§ 846-h. Law enforcement agency accreditation council; membership; organization and procedure. 1. (a) There shall be, within the division, a law enforcement agency accreditation council.

(b) The council shall develop model standards for law enforcement agencies. Such standards shall be designed:

(i) To increase the effectiveness and efficiency of law enforcement agencies in the delivery of law enforcement services utilizing existing personnel, equipment and facilities to the extent possible;

(ii) To promote increased cooperation and coordination among law enforcement agencies and other agencies of the criminal justice system;

(iii) To ensure the appropriate training of law enforcement personnel, not inconsistent with other provisions of law; and

(iv) To promote public confidence in law enforcement agencies.

(c) The council shall recommend rules and regulations establishing an accreditation process that encourages and provides law enforcement agencies with a voluntary opportunity to demonstrate that they meet the model standards developed by the council. The accreditation process shall provide that applications for accreditation shall be submitted by the chief law enforcement officer of the agency so applying only upon the approval of the chief elected officer, or if there is no chief elected officer, by the local governing body. Such model standards and rules and regulations shall be transmitted to the temporary president of the senate, the speaker of the assembly, every law enforcement agency, mayor and appropriate town and county official in the state on or before April first, nineteen hundred eighty-nine. The rules and regulations in final form shall be transmitted to the governor on or after June first, nineteen hundred eighty-nine and shall be effective following their approval by the governor.

(d) The council shall create a mandatory certification process for agencies employing police officers, as defined in paragraphs (b), (c), (d), (e), (f), (j), (k), (l), (o), (p), (s) and (u) of subdivision thirty-four of section 1.20 of the criminal procedure law. Such certification process shall include the promulgation of mandatory standards for hiring practices, which shall incorporate the rules and regulations promulgated by the municipal police training council pursuant to subdivisions two and two-b of section eight hundred forty of this chapter, as well as the reporting requirements under subdivision

two of section eight hundred forty-five of this chapter and subdivision five of section seventy-five of this chapter, as may be applicable to such agencies and their personnel.

(e) The council may, on its own or upon referral from the commissioner, revoke or withhold the granting of the certification under paragraph (d) of this subdivision for an agency that fails to adhere to the mandatory standards for hiring practices or reporting requirements of such paragraph.

2. (a) The law enforcement agency accreditation council shall consist of:

(i) Two incumbent sheriffs of the state;

(ii) Two incumbent chiefs of police;

(iii) One incumbent deputy sheriff;

(iv) One incumbent police officer;

(v) The superintendent of state police;

(vi) The commissioner of police of the city of New York;

(vii) One incumbent chief executive officer of a county of the state;

(viii) One incumbent mayor of a city or village of the state;

(ix) One incumbent chief executive officer of a town of the state;

(x) One member of a statewide labor organization representing police officers as that term is defined in subdivision thirty-four of section 1.20 of the criminal procedure law;

(xi) One full-time faculty member of a college or university who teaches in the area of criminal justice or police science;

(xii) Two members appointed pursuant to subparagraph (ix) of paragraph (c) of this subdivision;

(xiii) One incumbent chief of police or commissioner of police from a municipality in the state with a police department consisting of more than one hundred officers;

(xiv) One incumbent sheriff in the state from an agency with more than one hundred deputy sheriffs;

(xv) One representative of victims of crime; and

(xvi) One representative from a community with high numbers of police an community interactions.

(b) With the exception of the superintendent of state police and the commissioner of police of the city of New York, each member of the

council shall be appointed by the governor to serve a two-year term. Any member appointed by the governor may be reappointed for additional terms.

(c) The governor shall make appointments to the council as follows:

(i) Each member who is an incumbent sheriff of the state shall be chosen from a list of two eligible persons submitted by the New York state sheriffs' association;

(ii) Each member who is an incumbent chief of police shall be chosen from a list of two eligible persons submitted by the New York state association of chiefs of police;

(iii) The member who is an incumbent deputy sheriff shall be chosen from a list of two eligible persons submitted jointly by the New York state sheriffs' association and the New York state deputy sheriffs' association, inc.;

(iv) The member who is an incumbent police officer shall be chosen from a list of two eligible persons submitted jointly by the New York state association of chiefs of police and a statewide labor organization representing police officers as that term is defined in subdivision thirty-four of section 1.20 of the criminal procedure law;

(v) The member who is an incumbent chief executive officer of a county of the state shall be chosen from a list of two eligible persons submitted by the New York state association of counties;

(vi) The member who is an incumbent mayor of a city or village of the state shall be chosen from a list of two eligible persons submitted by the New York state conference of mayors;

(vii) The member who is an incumbent chief executive officer of a town of the state shall be chosen from a list of two eligible persons submitted by the association of towns of the state of New York;

(viii) The governor may appoint any eligible person to be a member who is an active member of a statewide labor organization representing police officers;

(ix) The temporary president of the senate and the speaker of the assembly shall each nominate one member as provided in subparagraph (xii) of paragraph (a) of this subdivision; and

(x) the members who are listed in subparagraphs (xiii), (xiv), (xv), and (xvi) of paragraph (a) of this subdivision shall be appointed by the governor.

(d) In making such appointments, the governor shall select individuals from municipalities that are representative, to the extent possible, of the varying sizes of communities and law enforcement agencies in the state.

(e) Any member chosen to fill a vacancy, including a vacancy in the chairperson, created otherwise than by expiration of term shall be appointed by the governor for the unexpired term of the member he is to succeed. Any such vacancy shall be filled in the same manner as the original appointment.

(f) Any member who shall cease to hold the position which qualified him for such appointment shall cease to be a member of the council.

3. Each member of the council shall have one vote, which shall not be transferrable; provided, however, that the superintendent of state police may designate a deputy superintendent to attend meetings as his representative and cast his vote and the commissioner of police of the city of New York may designate his first deputy commissioner, chief of department or one of the five bureau chiefs to attend meetings as his representative and cast his vote.

4. The governor shall designate from among the members of the council a chairperson who shall serve at the pleasure of the governor. During a vacancy of the chairperson the commissioner of the division of criminal justice services shall serve as the temporary chairperson.

5. The law enforcement agency accreditation council shall meet at least four times in a year. Special meetings may be called by the chairperson and shall be called by him at the request of the governor or upon the written request of ten members of the council. The council may establish its own quorum rules and procedures with respect to the conduct of its meetings and other affairs not inconsistent with law; provided, however, that recommendations made by the council in accordance with paragraph (c) of subdivision one of this section, or the mandatory standards for hiring practices promulgated in accordance with paragraph (d) of subdivision one of this section shall require the affirmative vote of ten members of the council.

6. Membership on the law enforcement agency accreditation council shall not constitute the holding of a public office, and members of the council shall not be required to take and file oaths of office before serving on the council.

7. The members of the law enforcement agency accreditation council shall receive no compensation for their services but shall be allowed their actual and necessary expenses incurred in the performance of their functions hereunder.

8. No member of the law enforcement agency accreditation council shall be disqualified from holding any public office or employment, nor shall he forfeit any such office or employment, by reason of his appointment hereunder.

9. For the purposes of this section, the following terms shall have the following meanings:

(a) The term "law enforcement agency" shall mean any agency or department of any municipality, any police district, or any agency, department, commission, authority or public benefit corporation of the state of New York employing a police officer or police officers as that term is defined in paragraphs (a), (b), (c), (d), (e), (f), (j), (k), (l), (o), (p), (s), and (u) of subdivision thirty-four of section 1.20 of the criminal procedure law.

(b) The term "chief of police" shall mean a chief of police, commissioner of police, or other official having equivalent cognizance, jurisdiction, supervision and control of a police department of a municipality of the state.

(c) The term "deputy sheriff" shall mean a deputy sheriff employed by the sheriff's department of any county outside the city of New York who has police officer status as defined in subdivision thirty-four of section 1.20 of the criminal procedure law.

(d) The term "police officer" shall mean a police officer as defined in subdivision thirty-four of section 1.20 of the criminal procedure law.

10. On or before January first, nineteen hundred ninety, and on or

before January first of each succeeding year, the commissioner shall report to the governor, temporary president of the senate and speaker of the assembly on the operation and results of the accreditation program. Such report shall identify these law enforcement agencies making application for accreditation, the agencies so accredited, and the fiscal impact on law enforcement agencies that have been accredited.