

# 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.