

STATE OF NEW YORK

6539

2023-2024 Regular Sessions

IN ASSEMBLY

April 13, 2023

Introduced by M. of A. CHANDLER-WATERMAN -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to providing increased and uniform training requirements and outreach for law enforcement; and to amend the mental hygiene law, in relation to administering law enforcement peer support

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. Subparagraph 2 of paragraph (d) of subdivision 4 of section
2 840 of the executive law, as added by section 1 of part ZZ of chapter 55
3 of the laws of 2019, is amended and a new subparagraph 5 is added to
4 read as follows:
- 5 (2) The model law enforcement use of force policy shall include, but
6 is not limited to:
- 7 (i) information on current law as it relates to the use of force by
8 police and peace officers;
- 9 (ii) guidelines regarding when use of force is permitted and requiring
10 such force to be reasonable;
- 11 (iii) requirements for reporting and documenting use of force;
- 12 (iv) procedures for reporting to a supervisor and investigating use of
13 force incidents;
- 14 (v) guidelines regarding excessive use of force including duty to
15 intervene when appropriate and safe, reporting, and timely medical
16 treatment for injured persons, including immediate medical aid to
17 gunshot victims, including victims injured during an officer-involved
18 shooting;
- 19 (vi) standards for failure to adhere to use of force guidelines;
- 20 (vii) training mandates on use of force, conflict prevention, conflict
21 resolution and negotiation, de-escalation techniques and strategies,
22 including, but not limited to, interacting with persons presenting in an
23 agitated condition; [~~and~~]

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [~~-~~] is old law to be omitted.

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1 (viii) prohibited uses of force[~~+~~];

2 (ix) training mandates on first-aid procedures including the use of
3 tourniquets and QuikClot in addition to annual CPR and AED training;

4 (x) requirements for de-escalation by officers without compromising
5 safety; and

6 (xi) guidelines for holding officers accountable to use sound tactics,
7 including, but not limited to, time, distance and cover, to reduce the
8 need to use force.

9 (5) Establish in conjunction with the division of state police and
10 regularly update a data collection and reporting system for the purpose
11 of tracking all officer-involved deadly force encounters. Such deadly
12 force encounters and uses of force resulting in serious bodily injury
13 shall also be reported to the bureau of criminal apprehension for inclu-
14 sion in the FBI's national use-of-force database.

15 § 2. Paragraph (a) of subdivision 5 of section 840 of the executive
16 law, as added by section 4 of part JJ of chapter 57 of the laws of 2018,
17 is amended to read as follows:

18 (a) Develop, maintain and disseminate, in consultation with the
19 commissioner of the office for people with developmental disabilities
20 and in consultation with individuals with developmental, physical or
21 intellectual disabilities, written policies and procedures consistent
22 with section 13.43 of the mental hygiene law, as added by section 1 of
23 part JJ of chapter 57 of the laws of 2018, regarding the handling of
24 emergency situations involving individuals with autism spectrum disorder
25 and other developmental, physical or intellectual disabilities. Such
26 policies and procedures shall make provisions for the education and
27 training of new and veteran police officers on the handling of emergency
28 situations involving individuals with autism spectrum disorder and other
29 developmental, physical or intellectual disabilities; and

30 § 3. Section 840 of the executive law is amended by adding a new
31 subdivision 8 to read as follows:

32 8. The council, in conjunction with the office of public safety, shall
33 ensure compliance with mandatory training requirements pursuant to
34 section eight hundred thirty-nine-a of this article by all training
35 academies, police departments in this state and all agencies that employ
36 police or peace officers.

37 § 4. The executive law is amended by adding a new section 839-a to
38 read as follows:

39 § 839-a. Mandatory trainings. 1. The office of public safety shall
40 develop, regularly update and maintain trainings to be administered by
41 law enforcement and training academies to all prospective and current
42 police officers and peace officers, as defined under section eight
43 hundred thirty-five of this article; provided, however, any individual
44 specifically excluded from the definition of police officer under subdi-
45 vision seven of section eight hundred thirty-five of this article shall
46 be included for the purposes of this section.

47 2. Trainings regarding contemporary law enforcement topics shall be
48 developed, with expert and community input, including, but not limited
49 to youth individuals of color. Such training topics shall include, but
50 not be limited to:

51 (a) implicit bias, including implicit racial bias testing which shall
52 include testing for bias in shoot/don't shoot decision-making and a
53 clear policy for considering an officer's level of racial bias in law
54 enforcement certification and the hiring process; if it is determined
55 that a prospective police officer or peace officer's bias is such that

1 he or she cannot be deployed in a community of color, he or she shall
2 not be hired;

3 (b) de-escalation, minimization of the use of force and defensive
4 tactics;

5 (c) procedural justice;

6 (d) historical community trauma;

7 (e) relationship-based policing;

8 (f) community interaction and diversity;

9 (g) crisis intervention, mental health crises, mediation, conflict
10 management and conflict resolution;

11 (h) appropriate engagement with youth;

12 (i) appropriate engagement with lesbian, gay, bisexual, transgender,
13 questioning and gender nonconforming individuals;

14 (j) appropriate engagement with individuals with limited English
15 proficiency;

16 (k) appropriate engagement with individuals with various religious
17 affiliations; and

18 (l) appropriate engagement with individuals with developmental, phys-
19 ical or intellectual disabilities.

20 3. Trainings regarding the proper use of firearms and defensive
21 tactics used to de-escalate and properly detain suspects shall be devel-
22 oped and administered on a monthly basis.

23 4. Implementation of the requirements of this section shall include
24 scenario-based trainings. Such trainings shall require all participating
25 individuals to engage in simulated real life situations to ensure when
26 such individual is faced with such situation in the field, his or her
27 response is in accordance with the requirements and guidelines set forth
28 in this section. Such scenario-based trainings shall be administered at
29 a minimum, quarterly.

30 § 5. Section 837 of the executive law is amended by adding two new
31 subdivisions 24 and 25 to read as follows:

32 24. Work in conjunction with the division of state police and the
33 office of mental health to establish law enforcement peer support
34 services pursuant to section 7.51 of the mental hygiene law. The divi-
35 sion shall provide all police officers and peace officers unfettered
36 access to mental health checks.

37 25. Require every law enforcement agency to determine the amount of
38 additional funding necessary to provide for and enforce the provisions
39 of subdivision twenty-four of this section and sections eight hundred
40 thirty-nine-a and eight hundred forty of this article. Such information
41 shall be provided to the division no later than one hundred twenty days
42 after the effective date of this subdivision. No later than ninety days
43 after such data is compiled, the division shall provide the governor and
44 the legislature with a comprehensive report on the amount of additional
45 funding needed to ensure such provisions of law are adequately instilled
46 and enforced by each law enforcement agency located within the state.

47 § 6. Section 210 of the executive law, as amended by chapter 169 of
48 the laws of 1994, is amended to read as follows:

49 § 210. Division of state police. 1. The division of state police in
50 the executive department shall be known as the "New York State Police."
51 The head of the New York state police shall be the superintendent of
52 state police who shall be appointed by the governor by and with the
53 advice and consent of the senate, and hold office during his or her
54 pleasure. The superintendent shall be a member of the state police,
55 shall receive as salary such sum as may be appropriated by law, and
56 shall accrue such leave credits and be eligible for the same retirement

1 benefits, service credits and other benefits as any other member of the
2 state police. If, prior to appointment, the superintendent served as a
3 member of the state police, he or she, upon appointment, shall be enti-
4 tled to continue to accrue and receive such credits and benefits as he
5 or she would have been entitled to accrue and receive prior to appoint-
6 ment.

7 2. If, prior to his or her appointment, the superintendent shall have
8 served as a member of the State Police for a period of ten years or
9 more, he or she shall, provided he or she is not eligible for retire-
10 ment, upon termination of service as superintendent, be reappointed,
11 without examination, as a member of the state police in the grade held
12 by him or her prior to appointment as superintendent, notwithstanding
13 the absence of any vacancy in such grade. For the purpose of determin-
14 ing the annual salary to be paid upon such reappointment, the period of
15 service as superintendent shall be counted as service in the grade to
16 which reappointed.

17 3. The division shall ensure compliance with mandatory training
18 requirements pursuant to sections two hundred ten-a, two hundred four-
19 teen-e, and two hundred fourteen-f of this article by all training
20 schools or academies, including those established pursuant to section
21 two hundred fourteen of this article, and by all current members of the
22 state police.

23 4. Work in conjunction with the division of criminal justice services
24 and the office of mental health to establish law enforcement peer
25 support services pursuant to section 7.51 of the mental hygiene law. The
26 division shall provide all members unfettered access to mental health
27 checks.

28 5. The superintendent shall determine the amount of additional funding
29 necessary to provide for and enforce the provisions of subdivision four
30 of this section and sections two hundred ten-a, two hundred fourteen-e,
31 and two hundred fourteen-f of this article. Such information shall be
32 compiled no later than one hundred twenty days after the effective date
33 of this subdivision. No later than ninety days after such data is
34 compiled, the division shall provide the governor and the legislature
35 with a comprehensive report on the amount of additional funding needed
36 to ensure such provisions of law are adequately instilled and enforced
37 by the division.

38 § 7. The executive law is amended by adding a new section 210-a to
39 read as follows:

40 § 210-a. Mandatory trainings. 1. The division shall develop, regularly
41 update and maintain trainings to be administered by law enforcement and
42 training academies, in consultation with the office of public safety, to
43 all prospective and current members of the division.

44 2. Trainings regarding contemporary law enforcement topics shall be
45 developed, with expert and community input, including, but not limited
46 to youth individuals of color. Such training topics shall include, but
47 not be limited to:

48 (a) implicit bias, including implicit racial bias testing which shall
49 include testing for bias in shoot/don't shoot decision-making and a
50 clear policy for considering a member's level of racial bias in law
51 enforcement certification and the hiring process; if it is determined
52 that a prospective police officer or peace officer's bias is such that
53 he or she cannot be deployed in a community of color, he or she shall
54 not be hired;

55 (b) de-escalation, minimization of the use of force and defensive
56 tactics;

- 1 (c) procedural justice;
2 (d) historical community trauma;
3 (e) relationship-based policing;
4 (f) community interaction and diversity;
5 (g) crisis intervention, mental health crises, mediation, conflict
6 management and conflict resolution;
7 (h) appropriate engagement with youth;
8 (i) appropriate engagement with lesbian, gay, bisexual, transgender,
9 questioning and gender nonconforming individuals;
10 (j) appropriate engagement with individuals with limited English
11 proficiency;
12 (k) appropriate engagement with individuals with various religious
13 affiliations; and
14 (l) appropriate engagement with individuals with developmental, phys-
15 ical or intellectual disabilities.

16 3. Trainings regarding the proper use of firearms and defensive
17 tactics used to de-escalate and properly detain suspects shall be devel-
18 oped and administered on a monthly basis.

19 4. Implementation of the requirements of this section shall include
20 scenario-based trainings. Such trainings shall require all participating
21 individuals to engage in simulated real life situations to ensure when
22 such individual is faced with such situation in the field, his or her
23 response is in accordance with the requirements and guidelines set forth
24 in this section. Such scenario-based trainings shall be administered at
25 a minimum, quarterly.

26 § 8. The executive law is amended by adding a new section 210-b to
27 read as follows:

28 § 210-b. Use of force division policies. 1. The division shall estab-
29 lish a mandatory use of force policy, which shall include, but not be
30 limited to:

31 (a) information on current law as it relates to the use of force by
32 members;

33 (b) guidelines regarding when use of force is permitted and requiring
34 such force to be reasonable;

35 (c) requirements for reporting and documenting use of force;

36 (d) procedures for reporting to a supervisor and investigating use of
37 force incidents;

38 (e) guidelines regarding excessive use of force including duty to
39 intervene when appropriate and safe, reporting, and timely medical
40 treatment for injured persons, including immediate medical aid to
41 gunshot victims, including victims injured during an officer-involved
42 shooting;

43 (f) standards for failure to adhere to use of force guidelines;

44 (g) training mandates on use of force, conflict prevention, conflict
45 resolution and negotiation, de-escalation techniques and strategies,
46 including, but not limited to, interacting with persons presenting in an
47 agitated condition;

48 (h) prohibited uses of force;

49 (i) training mandates on first-aid procedures including the use of
50 tourniquets and QuikClot in addition to annual CPR and AED training
51 pursuant to section two hundred fourteen-e of this article;

52 (j) requirements for de-escalation by members without compromising
53 safety; and

54 (k) guidelines for holding members accountable to use sound tactics,
55 including, but not limited to, time, distance and cover, to reduce the
56 need to use force.

1 2. The division shall establish in conjunction with the division of
2 criminal justice services and regularly update a data collection and
3 reporting system for the purpose of tracking all officer-involved deadly
4 force encounters. Such deadly force encounters and uses of force result-
5 ing in serious bodily injury shall also be reported to the bureau of
6 criminal apprehension for inclusion in the FBI's national use-of-force
7 database.

8 § 9. Section 214-e of the executive law, as added by chapter 271 of
9 the laws of 2017, is amended to read as follows:

10 § 214-e. Cardiopulmonary resuscitation and AED training and retrain-
11 ing. 1. For the purposes of this section, "cardiopulmonary resusci-
12 tation" shall have the same meaning as provided in subdivision six of
13 section six hundred twenty-one of the general business law and "AED"
14 shall mean automated external defibrillator.

15 2. Each member of the division of state police shall be:

16 (a) trained in cardiopulmonary resuscitation and the use of an AED
17 during the training process to become a trooper;

18 (b) retrained in cardiopulmonary resuscitation and the use of an AED
19 every [~~two years~~] year; and

20 (c) required to demonstrate the satisfactory completion of training in
21 cardiopulmonary resuscitation and the use of an AED.

22 § 10. Subdivision 1 of section 214-f of the executive law, as added by
23 section 5 of part JJ of chapter 57 of the laws of 2018, is amended to
24 read as follows:

25 1. Develop, maintain and disseminate, in consultation with the commis-
26 sioner of the office for people with developmental disabilities and in
27 consultation with individuals with developmental, physical or intellec-
28 tual disabilities, written policies and procedures consistent with
29 section 13.43 of the mental hygiene law, as added by section 1 of part
30 JJ of chapter 57 of the laws of 2018, regarding the handling of emergen-
31 cy situations involving individuals with autism spectrum disorder and
32 other developmental, physical or intellectual disabilities. Such poli-
33 cies and procedures shall make provisions for the education and training
34 of new and veteran police officers on the handling of emergency situ-
35 ations involving individuals with developmental, physical or intellectu-
36 al disabilities; and

37 § 11. The mental hygiene law is amended by adding a new section 7.51
38 to read as follows:

39 § 7.51 Law enforcement peer support.

40 (a) The commissioner, in conjunction with the commissioner of the
41 division of criminal justice services and the superintendent of the
42 division of state police, shall develop and establish regional or county
43 based peer support services programs for all police officers in the
44 state. Services provided by the recognized or certified peer support
45 services program shall include, but not be limited to, peer counseling
46 techniques for mental illness including post-traumatic stress disorder,
47 critical incident stress management, alcohol and substance abuse coun-
48 seling, family support services, domestic violence, mental health, child
49 care, physical health and wellness, and legal issues.

50 (b) The commissioner shall foster programs for the training and devel-
51 opment of persons capable of providing the services set forth in this
52 section, including, but not limited to, a process of issuing, either
53 directly or through contract, credentials for recognized or certified
54 peer counselors in accordance with the following:

55 (1) The office shall establish minimum qualifications for recognized
56 or certified peer counselors in all phases of delivery of services to

1 officers who are evaluated and certified or recognized by the department
2 on factors including, but not limited to, completion of approved courses
3 of study or equivalent on-the-job experience in mental health counseling
4 and/or alcoholism and substance abuse counseling or other credentials
5 established or recognized by the department and/or the division of crim-
6 inal justice services and the division of state police; and

7 (2) The office shall establish procedures for issuing, directly or
8 through contract, credentials to certified peer counselors who meet
9 minimum qualifications, and shall further establish procedures to
10 suspend, revoke, or annul such credentials for good cause.

11 § 12. This act shall take effect immediately.