

**§ 840. Functions, powers and duties of council.** 1. The council may recommend to the governor rules and regulations with respect to:

(a) The approval, or revocation thereof, of police training schools administered by municipalities;

(b) Minimum courses of study, attendance requirements, and equipment and facilities to be required at approved municipal police training schools;

(c) Minimum qualifications for instructors at approved police training schools;

(d) The requirements of minimum basic training which police officers appointed to probationary terms shall complete before being eligible for permanent appointment, and the time within which such basic training must be completed following such appointment to a probationary term;

(e) The requirements of minimum basic training which police officers not appointed for probationary terms but appointed on other than a permanent basis shall complete in order to be eligible for continued employment or permanent appointment, and the time within which such basic training must be completed following such appointment on a non-permanent basis;

(f) The requirements of minimum basic training which peace officers must complete before being eligible for certification as peace officers, pursuant to section 2.30 of the criminal procedure law;

(g) Categories or classifications of advanced in-service training programs and minimum courses of study and attendance requirements with respect to such categories or classifications; and

(i) The establishment, in cooperation with the division of state police, of a formalized consumer product tampering training program for all law enforcement personnel.

(j) (1) Development, maintenance and dissemination of written policies and procedures pursuant to title six of article six of the social services law and applicable provisions of article ten of the family court act, regarding the mandatory reporting of child abuse or neglect, reporting procedures and obligations of persons required to report, provisions for taking a child into protective custody, mandatory reporting of deaths, immunity from liability, penalties for failure to report and obligations for the provision of services and procedures necessary to safeguard the life or health of the child; (2)

establishment and implementation on an ongoing basis, of a training program for all current and new police officers regarding the policies and procedures established pursuant to this paragraph; and (3) establishment of a training program for police officers whose main responsibilities are juveniles and the laws pertaining thereto, including children under twelve years of age who do not fall under the definition of juvenile delinquent pursuant to subparagraph (iii) of paragraph (a) of subdivision one of section 301.2 of the family court act and whose behavior, but for their age would bring them within the jurisdiction of the family court pursuant to article three of the family court act, which training program shall be successfully completed before such officers are accredited pursuant to section eight hundred forty-six-h of this chapter.

(k) Development, maintenance and dissemination, in consultation with the department of agriculture and markets, of written policies and procedures pursuant to animal cruelty and protection laws, including, but not limited to, article twenty-six of the agriculture and markets law, section 352.3 of the family court act as it applies to companion animals, and applicable provisions of the penal law, regarding the investigation and prevention of any act of cruelty to animals. The council shall make provisions in such policies and procedures for the education and training in enforcement of such animal cruelty and protection laws.

(l) Exemptions from particular provisions of this article in the case of peace officers appointed by the superintendent of state police if in its opinion the standards of peace officer training provided by the division of state police exceed those established pursuant to this article.

(m) Establishment and implementation on an ongoing basis, of a training program for all current and new police officers and peace officers regarding the policies and procedures established pursuant to paragraph (k) of this subdivision.

2. The council shall promulgate, and may from time to time amend, such rules and regulations prescribing height, weight, physical fitness and psychological requirements for eligibility of persons for provisional or permanent appointment in the competitive class of the civil service as

police officers of any county, city, town, village or police district as it deems necessary and proper for the efficient performance of police duties.

2-a. The council, in consultation with the state commission of correction, shall promulgate rules and regulations with respect to:

(a) The approval, or revocation thereof, of basic and other correctional training programs administered by municipalities;

(b) Minimum courses of study, attendance requirements, and equipment and facilities to be required at approved basic and other correctional training programs;

(c) Minimum qualifications for instructors at approved basic and other correctional training programs; and

(d) The requirements of a minimum basic correctional training program required by subdivision nine of section eight hundred thirty-seven-a of this article.

2-b. The council shall promulgate, and may from time to time amend, such rules and regulations concerning background investigations for eligibility of persons for provisional or permanent appointment in the competitive class of the civil service as police officers of any county, city, town, village or police district as it deems necessary and proper for the efficient performance of police duties, which shall be incorporated by the law enforcement agency accreditation council as part of the certification process in paragraph (d) of subdivision one of section eight hundred forty-six-h of this chapter.

3. The council shall, in addition: (a) Consult with, advise and make recommendations to the commissioner with respect to the exercise of his or her functions, powers and duties as set forth in section eight hundred forty-one of this article;

(b) Recommend studies, surveys and reports to be made by the commissioner regarding the carrying out of the objectives and purposes of this section;

(c) Visit and inspect any police training school and correctional training programs approved by the commissioner or for which application for such approval has been made;

(d) Make recommendations, from time to time, to the commissioner, the governor and the legislature, regarding the carrying out of the purposes of this section;

(e) Perform such other acts as may be necessary or appropriate to carry out the functions of the council;

(f) Develop, maintain and disseminate, in consultation with the state office for the prevention of domestic violence, written policies and procedures consistent with article eight of the family court act and applicable provisions of the criminal procedure and domestic relations laws, regarding the investigation of and intervention by new and veteran police officers in incidents of family offenses. Such policies and procedures shall make provisions for education and training in the interpretation and enforcement of New York's family offense laws, including but not limited to:

(1) intake and recording of victim statements, and the prompt translation of such statements if made in a language other than English, in accordance with subparagraph three of this paragraph, on a standardized "domestic violence incident report form" promulgated by the division of criminal justice services in consultation with the superintendent of state police, representatives of local police forces and the state office for the prevention of domestic violence, and the investigation thereof so as to ascertain whether a crime has been committed against the victim by a member of the victim's family or household as such terms are defined in section eight hundred twelve of the family court act and section 530.11 of the criminal procedure law; and

(2) the need for immediate intervention in family offenses including the arrest and detention of alleged offenders, pursuant to subdivision four of section 140.10 of the criminal procedure law, and notifying victims of their rights, in their native language, if identified as other than English, in accordance with subparagraph three of this paragraph, including but not limited to immediately providing the victim with the written notice required in subdivision six of section 530.11 of the criminal procedure law and subdivision five of section eight hundred twelve of the family court act;

(3) determine, in consultation with the superintendent of state police and the office for the prevention of domestic violence, the languages in

which such translation required by subparagraph one of this paragraph, and the notification required by subparagraph two of this paragraph, shall be provided. Such determination shall be based on the size of the New York state population that speaks each language and any other relevant factor. Such written notice required pursuant to subparagraph two of this paragraph shall be made available to all local law enforcement agencies throughout the state. Nothing in this paragraph shall prevent the council from using the determinations made by the superintendent of state police pursuant to subdivision (c) of section two hundred fourteen-b of this chapter;

(f-1) Develop, maintain and disseminate, in consultation with the office of temporary and disability assistance and the division of criminal justice services, written policies and procedures regarding human trafficking victims. Such policies and procedures shall include, but not be limited to the following: (1) the identification of potential victims of human trafficking, as defined under section four hundred eighty-three-aa of the social services law; and (2) information and/or referral to appropriate social and legal services for victims of human trafficking in accordance with section four hundred eighty-three-bb of the social services law;

(f-2) Develop, maintain and disseminate, in consultation with the office of children and family services, written policies and procedures regarding child-sensitive arrest practices. Such policies and procedures shall address such situations in which the parent, guardian, or other person legally charged with the care or custody of a child less than eighteen years old is arrested. Such policies and procedures shall include, but not be limited to:

(1) procedures regarding identification and documentation of whether an arrestee is the parent, guardian or person legally charged with the care or custody of a child;

(2) procedures to allow for the arrangement of temporary care for the child of an arrested parent, guardian or other person legally charged with the care or custody of such child, which may include allowing the arrested parent, guardian or other person legally charged with the care or custody of such child to place additional phone calls to arrange for child care;

(3) appropriate actions that will allow law enforcement to assist in

minimizing the impact of the emotional harm caused by witnessing such arrests; and

(4) information on the availability of access to community-based providers of crises intervention, child protection and other supportive resources that could aid the child of an arrested parent, guardian or other person legally charged with the care or custody of such child;

(g) Develop, maintain and disseminate, in consultation with the state division of human rights and the state civil service department, written policies and procedures to enhance police and correctional officer recruitment efforts and to increase police and correctional officer awareness of racial, ethnic, religious and gender differences, and other diversity issues, in communities served by such police and in correctional facilities;

(h) Consult with the state commission of correction regarding correctional training programs; and

(i) Develop, maintain and disseminate written policies and procedures and educational materials regarding the availability of and procedure for filing extreme risk protection orders under article sixty-three-A of the civil practice law and rules, including the requirements for police officers under section six thousand forty-one of such article, appropriately instruct any agency that employs police or peace officers regarding article sixty-three-A of the civil practice law and rules.

#### 4. The council shall, in addition:

(a) Develop, maintain and disseminate, in consultation with rape crisis centers experienced in assisting victims in this state, written policies and procedures consistent with applicable provisions of the family court act, domestic relations law, criminal procedure law and the penal law, regarding the investigation of and intervention by new and veteran police officers in crimes involving sexual assault. Such policies and procedures shall make provisions for education and training of new and veteran police officers in the investigation and enforcement of crimes involving sexual assault under state law, including but not limited to:

(1) techniques for interviewing sexual assault victims,

(2) fair treatment standards for crime victims pursuant to article twenty-three of this chapter,

(3) evidence gathering and evidence preservation, and

(4) dissemination of information concerning availability of local services for the victims of such crimes; and

(b) Recommend to the governor, rules and regulations with respect to establishment and implementation on an ongoing basis of a training program for all current and new police officers regarding the policies and procedures established pursuant to this subdivision, along with recommendations for periodic retraining of police officers.

(c) Disseminate the written policies and procedures promulgated in accordance with subdivision twenty-one of section eight hundred thirty-seven of this article to all police departments in this state and implement a training program for all current and new police officers regarding the policies and procedures established pursuant to such subdivision.

(d)(1) Establish and regularly update a model law enforcement use of force policy suitable for adoption by any agency that employs police or peace officers.

(2) The model law enforcement use of force policy shall include, but is not limited to:

(i) information on current law as it relates to the use of force by police and peace officers;

(ii) guidelines regarding when use of force is permitted;

(iii) requirements for documenting use of force;

(iv) procedures for investigating use of force incidents;

(v) guidelines regarding excessive use of force including duty to intervene, reporting, and timely medical treatment for injured persons;

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

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

(viii) prohibited uses of force.

(3) The person in charge of every local police department, local correctional facility, each county sheriff, the superintendent of the division of the state police, the commissioner of the department of corrections and community supervision, and the person in charge of every agency that employs a peace officer in this state shall adopt and

implement a use of force policy in the agency of which they are in charge. Such use of force policy shall be consistent with the model law enforcement use of force policy established pursuant to this subdivision, except that such departments, county sheriffs, superintendent, commissioner and agencies that employ a peace officer may impose further and additional restrictions on the use of force, in such use of force policy or otherwise.

(4) The model law enforcement use of force policy and every use of force policy established pursuant to subparagraph three of this paragraph shall be a public document, and shall be made available without charge to any member of the public promptly upon request. Each such current use of force policy shall be conspicuously posted on the public website of the agency that adopted it. Revisions to such use of force policies shall be updated on the agency's public website within seventy-two hours of approval of any amendment.

5. The council shall, in addition:

(a) Develop, maintain and disseminate, in consultation with the commissioner of the office for people with developmental disabilities, written policies and procedures consistent with section 13.43 of the mental hygiene law, regarding the handling of emergency situations involving individuals with autism spectrum disorder and other developmental disabilities. Such policies and procedures shall make provisions for the education and training of new and veteran police officers on the handling of emergency situations involving individuals with autism spectrum disorder and other developmental disabilities, including but not limited to training on the appropriate use of force on such individuals, as well as training on appropriate techniques for deescalating encounters with such individuals that is consistent with such individual's safety; and

(b) Recommend to the governor, rules and regulations with respect to the establishment and implementation on an ongoing basis of a training program for all current and new police officers regarding the policies and procedures established pursuant to this subdivision, along with recommendations for periodic retraining of police officers.

6. The council shall, in addition:

(a) Develop, maintain and disseminate, in consultation with the division of human rights and the hate crime task force established pursuant to section two hundred sixteen of this chapter, written policies and procedures regarding the recognition of and response to hate crimes, as defined in article four hundred eighty-five of the penal law. Such policies and procedures shall make provisions for the education and training of new and veteran police officers on the recognition of and response to hate crimes; and

(b) Recommend to the governor, rules and regulations with respect to the establishment and implementation on an ongoing basis of a training program for all current and new police officers regarding the policies and procedures established pursuant to this subdivision, along with recommendations for periodic retraining of police officers. Such recommended rules and recommendations shall also be submitted to the temporary president of the senate and the speaker of the assembly.

7. The council shall, in addition:

(a) Develop, maintain and disseminate, in collaboration with the office of victim services, a model law enforcement death notification policy setting forth recommended policies and procedures regarding in-person death notifications to a deceased individual's next of kin. Such policies and procedures shall make provisions for education and training of current and new police officers in the planning, preparation, and delivery of in-person death notifications, including but not limited to, policies and procedures for:

(i) the identification of the deceased individual, the collection of accurate information regarding the deceased individual, and the identification of the deceased individual's next of kin; and

(ii) the actual delivery of in-person death notifications to the deceased's next of kin within twenty-four hours following the identification of such individual; provided, however, such policies and procedures shall provide that, in the event that an in-person death notification cannot be provided to the deceased individual's next of kin within such timeframe, the failure or delay of such notification shall be documented and such notification shall instead be made as soon as practicable; and

(iii) providing information to the deceased individual's next of kin

regarding the existence of programs and support services available to them.

(b) Recommend to the governor rules and regulations with respect to the establishment and implementation on an ongoing basis of a training program for all current and new police officers regarding the policies and procedures established pursuant to this subdivision, along with recommendations for periodic retraining of police officers.

(c) Disseminate the model law enforcement death notification policy promulgated in accordance with this subdivision to all police departments in this state and develop a model training program for all current and new police officers regarding the policies and procedures established pursuant to such subdivision.

\* 8. The council shall, in addition:

(a) Develop, maintain and disseminate, in consultation with the commissioner of the office of mental health, written policies and procedures regarding the handling of situations involving individuals who appear to be mentally ill and are conducting themselves in a manner which is likely to result in serious harm to the person or others. Such policies and procedures shall make provisions for the education and training of new and veteran police officers. Such training and education shall focus on appropriate recognition and response techniques for handling emergency situations involving individuals with mental illness including, but not limited to, how to de-escalate a situation involving an individual who may be experiencing a mental health crisis while minimizing the use of force and identifying alternatives to the criminal justice system; and

(b) Recommend to the division, rules and regulations establishing and implementing a required training program for all current and new police officers regarding the policies and procedures established pursuant to this subdivision, along with recommendations for periodic retraining of police officers. Such required training for current officers shall be completed within thirty-six months of the effective date of this subdivision; provided however it shall be completed within twenty-four months of the effective date of this subdivision in a city with a population of one million or more. The division shall review such recommendations and promulgate regulations consistent with this subdivision.

\* NB There are 2 sb 8's

\* 8. The council shall promulgate rules and regulations requiring training and instruction for all police officers with respect to crimes involving sexual assault. Such training and instruction, which shall be designed and presented in consultation with the rape crisis centers experienced in assisting victims in this state, shall include, but not be limited to understanding rape and sexual abuse trauma and psychological issues confronted by such crime victims, common attributes of offenders, fair treatment standards for crime victims pursuant to article twenty-three of this chapter, evidence gathering and preservation issues, interview techniques and information concerning the availability of local services for the victims of such crimes. All new officers shall receive such training and instruction, as part of the basic curriculum at the state police academy or at municipal police academies, as applicable. The council shall promulgate such rules and regulations as it deems necessary concerning periodic retraining of police officers regarding crimes involving sexual assault.

\* NB Effective December 12, 2026

\* NB There are 2 sb 8's