

**AGENDA
MUNICIPAL POLICE TRAINING COUNCIL
258th Meeting
June 1, 2022 at 10:00 a.m.**

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

ACTION / APPROVAL ITEMS

- | | |
|---|---|
| 1. Introductory Remarks - Introductions - Adoption of Agenda – Approval of 257th Meeting Minutes | Chairman Spike
Commissioner Rosado |
| 2. License Plate Reader Model Policy Update | Daniel Nedwell |
| 3. MPTC Guidelines for Police Officer Psychological Examinations | Joshua Vinehout |

INFORMATIONAL / UPDATE ITEMS

- | | |
|---|---------------------------|
| 1. Professional Policing Regulations Update | Natasha Harvin |
| 2. Jail Time Calculations Training Course Update | Molly Bates |
| 3. Unmanned Aerial Vehicle Model Policy Update | Christopher Farina |
| 4. Child Abuse Reporting and Investigative Procedures Model Policy Development | Joshua Vinehout |

NEW BUSINESS

- | | |
|--|---|
| 1. Potential Executive Session – Physical Fitness Job Task Analysis | Chairman Spike
Council Members and
Authorized Public |
|--|---|

**Next Meeting:
September 7, 2022**

**Minutes of the 257th Meeting
New York State Municipal Police Training Council
March 9, 2022**

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

Livestream link: <https://www.youtube.com/watch?v=3sqGw0BsqGI>

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

DCJS Staff Present

Rossana Rosado, Acting 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
Colleen Glavin, Deputy Commissioner and Counsel, Office of Legal Services
Brian Garvey, Associate Counsel, Office of Legal Services
Patricia Clements, Director of Training, Office of Probation and Correctional Alternatives
Robert Maccarone, Deputy Commissioner, Office of Probation and Correctional Alternatives-

OPS Staff Present

Johanna Sullivan, Director, Office of Public Safety
Joshua Vinehout, Supervisor, Public Safety Programs
Todd Murray, Supervisor, Public Safety Programs
Scott Neff, Associate Training Technician (Police)
Molly Bates, Associate Training Technician (Police)
Gabe Marruso, Criminal Justice Program Specialist 2
Jessica Beshara, Criminal Justice Program Specialist 1
Sara Dean, Criminal Justice Program Specialist 2
Molly Snyder, Criminal Justice Program Specialist 1
Michael Puckett, Senior Training Technician (Police)
Alison Floyd, Criminal Justice Program Specialist 1

Guests

Edward Kennedy, Assistant Deputy Superintendent, New York State Police
Sam Wright, Assistant Chief, Training Bureau, New York City Police Department
Thomas Mitchell, Counsel, New York State Sheriffs Association

ACTION/APPROVAL ITEMS

#1 - Introductory Remarks – Approval of 256th Meeting Minutes – Adoption of Agenda

The 257th session of the Municipal Police Training Council (MPTC or Council) commenced at 10:00 a.m. with Chairman Spike leading all attendees in the Pledge of Allegiance, followed by a moment of silence for those who have perished in the line of duty. Sheriff Spike also welcomed new Council member Maureen Curtis, Vice President of Safe Horizon, an organization specializing in victim advocacy. Commissioner Rosado, of the New York State Division of Criminal Justice Services, gave opening remarks and provided recent updates regarding public safety initiatives. Then, Chairman Spike noted the current vacancies on the Council, which include the following: chief of police from a department with over 100 officers; sheriff from an agency with over 100 deputy sheriffs; representative of a community with high numbers of police-community interactions; and a representative of a peace officer employing agency or municipality.

Commissioner McBride made a motion to adopt the 257th meeting agenda, with a second by **Chief Parisi**; the motion was passed by unanimous vote. **Commissioner McBride** made a motion to approve the 256th meeting minutes as submitted with a second by **Chief Parisi**. The motion was passed by unanimous vote.

#2 – Fundamentals of Probation Practice Exemption Reconsideration

The Office of Probation and Correctional Alternatives advised the Council an exemption will no longer be further requested from the Basic Course for Peace Officers. In 2011, it was determined the Fundamentals of Probation Practice course exceeded the topics and hour requirements of the minimum standards established for all peace officers. It was further determined by the Council that supplanting the probation officer current training program with the MPTC prescribed Basic Course for Peace Officers would have been a reduction in their standards established.

Since 2011, the Council has significantly enhanced the Basic Course for Peace Officers minimum training standards to include contemporary law enforcement issues which has resulted in an increase from 99 hours to 162 hours. To that end, all probation officers will complete the Basic Course for Peace Officers as the required minimum standard of training. Pursuant to Criminal Procedure Law section 2.30 subdivision one, any employer specific training for probation officers will be conducted in addition to the training curriculum minimum standards for peace officers established by the Council.

Robert Maccarone, Deputy Commissioner of the Office of Probation and Correctional Alternatives (OPCA) provided an overview of the Office, which regulates, oversees and funds the 58 county probation departments statewide. Deputy Commissioner Maccarone stated that OPCA is implementing, in collaboration with training zone commanders, the Basic Course for Peace Officers. The course is 162 hours. In June 2011, the Council granted OPCA an exemption from the Basic Course for Peace Officers for probation officers.

Patricia Clements, of the Office of Probation and Correctional Alternatives, informed the Council the current Fundamentals of Probation and Practice Course was recently updated in 2019 and approved at the Council meeting at that time. The Fundamentals course is a duration of 113 hours. Ms. Clements stated the logical sequence for new probation officers is to complete the Basic Course for Peace Officers, followed by the Fundamentals course. Per regulation, new

officers must complete both courses within 6 months of hire. Accordingly, Ms. Clements stated the Office is requesting an implementation date of January 1, 2023, to require the completion of the Basic Course for Peace Officers by all newly hired probation officers. In addition, OPCA is no longer requesting an exemption from the Basic Course for Peace Officers.

The Chairman requested clarification from OPCA on how armed probation officers receive firearms training since it is currently not a required component of the Basic Course for Peace Officers. Ms. Clements informed the Chairman that OPCA will provide supplemental firearms training to agencies with armed probation officers.

After Ms. Clements provided an overview of the structure of probation training throughout the state and the various training academies that will be implementing the new standard, the Council inquired about a centralized training model. Ms. Clements informed the Council a centralized training model site where all new probation officers are trained is something that they are currently exploring. At the same time, OPCA ensures the training curriculum is delivered with fidelity across the regional sites by monitoring the trainings.

Motion: Remove the exemptions from the Basic Course for Peace Officers and require probation officers, beginning January 1, 2023, to use the Basic Course for Peace Officers to train new probation officers. All curriculum submitted for approval must contain the minimum topics and hours for these courses. Any employer specific training for probation officers will be conducted in addition to the training curriculum minimum standards for peace officers established by the Council.

Commissioner McBride made a motion to approve the exemption reconsideration request, with a second by **Deputy Superintendent Kennedy**. The motion was passed by unanimous vote.

#3 – Defensive Tactics Recruit and Instructor Curriculum Update

Molly Bates of the Office of Public Safety presented to the Council updates to the Defensive Tactics Recruit and Instructor curriculum. Ms. Bates stated that the subject matter experts who assisted in developing the Defensive Tactics course in 2017-2018 continuously revisit the course and assess it for possible updates. During their review, it was determined that there was a need for a new section titled, "Post Apprehension Responsibilities and Awareness Measures (PARAM)". Ms. Bates stated that PARAM addresses guidelines officers should consider when handling a subject in custody who continues to behave in a non-compliant manner.

In addition to these guidelines, three techniques were developed to further assist officers in situations when a handcuffed subject may need to be further restrained. They are recovery position restraint, face up restraint, and escort with hands. Each allow an officer an additional option to control a subject in a position where it is easier to monitor the subject's condition during a use of force incident.

After Ms. Bates concluded explaining each of these techniques, she informed the Council to better facilitate the introduction of these new techniques, a series of video breakdowns of how to perform and instruct each have been filmed and will be sent to all DT instructors in the state. Additionally, DCJS will include instruction on these new techniques during defensive tactics in-service booster trainings that are periodically offered statewide.

There will be no change in hours to the Basic Course for Police Officers or applicable training curricula. The Defensive Tactics Instructor Course will require changing Teach Backs Section 9

to Section 10 of the MPTC Defensive Tactics Instructor Course. Section 9 would now become the new 1.5 hours Section 9 - Post Apprehension Responsibilities and Awareness Measures.

Motion One: Approve the inclusion of the Post Apprehension Responsibilities and Awareness Measures learning objectives as the minimum standard of instruction for Part 4, Section J of the Basic Course for Police Officers or equivalent, Basic Course for Peace Officers, Campus Public Safety Officer Course, Specialized Police Investigator Course, and Basic Course for Correction Officers or equivalent for all courses beginning on or after September 1, 2022.

Motion Two: Approve changing Teach Backs Section 9 to Section 10 of the MPTC Defensive Tactics Instructor Course. Approve for inclusion in the MPTC Defensive Tactics Instructor Course the new 1.5 hours Section 9 - Post Apprehension Responsibilities and Awareness Measures.

Sheriff Spike made a motion to approve the curriculum updates, with a second by **Commissioner McBride**. The motion was passed by unanimous vote.

#4 – Use of Force for Corrections Officers Online Training Program

Michael Puckett of the Office of Public Safety provided the Council a historical overview of the enhancements made to use of force training for both police and peace officers in NYS. They include the following: shift in training to 4th amendment constitutional standard of objective reasonableness rather than solely relying on Article 35 as a use of force decision-making training model; issuance of an MPTC Use of Force Model Policy; MPTC adopting a Reality Based Training Instructor course; completely revised use of force training curricula at the recruit level to include correctional officers; 2-day use of force training for instructors; MPTC adopting an online in-service use of force instructional video for police and non-custodial peace officers; and MPTC adopting an online video explaining what de-escalation is.

In furtherance of enhancing use of force training to ensure there is continuity of training among correction officers, Mr. Puckett presented to the Council an online use of force training program – similar to the content in the Basic Course for Corrections Officers – designed specifically for custodial peace officers responsible for both pre-trial detainee and convicted persons. It would serve to satisfy the in-service use of force training required for armed peace officers pursuant to CPL §2.30(3).

Following a brief discussion by Council members regarding the utility of using an online training versus in-person training due to the volume of correction officers in NYS, the Council made a motion to adopt the new online training program as follows:

Motion: Adopt the one-hour Use of Force for Correction Officers online training as a MPTC approved course. Effective January 1, 2023, all correction officers defined by criminal procedural law section 2.10 subdivision 25 must annually complete the training who are armed with a weapon in accordance with NYS Criminal Procedure Law (CPL), Article 2 §2.30(3).

Chief Parisi made a motion to approve the online training program, with a second by **Commissioner McBride**. The motion was passed by unanimous vote.

#5 – Specialized Investigator Police Basic Training Course

Joshua Vinehout of the Office of Public Safety (OPS) presented to the Council a recommended course of training for police investigators employed in the office of a district attorney as defined by subdivision thirty-four (g) of section 1.20 of the criminal procedure law (CPL).

He provided the Council a summary of the evolution of the course which began in 1995 when the Council approved the Specialized Investigator Police Training Course as an MPTC approved course. It was open to all police investigators not required at the time by general municipal law (GML) § 209-q to complete an approved municipal police basic training program. The components of the course are derived from sections of the BCPO applicable to police investigators and currently consists of 393 hours of training.

Mr. Vinehout continued by explaining the Professional Policing Act of 2021 amended GML §209-q (2) by redefining a police officer according to CPL §1.20 (34). As a result, this now requires all police investigators employed in the office of a district attorney to complete an approved municipal police basic training program.

To meet the requirement of the GML, Mr. Vinehout proposed to the Council that the Specialized Investigator Police Training Course serve as the minimum standard of training for police investigators in the office of a district attorney. He provided the following list of topics and hours currently approved by the Council as the proposed minimum training standard of instruction for their adoption.

Basic Course for Police Officers Part/Module Name	Required Hours	Actual Hours
Part 1 - Administration of Justice		
1-A. Introduction to Criminal Justice	Combined total of all three sections below	
1-B. Jurisdictions and Responsibilities of Law Enforcement		
1-C. Adjudicatory Process and Court Structure Civil & Criminal		
Total	4	
Part 2 - Introduction to Law Enforcement		
2-A. Constitutional Law	2	
2-B. Discretionary Powers	2	
2-C. Ethical Awareness	8	
2-E. Procedural Justice	2	
2-F. Officer Wellness	16	
Total	30	
Part 3 - Laws of New York State		
3-A. New York State Penal Law Offenses	16	
3-B. Justification - Use of Physical Force & Deadly Physical Force	11	
3-C. New York State Criminal Procedure Law	21	
Standards of Proof		Accusatory Instruments
Laws of Arrest		Appearance Tickets
Search and Seizure		Evidence Concepts
Stop, Question, and Frisk		Eyewitness ID
Interview and Interrogation		
3-D. New York State Juvenile Law and Procedures	6	

3-E. Civil Liability and Risk Management	2	
3-F. Ancillary New York State Statutes	2	
Total	58	
Part 4 - Law Enforcement Skills		
4-A. Essentials of Response and Investigative Skills	24	
4-B. Report Writing	7	
4-C. Electronic Communications	4	
4-E. Case Preparation and Demeanor in Official Proceedings	7	
4-F. Fundamental Crisis Intervention Skills for Law Enforcement	20	
4-H. Arrest Processing	5	
4-J. Defensive Tactics and Principles of Control	40	
4-K. Emergency Medical Services	48	
4-L. Emergency Vehicle Operation and Control	21	
4-M. Firearms Training	40	
4-S. Off-Duty / Plainclothes Encounters	4	
4-T. Active Shooter	16	
4-U. Aerosol Subject Restraint	6	
4-V. Professional Communications	8	
4-W. Decision Making	8	
Total	258	
Part 5 - Community Interaction		
5-B. Community Resources - Victim/Witness Services	3	
5-C. Elder Abuse	2	
5-D. Cultural Diversity/Bias Related Incidents and Sexual Harassment	5	
5-E. Persons with Disabilities	6	
5-F. Crime Control Strategies	2	
5-G. Crime Prevention	2	
Total	20	
Part 6 - Mass Casualties and Major Events		
6-A. Standardized Response Plans for Unusual Events	8	
Total	8	
Part 7 - Investigations		
7-G. Injury and Death Cases	3	
7-H. Sex Crimes	2	
7-I. Narcotics and Dangerous Drugs	3	
7-J. Missing and Abducted Children - Missing Adult Cases	3	
7-K. Animal Abuse Cases	2	
7-M. Human Trafficking	2	
Total	15	
Part 8 – Reality Based Training		
Course Total	393	

Mr. Vinehout concluded by informing the Council that the proposed minimum training standards would apply to all DA investigators hired on or after March 9, 2022. He stated that the majority

of DA investigators hired typically possess a valid Basic Course for Police Officer certificate which exceeds the Specialized Police Investigator Course minimum training standard.

A police officer that experiences an interruption in service that renders their certificate invalid (either 2 or 4 years), but less than 10 years is required to complete a refresher training for the Specialized Police Investigator Course. Mr. Vinehout explained to the Council that an equivalency certificate for investigators with prior police experience and training, especially those coming from another state, is permitted pursuant to 9 NYCRR 6020.8. The Chairman asked how OPS would handle retired State Police seeking to become a DA investigator. Mr. Vinehout explained that the same equivalency process previously mentioned would apply to them as well.

Johanna Sullivan from the Office of Public Safety informed the Council that her office has received questions from district attorneys inquiring what standard will be needed to meet this new requirement and we were fortunate to already have this existing program in place. Prior to making a motion for vote, the Council asked a final additional clarifying question regarding the topics that were stricken. Mr. Vinehout explained that the Specialized Police Investigator Course is derived from sections of the Basic Course for Police Officers (BCPO) and the sections lined out, which appear in the BCPO, are those not required in the DA investigator training.

Motion: Approve the Specialized Investigator Police Training Course as the minimum standard of training for police investigators defined by CPL §1.20 (34)(g) pursuant to the requirement of general municipal law §209-q, effective March 9, 2022.

Chief Parisi made a motion to approve the course with a second by **Commissioner McBride**. The motion was passed by unanimous vote.

INFORMATIONAL/UPDATE ITEMS

#1- Professional Policing Regulations Update

Natasha Harvin of the Office of Legal Services Informed the Council the public comment period for the professional policing regulations ended in December 2021. Many inquiries were received but only a couple of comments. OLS is in the process of reviewing the comments for next steps. Johanna Sullivan informed the Council that OPS staff traveled around the state presenting an overview of the emergency regulations and to hear feedback from law enforcement to answer questions.

Before closing the meeting, Dr. McBride informed the Council and those in attendance that he had an opportunity to attend a portion of the in-person delivery of the Principled Policing training the Council previously adopted. He acknowledged the quality of the instructors and how they engaged the students, noting that it's nice to personally see the curriculum the Council has adopted being delivered in the field.

There being no further business, the 257th session of the Municipal Police Training Council came to a close at 11:25 a.m. **with a motion to adjourn by Chief Parisi and a second by Assistant Deputy Superintendent Kennedy**. The motion was unanimously approved.

NEXT MEETING:

June 1, 2022 at 10:00 a.m.

**NYS Municipal Police Training Council
258th Meeting
June 1, 2022**

Action Item #3

License Plate Reader Model Policy Update

OPS Staff will present a minor update to the MPTC License Plate Reader (LPR) Model Policy.

At the 253rd MPTC meeting on March 3, 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 1 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 1 year.

The LPR Model Policy has been amended to reference the updated LGS-1 Schedule Item 1241.

Motion:

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

**NYS Municipal Police Training Council
258th Meeting
June 1, 2022**

Action Item #4

MPTC Guidelines for Police Officer Psychological Exams

In 2009, the Municipal Police Training Council 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. The guidelines were intended to serve as a best practice resource for municipal agencies that were conducting psychological screening of police officer candidates in the absence of statutory and regulatory requirements.

On April 19, 2021, the "New York State Professional Policing Act (PPA) of 2021" was signed into law effectuating revisions and updates to numerous statutes in relation to the policing profession. Among several statutory changes, the PPA includes amendments to Executive Law §840(2) directing the Municipal Police Training Council (MPTC) to establish psychological minimum hiring standards for all new police officer hired by agencies defined in paragraphs (b), (c), (d), (e), (f), (j), (k), (l), (o), (p), (s) and (u) of Criminal Procedure Law (CPL) §1.20(34). As a result, changes to Part 6000 of Title 9 of the Compilation of Codes, Rules, and Regulations of the State of New York (NYCRR), codify requirements for police employers related to psychological standards under 9 NYCRR §6000.11.

Prior to drafting the new psychological exam regulations for the Council to promulgate, DCJS staff collaborated with the original authors of the document to verify the best practices covered in the guidelines were still consistent with today's practices. After affirming they were, much of the regulatory language for psychological hiring standards mirrored these guidelines.

To that end, the previously adopted guidelines have been revised for Council adoption to reflect the new regulatory requirements by removing language referencing the psychological evaluation process as voluntary. It now includes citations that reference the requirements to conduct psychological assessments.

In addition to removing voluntary language and citing regulatory language throughout the document, the formatting of the guidelines was modified to resemble MPTC's model policy format more closely. In addition, the portion referencing the outdated California Commission on Peace Officer Standards Patrol Officer Psychological Screening Dimensions was removed. And finally, the name of the document is recommended to now read: MPTC Guidelines for Police Officer Psychological Exams.

Motion:

Adopt the amended MPTC Guidelines for Police Officer Psychological Exams.

**NYS Municipal Police Training Council
258th Meeting
June 1, 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
258th Meeting
June 1, 2022**

Informational Item #2

Jail Time Calculations Course Update

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 thirteen-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 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.
- Course materials and handouts were condensed, and 3 challenges/scenarios were added to evaluate student learning.

All training topics, hours and objectives remain the same.

**NYS Municipal Police Training Council
258th Meeting
June 1, 2022**

Informational Item #3

Unmanned Aerial Vehicle Model Policy Update

The Office of Public Safety will present to the Council a plan to 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.

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.

**NYS Municipal Police Training Council
258th Meeting
June 1, 2022**

Informational Item #4

**Mandatory Reporting of Child Abuse and Neglect Model Policy
And
Establishment of Juvenile Laws Training Program**

The Office of Public Safety will present to the Council a plan to develop a Mandatory Reporting of Child Abuse Model Policy and related training program pursuant to paragraph (j) of subdivision 1 of section 840 of the executive law.

OPS staff will also provide an overview of the recent amendment to executive law §840 (j)(1) which 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 (at least 12 but less than 18 years of age). It will also include procedures for 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 the family court. The effective date of these changes in juvenile law is December 29, 2022.

OPS staff will convene a subject matter expert panel to develop the model policy and associated training for the mandatory reporting of child abuse. Additionally, staff will develop a training program on juvenile law that is applicable to law enforcement officers.

**NYS Municipal Police Training Council
258th Meeting
June 1, 2022**

New Business Item #1

Executive Session – Physical Fitness Job Task Analysis

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.

Motion to exit executive session:

Motion to exit Executive Session and reconvene in Open Session.

Motion:

Proceed with distributing physical fitness job task analysis questionnaire.