

AGENDA

MUNICIPAL POLICE TRAINING COUNCIL 264th Meeting December 6, 2023 at 10:00 a.m.

Live Stream Link:

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

ACTION / APPROVAL ITEMS

- | | |
|--|---------------------------------------|
| 1. Introductory Remarks - Introductions - Adoption of Agenda – Approval of 263rd Meeting Minutes | Chairman Spike
Commissioner Rosado |
| 2. Adoption of 2024 Meeting Dates:
March 6; June 5; September 4; December 4 | Chairman Spike |
| 3. Opioid Overdose Naloxone Training and Model Policy Updates | Joshua Vinehout |

INFORMATIONAL / UPDATE ITEMS

- | | |
|---|-----------------------------|
| 1. DHSES Threat Assessment/Extremism Model Policy | Benjamin Voce-
Gardner |
| 2. Regulation Updates | Natasha Harvin-
Locklear |
| 3. Law Enforcement In-Service Training Survey Results | Molly Bates |
| 4. OPS Training Updates and Initiatives | Joshua Vinehout |

NEW BUSINESS

Chairman Spike

Next Meeting:
March 6, 2024

Council Member Virtual Attendance:

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

Minutes of the 263rd Meeting
New York State Municipal Police Training Council
September 13th, 2023
Alfred E. Smith Building
80 South Swan Street
Albany, NY 12210
CrimeStat Room 118

Livestream link: <https://www.youtube.com/watch?v=KX3wG7M4bJE>

Council Members Present

Ronald Spike, Chairman, Sheriff, Yates County Sheriff's Office
Dr. R. Bruce McBride
Maureen Curtis, Vice President, Safe Horizon
John Mueller, Chief, Metropolitan Transportation Authority Police Department
Opal Rivera, Assistant Commissioner, Department of Corrections and Community Supervision
Debra Long, Community Representative

DCJS Staff Present

Joseph Popcun, Executive Deputy Commissioner, Division of Criminal Justice Services
Colleen Glavin, Deputy Commissioner and Counsel, Office of Legal Services
Natasha Harvin-Locklear, Associate Counsel, Office of Legal Services

OPS Staff Present

Michael A. Bonse, Deputy Commissioner, Office of Public Safety
Johanna Sullivan, Director, Office of Public Safety
Joshua Vinehout, Supervisor of Public Safety Programs
Michael Puckett, Public Safety Program Specialist 3
Daniel Nedwell, Associate Training Technician (Police)
Molly Bates, Associate Training Technician (Police)
Sara Dean, Criminal Justice Program Specialist 2
Kerra Gordon, Criminal Justice Program Specialist 1
Dorthea Medina, Administrative Specialist 1 Tr 2
Nicole Flores-Gibbs, Administrative Assn. 1

Guests

Deputy Chief Peter Fortune representing Olufunmilola Obe, Chief of Training, NYPD (Remote)
Sergeant Patrick Wilkens NYPD (Remote)
Lieutenant Leron Lewis NYPD (Remote)
Sergeant Gregory McNally NYPD (Remote)
Jara Traina, General Counsel, Office for the Prevention of Domestic Violence
Rich O'Brien, Staff Inspector, NYSP
Thomas Mitchell, Counsel, NYS Sheriff's Association

ACTION/APPROVAL ITEMS

#1 - Introductory Remarks – Adoption of Agenda- Approval of 262nd Meeting Minutes

The 263rd session of the Municipal Police Training Council (MPTC or Council) commenced at 10:06 a.m. with Chairman Spike leading all attendees in the Pledge of Allegiance, followed by a moment of silence in remembrance of the victims of September 11th and those who passed away serving in public safety and the military.

Introductions

Introductions were made by all in attendance. Deputy Chief Peter Fortune, Sergeant Patrick Wilkens, Sergeant Gregory McNally and Lieutenant Leron Lewis all joined the meeting remotely.

Introductory Remarks

On behalf of Commissioner Rosado, Executive Deputy Commissioner Popcun thanked the Council for the moment of silence on behalf of the victims of September 11th that occurred 22 years ago. He reminded the Council about the Public Safety Symposium that was going to take place on September 26th- 28th and that there will be 1000 attendees this year. Executive Deputy Commissioner Popcun mentioned that the executive team was wrapping up their 15 City Tour and they have received positive feedback regarding the SNUG and GIVE programs. Lastly, Executive Deputy Commissioner Joseph Popcun thanked those involved in updating the Domestic Violence Model Policy and their partnership and leadership with the Office of Prevention for Domestic Violence.

Chairman Spike asked the Council members to read the written motions in their handouts word for word when making a motion to ensure accuracy.

Adoption of Agenda

Dr. McBride made a motion to adopt the 263rd meeting agenda, with a second by **Maureen Curtis**; the motion was passed by unanimous vote. Chairman Spike proceeded with the approval of 262nd meeting minutes.

Approval of 262nd Meeting Minutes

Debra Long made a motion to approve the 262nd meeting minutes as submitted with a second by **Chief Mueller**. The motion was passed by unanimous vote.

#2 – Law Enforcement Domestic Violence Model Policy

Molly Bates, of the Office of Public Safety and Jara Traina, of the Office for the Prevention of Domestic Violence (OPDV), provided the Council with an overview of the updates made to the existing Domestic Violence Model Policy. The policy was designed to provide guidance to law enforcement agencies on recognizing, responding to and assisting victims of domestic violence; when and how to fill out domestic incident reports; enforcement of orders of protection; and responding to victims through a survivor-centered, trauma-informed, and culturally responsive approach.

Molly Bates took a moment to recognize the panel members consisting of Captain James Cleary - NYS Police, Deputy Chief Melissa Eger - NYPD, Chief Dominick Blasko - NYS Association of Chiefs of Police, Chief Deputy Shawn Noonan - NYS Sheriffs Association,

Assistant District Attorney Lynnette Reda - DA Association of the State of New York, Remla Parthasarathy - Empire Justice Center, and Sergeant James Laurey - Law Enforcement Training Directors Association of New York State.

Jara Traina reviewed key updates that were made to the model policy to include: how officers interact with domestic abuse victims; mending the age for offenders; covert calls; on scene response (assessing for physical injuries & assessing well-being for pets or companion animals); on scene investigations (access to firearm, evidence collection to include technology (body cameras)); documentation; role of the supervisor; arrest procedures; orders of protection; and firearms.

Jara Traina explained that officers should consider a victim's request to shut off their body camera in situations when the victim would like to speak with the officer but would be intimidated if the body camera was on. Chairman Spike mentioned that this type of request may be difficult because some departments are mandated to keep them on. Director Sullivan mentioned that the request is discretionary and that the officer would have to decline if their procedures stated that the body camera had to stay on. Chief Mueller added that in most cases, it is alright if the victim states their request on camera not to be filmed. Jara Traina stated that if the victim's request could not be granted, the officer should explain the reason and identify another way the victim could be heard. Chairman Spike mentioned that it also depends on whether the offender is around.

Director Sullivan informed the Council that there was previously an officer-involved domestic violence portion of the policy but was removed so that a separate policy could be established regarding the issue. The panel felt the importance of this issue would be lost if it was included in the current policy: The focus of policy in discussion should be the actual response to domestic violence outside of specifically handling an officer involved incident. Director Sullivan informed the Council that there is an overview for agency executives and policymakers on the importance of having an officer-involved domestic violence policy available online.

Debra Long asked how victims could be protected if they must wait three weeks to receive an order of protection. Jara Traina explained that the victims could request an immediate order of protection from the officers if an arrest is being made or they can request an emergency order of protection from Family Court. Director Sullivan added that victims should be able to go right to Family Court. Chief Mueller clarified that the issue is when officers do not have the suspect in custody and a warrant is needed because an order of protection only starts when the suspect has been served. Director Sullivan stated that there is an order of protection notification system in effect and that the officer should inform the victim that they can sign up for this.

Maureen Curtis added how important it is to connect with advocates. Advocates can be extremely beneficial with getting victims the services they need, including, safety planning and familiarity with the Justice System.

Chief Mueller asked if VINELink, which is an offender notification system, was mentioned at all. Director Sullivan confirmed that VINELink was mentioned in the model policy.

Jara Traina stated there was also notifications regarding the availability of compensation.

Maureen Curtis expressed her appreciation of the amendments that were made. Maureen Curtis highlighted one of them under the documentation section where officers must write word for word what the victim states instead of making assumptions or summarizing it. Maureen

Curtis suggested that an amendment be made regarding medical refusal by informing the Council that there are times that refused medical treatment is interpreted as not having injuries when it may be another reason, such as them not wanting to go to the hospital because they have kids, or it is very late. Maureen also mentioned that an amendment be added for officers to advise victims their right to have a supervisor come to the scene if they feel that they aren't being helped.

Director Sullivan asked for clarification on what she would like amended because those amendments could easily be added. Exec. Deputy Commissioner Popcun mentioned that the amendment regarding a supervisor can go under section 7a1.

Jara Traina talked about the importance of the officer offering in person to call the hotline for the victim; it increases the likelihood of the call going through and makes the victim feel heard and believed.

Dr. McBride believes this is a solid policy and wonders to what extent this will impact the Council's training efforts. Jara Traina informed the Council that OPDV was in the process of seeking to hire a law enforcement trainer. Once someone is hired, OPDV is planning to do some additional training.

Chairman Spike asked if this would involve accreditation. Director Sullivan informed the Chairman that it has already been shared with the Accreditation Program.

Joshua Vinehout asked that the motion be amended to include the conversation that had just taken place. He asked that it be amended to "Adopt the domestic violence policy to include amendments discussed by the Council and read by OPS staff." Chairman Spike and Natasha Harvin-Locklear agreed.

Motion #1: Adopt the domestic violence policy to include amendments discussed by the Council and read by OPS staff.

Maureen Curtis made a motion to adopt the Domestic Violence Model Policy with a second by **Dr. McBride**. The motion was passed by unanimous vote.

INFORMATIONAL/UPDATE ITEMS

#1 – Regulations - Update

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

Natasha Harvin-Locklear mentioned that Counsel was still working with Chamber and that these were still under review. Once they receive information, they will notify the Council.

#2- Office of Public Safety Training Updates and Initiatives

Joshua Vinehout, of the Office of Public Safety, provided updates on current training programs and a summary of future initiatives.

He informed the Council that as a result of the recent hires, the Training Unit now has a team that is dedicated to the Basic Course for Police Officers and the Basic Course for Peace Officers. The Training Unit can now also focus more on leadership training. He acknowledged Molly Bates' recent promotion and her new role of overseeing corrections training, which includes redesigning the Basic Course for Correction Officers. He continued by communicating to the Council that staff is moving forward to redesign the Course in Police Supervision. He expressed his appreciation to Deputy Commissioner, Michael Bonse for introducing the FBI National Academy Associates leadership certificate to New York. It consists of 11 days of training across three separate in-person trainings that will be open to law enforcement serving in a leadership capacity. The first session starts in mid-October, the second starts in November, and the third starts in December.

Joshua Vinehout also mentioned that the Training Unit is developing a video which will provide an overview, to both executives and field training officers, informing them of the changes to the Basic Course for Police Officers. The goal of the video is to better equip these individuals with the knowledge of what is being taught in the academy. This will aid in ensuring consistency of instruction during field training and for hiring agencies to work with their academies to tailor training based on local needs.

To further ensure continuity of recruit training that meets the needs of agencies, the Training Unit will be developing subcommittees to evaluate on an ongoing basis the content in basic training for both police officers and peace officers. This will ensure the curriculum remains up to date, including the periodic review and update of instructor courses required to be completed prior to delivering certain portions of basic training.

Mr. Vinehout also informed the Council that the Acadis Learning Management System is now available to all police officers to access online training. He also informed the Council that recent legislation requires the MPTC, as well as other Councils, to maintain a webpage explaining their roles and responsibilities and current membership.

Michael Puckett briefly updated the Council on the status of the new recruit firearms curriculum. OPS staff continues to deliver the five-day workshop required before instructors are permitted to teach the new curriculum in an effort to prepare academies to deliver the new firearms recruit curriculum by September 1, 2024. He also informed the Council that a new firearms instructor course is under review with pilots scheduled beginning in January through the summer of 2024.

Dr. McBride inquired on the status on the firearms qualification standard. Michael Puckett briefly explained that OPS was at the data collection phase of running the proposed qualification standard to determine if there is any disparate impact. A component of the data collection phase is to standardize a data collection tool to ensure consistent data is being collected by firearm instructors.

Joshua Vinehout then updated the Council about the physical ability performance standard. At the previous meeting, the Training Unit was close to disseminating the job task analysis to a randomized sampling of law enforcement across NYS. He was happy to inform the Council that the survey instrument has been sent to agencies and is hopeful the survey results will be ready to present to the Council by December.

Mr. Vinehout concluded his updates by informing the Council that OPS staff is preparing to release an in-service training survey to send to law enforcement agencies. The survey results

will be utilized to assist in identifying practices being employed by agencies as well as the need to address in-service training needs of law enforcement agencies.

Dr. McBride asked if the accreditation requirement for annual in-service training is 21 hours. Director Sullivan confirmed that he was correct.

Dr. McBride then inquired if the survey would ask how often personnel within an agency is required to requalify with their firearms on an annual basis. Joshua Vinehout confirmed that the question was already in the survey.

Executive Deputy Commissioner Popcun thanked OPS and everybody at DCJS for their work with Civil Service to address the recruitment and retention issue of staff within OPS.

Chairman Spike congratulated Michael Puckett and Molly Bates on their recent promotions.

New Business

There was no new business brought by the Council.

There being no further business, the 263rd session of the Municipal Police Training Council came to a close at 11:11 a.m. **with a motion to adjourn by Chief Mueller and a second by Dr. McBride.** The motion was unanimously approved.

**NEXT MEETING:
December 6, 2023, at 10:00 a.m.**

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December 6, 2023**

Action Item #3

Opioid Overdose Naloxone Training and Model Policy Updates

OPS staff will present to the Council updates on DCJS' efforts to deliver training and guidance to the law enforcement community on the administration of naloxone.

In 2014, DCJS in collaboration with NYS DOH began delivering intranasal naloxone training to law enforcement. Since the program's inception, 14,472 reports of naloxone administration by law enforcement have been submitted to the NYS DOH. Periodic updates to in-service training content have been made to include an in-service online refresher training on the new formulation of naloxone, revisions of classroom training materials that provide an overview of fentanyl and xylazine with precautionary measures, naloxone co-payment assistance program (N-CAP), summary of statewide overdose prevention efforts, and the new online naloxone administration reporting form. In addition, recruit training materials have been updated to reflect changes in opioid overdose prevention statutes.

Among the opioid materials that were developed is a model policy on the administration and maintenance of naloxone, which was adopted by the Council in 2014. OPS staff has worked in collaboration with the NYS DOH and the Albany Medical Center to update the policy with best practices that are reflective of changes in opioid overdose statutes.

OPS will present an overview of the updates to the model policy designed to provide guidance to law enforcement agencies on the deployment, utilization, maintenance/replacement, documentation, and training requirements of intranasal naloxone.

Motion:

Adopt the Administration and Maintenance of Intranasal Naloxone Model Policy.

Administration and Maintenance of Intranasal Naloxone Model Policy

Municipal Police Training Council

I Purpose

The purpose of this policy is to promote the health, safety and welfare of the public by treating and reducing injuries and fatalities due to opioid-involved overdoses when law enforcement is the first to arrive at the scene of a suspected overdose. This policy establishes broad guidelines governing the deployment, utilization, maintenance, replacement, documentation, and training requirements of intranasal naloxone within a law enforcement agency. Each agency is encouraged to utilize these protocols. The protocols may be modified to conform to an agency's specific needs while being mindful of their intent.

II Policy

Law enforcement personnel and civilians may possess and administer naloxone¹ so long as they have been trained consistent with New York State Public Health Law.² Law enforcement personnel will adhere to practices that encourage civilians at the scene of a suspected overdose to request help³ and freely administer naloxone to a subject.

Under no circumstances will naloxone be confiscated from an individual or will the mere possession of naloxone be used to establish probable cause for an arrest.⁴

III Definitions

- A. **Opioid:** A medication or drug that is derived from the opium poppy or that mimics the effect of an opiate. Opioid drugs are narcotic sedatives that depress activity of the central nervous system; these will reduce pain, induce sleep, and in overdose, will cause people to stop breathing. First responders often encounter opioids in the form of morphine, methadone, codeine, heroin, fentanyl, oxycodone, and hydrocodone.
- B. **Naloxone:** A prescription medication that can be used to reverse the effects of an opioid overdose. Specifically, it displaces opioids from the receptors in the brain that control the central nervous system and respiratory system.

¹ New York State Public Health Law §3309 provides protection for non-medical individuals from liability when administering naloxone to reverse an opioid overdose.

² See Section V for training requirements.

³ Penal Law §220.78

⁴ NYS Criminal Procedure Law §60.49

Administration and Maintenance of Intranasal Naloxone Model Policy

Municipal Police Training Council

IV Procedures

A. Deployment:

Each agency will identify an individual to be the coordinator for the naloxone administration program: Responsibilities will include, but not be limited to:

- a. Maintaining naloxone training records of officers;
 - b. Maintaining the supply and assure the integrity and expiration dates of the naloxone; and
 - c. Administering any applicable opioid overdose prevention program requirements pursuant to §80.138 of Title 10 of the New York Codes, Rules and Regulations.
2. Each agency will ensure officers are trained prior to carrying naloxone.
 3. Each agency will ensure an operational plan for deploying naloxone.

B. Naloxone Use:

1. Officers will request an ambulance to respond to the scene where the aided is in a potential overdose state.
2. Officers will determine the need for treatment with naloxone by evaluating the aided according to established training guidelines. Once the assessment of the aided is complete, which should include, but may not be limited to determining unresponsiveness and other indicators of an opioid involved overdose.
3. Officers will administer naloxone following the established training guidelines and use universal precautions when evaluating an aided and administering naloxone.
4. Officers will use proper tactics after administering naloxone; aided individuals who are revived from an opioid overdose may regain consciousness in an agitated state and may exhibit symptoms associated with withdrawal.
5. Officers will remain with the aided while providing resuscitation based on the officers' training and availability of resuscitation

Administration and Maintenance of Intranasal Naloxone Model Policy

Municipal Police Training Council

equipment until EMS personnel arrive. An additional dose(s) of naloxone may be administered as necessary every 3-5 minutes.

6. Officers should employ rescue breathing techniques, bag-valve ventilation, or chest compressions as trained.
7. Officers will inform EMS personnel upon their arrival that naloxone has been administered, including the number of doses.

C. Maintenance/Replacement of Naloxone:

1. Naloxone will be carried in a manner consistent with proper storage guidelines.
2. Used, lost, damaged, or expired naloxone will be replaced according to agency policy.
3. Expired naloxone will be:
 - a. Maintained by the agency for use in training; or
 - b. Properly disposed of according to agency policy by returning to a pharmacy, the distributor, or through a community organization for training the public.

D. Documentation:

1. Following naloxone administration, the officer shall electronically submit a New York State Public Safety Naloxone Administration Report to the New York State Department of Health through www.nyoverdose.org/publicsafety.
2. Officers may request copies of the New York State Public Safety Naloxone Administration Report when reporting an administration for internal reporting and documentation purposes.

V Leave Behind Naloxone

- A. Agencies may develop policies to allow naloxone to be distributed to the public – “Leave Behind Naloxone” programs.
- B. Officers, who have either responded to an individual experiencing an opioid-related overdose or someone they believe may be otherwise at risk of opioid overdose, may leave behind naloxone when they believe there is a high risk of an opioid overdose.

Administration and Maintenance of Intranasal Naloxone Model Policy

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- C. Naloxone will be left with either the individual or with family members, friends, or other persons who are in a position to assist the individual.

VI Training

- A. Prior to being equipped with naloxone, officers will complete an approved training program in accordance with section 80.138 (9)(ii) of Title 10 of the New York Codes, Rules and Regulations.⁵
- B. Updated training should be conducted, as necessary, to include any changes to naloxone administration protocol and reporting.

⁵ The New York State Division of Criminal Justice Services training curriculum is an approved training curriculum which can be accessed at <https://bit.ly/naloxonetrainingmaterials>.

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Informational Item #1

**NYS Division of Homeland Security and Emergency Services
Threat Assessment/Extremism Model Policy**

The Division of Homeland Security and Emergency Services will present to the Council, for consideration, the need to develop a model policy for understanding and addressing domestic terrorism and violent extremism within New York's communities, including but not limited to interdisciplinary threat assessment and management interventions, targeted violence prevention and mitigation strategies, and identification of signs of potential extremism during background investigations of police officer candidates.

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Informational Item #2

Regulation Updates

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

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Informational Item #3

In-Service Training Survey

OPS staff will provide the Council with a summary of the In-Service Training Survey results which was administered to law enforcement agencies. The purpose of the survey was to assess the frequency at which in-service training is conducted by agencies, methods employed to deliver the training, as well as resources needed to conduct in-service training. Survey results may be used to guide future in-service training discussions conducted by the Council and OPS.

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Informational Item #4

Project Updates

OPS staff will provide the Council with updates on several projects to include the following.

- Physical Ability Performance Standard Job Task Analysis
- OPS Backfill of Vacant Positions
- Basic Course for Correction Officers
- FBINAA Leadership Training Program
- Basic Course for Police Officers Video Highlighting Key Changes to Curriculum
- Firearms Qualification Course Data Collection Tool
- Firearms Instructor Course Pilot(s)
- Course in Police Supervision Curriculum Update
- Standardized Instructor Feedback Form
- MPTC In-Service Courses for Evaluation
- Training Site-Visit Request for Application
- Sexual Assault Trauma-Informed Online Training
- Domestic Violence Recruit and Instructor Training