location is not open to in-person public attendance. It was not the intent to limit the existing authority to virtually connect multiple public locations from which members and the public may attend through the use of videoconferencing technology.

THEREFORE, BE IT RESOLVED, that the Municipal Police Training Council authorizes its members who experience an extraordinary circumstance, as described above and further defined by any rules or written procedures later adopted, to attend meetings by videoconference: (i) as long as a quorum of the members attend in-person at one or more locations open to the public; (ii) as long as the member can be seen, heard, and identified while the meeting is being conducted; and (iii) as otherwise permitted under Chapter 56 of the Laws of 2022; and

BE IT FURTHER RESOLVED, that the Municipal Police Training Council shall create written procedures further governing its use of videoconferencing by its members in compliance with Chapter 56 of the Laws of 2022, which shall be incorporated into its by-laws.

DRAFT

PROCEDURES FOR MEMBER VIDEOCONFERENCING PURSUANT TO PUBLIC OFFICERS LAW § 103-a – “EXTRAORDINARY CIRCUMSTANCES”

In compliance with Public Officers Law (POL) §103-a(2)(a), the Council, following a public hearing, authorized by resolution on XX, 2023, the use of videoconferencing as described in POL §103-a.

The following procedures are hereby established to satisfy the requirement of POL §103-a(2)(b) that any public body which in its discretion wishes to permit its members to participate in meetings by videoconferencing from private locations – under extraordinary circumstances – must establish written procedures governing member and public attendance.

1. Council members shall be physically present at any meeting of the Council unless such member is unable to be physically present at one of the designated public meeting locations due to extraordinary circumstances.
2. For purposes of these procedures, the term “extraordinary circumstances” includes disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the member’s physical attendance at such meeting.
3. If a member is unable to be physically present at one of the designated public meeting locations and wishes to participate by videoconferencing from a private location due to extraordinary circumstances, the member must notify the Chair of the Council, or the Commissioner of the Division of Criminal Justice Services or his/her designee no later than four business days prior to the scheduled meeting in order for proper notice to the public to be given.
4. If there is a quorum of members participating at a physical location(s) open to the public, the Council may properly convene a meeting. A member who is participating from a remote location that is not open to in-person physical attendance by the public shall not count toward a quorum of the Council but may participate and vote if there is a quorum of members at a physical location(s) open to the public.
5. Except in the case of executive sessions conducted pursuant to POL §105, the Council shall ensure that its members can be heard, seen, and identified while the meeting is being conducted, including, but not limited to, any motions, proposals, resolutions, and any other matter formally discussed or voted upon.
6. The minutes of the meetings involving videoconferencing based on extraordinary circumstances pursuant to POL §103-a shall include which, if any, members participated by videoconferencing from a private location due to such extraordinary circumstances.

7. The public notice for the meeting shall inform the public: (i) that extraordinary circumstances videoconferencing will (or may) be used; (ii) where the public can view and/or participate in such meeting; (iii) where required documents and records will be posted or available; and (iv) the physical location(s) for the meeting where the public can attend.
8. The Council, which is created within the Division of Criminal Justice Services, shall provide that each open portion of any meeting conducted using extraordinary circumstances videoconferencing shall be recorded and such recordings posted or linked on the Division of Criminal Justice Services website (www.criminaljustice.ny.gov) within five business days following the meeting, and shall remain so available for a minimum of five years thereafter. Such recordings shall be transcribed upon request.
9. If members of the Council are authorized to participate by videoconferencing from a private location due to extraordinary circumstances, the Council shall provide the opportunity for members of the public to view such meeting by video, and to participate in proceedings by videoconference in real time where public comment or participation is authorized. The Council shall ensure that where extraordinary circumstances videoconferencing is used, it authorizes the same public participation or testimony as in person participation or testimony.
10. Open meetings of the Council conducted using extraordinary circumstances videoconferencing pursuant to the provisions of POL §103-a shall be broadcast pursuant to the requirements of POL §103(f) and shall utilize technology to permit access by members of the public with disabilities consistent with the 1990 Americans with Disabilities Act (ADA), as amended, and corresponding guidelines. For the purposes of this guideline, "disability" shall have the meaning defined in Executive Law §292.
11. The in-person participation requirements of POL §103-a(2)(c) shall not apply during a state disaster emergency declared by the Governor pursuant to Executive Law §28 if the Council determines that the circumstances necessitating the emergency declaration would affect or impair the ability of the Council to hold an in-person meeting.
12. The Council is created within the Division of Criminal Justice Services. These procedures shall be conspicuously posted on the Division of Criminal Justices website (www.criminaljustice.ny.gov).