

AGENDA

MUNICIPAL POLICE TRAINING COUNCIL 268th Meeting December 4, 2024 at 10:00 a.m.

Live Stream Link:

<https://www.youtube.com/watch?v=MRly21yIP68>

ACTION / APPROVAL ITEMS

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| 1. Introductory Remarks - Introductions - Adoption of Agenda – Approval of 267th Meeting Minutes | Chairman Maciol |
| 2. Adoption of 2025 Meeting Dates:
March 5; June 4; September 10; December 3 | Chairman Maciol |
| 3. Professional Communication Skills for Law Enforcement Curriculum Update | Janay Gasparini |
| 4. MPTC Basic School Resource Officer Curriculum Update | Jonathan Becker |
| 5. Pistol Instructor Course | Ernest Weeks |
| 6. Initial Firearms Course | Michael Puckett |
| 7. Extreme Risk Protection Order Model Policy Update | Molly Bates |

INFORMATIONAL / UPDATE ITEMS

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| 1. Administrative Site Visit Program | Sara Dean |
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NEW BUSINESS

Chairman Maciol

**Next Meeting:
March 5, 2025
10:00am**

Minutes of the 267th Meeting
New York State Municipal Police Training Council
September 12th, 2024
Alfred E. Smith Building
80 South Swan Street
Albany, NY 12210
CrimeStat Room 118

Livestream link: <https://www.youtube.com/watch?v=1AMfepvc434>

Council Members Present

Robert Maciol, Chairman, Sheriff, Oneida County Sheriff's Office
Maureen Curtis, Vice President, Safe Horizon (Remote)
John Mueller, Chief of Police, MTA Police
Carla DiRienzo, Deputy Superintendent, NYSP
Debra Long, Community Representative
Olufunmilola Obe, Chief of Training, NYPD
Opal Rivera, Assistant Commissioner, NYS DOCCS

DCJS Staff Present

Rossana Rosado, Commissioner, DCJS
Joseph Popcun, Executive Deputy Commissioner, DCJS
Colleen Glavin, Deputy Commissioner and Counsel, Office of Legal Services
Adam Dean, Deputy Commissioner of Operations
Matthew Schrantz, Deputy 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
Molly Bates, Public Safety Program Specialist 3
Jonathan Becker, Public Safety Program Specialist 2
Gavin Boyer, Public Safety Program Specialist 2
Dr. Janay Gasparini, Public Safety Program Specialist 2
Earnest Weeks, Public Safety Program Specialist 2
Sara Dean, Criminal Justice Program Specialist 2
Daniel Nedwell, Associate Training Technician (Police)
Jennifer Tharp, Criminal Justice Program Specialist 1
Kevin Fairchild, Criminal Justice Program Specialist 1
Kerra Gordon, Criminal Justice Program Specialist 1

Guests

Richard Castle, NYS Sheriff's Association
Lieutenant Despoina Kodetsky, NYPD (Remote)
Thomas Mitchell, Counsel, NYS Sheriff's Association
Sergeant Gregory McNally NYPD (Remote)
Joseph Pugliese, MTA Police
Michael Whiteley, Director of Law Enforcement Training, OPDV

ACTION/APPROVAL ITEMS

#1 - Introductory Remarks – Adoption of Agenda- Approval of 266th Meeting Minutes

The 267th session of the Municipal Police Training Council (MPTC or Council) commenced at 1:30 p.m. with Chairman Maciol leading all attendees in the Pledge of Allegiance followed by a moment of silence in remembrance for all law enforcement and those who lost their lives serving this country.

Introductions

Chairman Maciol introduced himself as the new chair followed by introductions made by all in attendance, both in-person and remotely. Council member Maureen Curtis participated remotely.

Introductory Remarks

Commissioner Rosado expressed her appreciation to work with so many talented people, including DCJS staff, Council members, and local partners. Commissioner Rosado welcomed Sheriff Maciol as the new Chairman and shared with the Council the New York's efforts to target new areas of crime of domestic violence and organized retail theft. In addition, a summary was provided on the progress being made to reduce shootings. Commissioner Rosado concluded by highlighting the Public Safety Symposium.

Adoption of Agenda

Chief Mueller made a motion to adopt the 267th meeting agenda, with a second by **Chief Obe**; the motion was passed by unanimous vote. Chairman Maciol proceeded with the approval of 266th meeting minutes.

Approval of 266th Meeting Minutes

Chief Mueller made a motion to approve the 266th meeting minutes as submitted with a second by **Debra Long**. The motion was passed by unanimous vote.

#2- Firearms Instructor Workshop

Michael Puckett presented the Firearms Instructor Workshop to the Council for their review and approval. A background about the program and the role the course serves to prepare current MPTC firearm instructors for the delivery of the new basic training firearms program was provided. To date, OPS has delivered the workshop fourteen times and is currently in the process of finalizing the Firearm Instructor course for new instructors. To assist agencies in meeting the instructor requirements of the new basic training program, Michael Puckett informed the Council that OPS is seeking their approval to adopt the program which will allow agencies to conduct the course without the need for OPS to deliver the course. A summary of the course content was provided to the Council consisting of five days of rigorous instruction containing detailed lesson plans to assist with fidelity of delivery of the program. Michael Puckett informed the Council of the topics covered in each of the lesson plans and the program's goal of teaching the instructors the tactics and learning methodologies used in the recruit firearms program. Michael Puckett concluded by thanking subject matter experts and OPS staff involved in creating the 5-day workshop course and for their contributions in advancing firearms training in New York State. Having no questions, the Council moved to the motions.

Motion #1: Approve the MPTC Firearms Instructor Workshop Course for issuance of MPTC certificates to all students who successfully complete the course and Issue MPTC certificates to all students that have previously successfully completed the Firearms Instructor Workshop.

Chief Mueller made a motion to approve with a second by Deputy Superintendent **Carla DiRienzo**. The motion was passed by unanimous vote.

Motion #2: Require all students who successfully completed the Firearms Instructor Workshop to be current MPTC Firearms Instructor and allow all MPTC Firearms Instructors who have successfully completed the Firearms Instructor Workshop to instruct the course.

Chief Mueller made a motion to approve with a second by **Chief Obe**. The motion was passed by unanimous vote.

Motion #3: Require all instructors serving in the role of an Exercise Control Officer or Training Coordinator as defined in the Reality Based Training Instructor Course during the non-lethal training ammunition (NLTA) drills or teaching the Safely Conducting NLTA Drills section to be a certified MPTC Reality Based Training Instructor.

Debra Long made a motion to approve with a second by **Assistant Commissioner Opal Rivera**. The motion was passed by unanimous vote.

INFORMATIONAL/UPDATE ITEMS

#1- BCPO Professional Communications Update

Dr. Janay Gasparini informed the Council that OPS is preparing to pilot an update to the Basic Course for Police Officers Communications curriculum. The main goal of the update is to ensure academies are outputting recruits with the best possible communication skills in consideration of evolving expectations of police citizen encounters. Dr. Gasparini explained to the Council the development process which included reviewing the components of other state's curriculum, federal reports, and the private sector. A comparison of learning objectives from a variety of sources was conducted to identify gaps and where improvements can be made in the existing curriculum. As a result of the review, the International Association of Directors of Law Enforcement and Standards communications model and curriculum stood out which was designed based on the results of a job task analysis. It was chosen as the framework to update the current communications curriculum with a pilot scheduled for November 1, 2024, in Ulster County. Dr. Gasparini provided the Council with an overview of the curriculum highlights which include updated learning objectives to be reflective of contemporary skill requirements for police officers, instruction on emotional intelligence and how it's applied in police citizen interactions, de-escalation in crisis events, revised group activities and skills practice, and the incorporation of adult learning principles which include interleaving segments of the professional communication skills with other academy topic areas. Dr. Gasparini concluded by informing the Council a full presentation of the final curriculum will be made during the December meeting.

Chief Mueller encouraged the use of body-worn camera (BWC) footage as instructional aids and its utility in showing successful interactions and even things that went wrong. Dr. Gasparini agreed with the use of BWC footage as an instructional aid and responded that body camera footage is included in the update. The Council had no further questions.

#2- In-Service Training Opportunities

Molly Bates of the Office of Public Safety provided a summary of upcoming in-service training opportunities which includes property and evidence room training that supports the NYS accreditation program, officer wellness training with a focus on developing peer support officers, disability awareness training delivered in collaboration with Niagara University, school resource officer training, and child abuse and sexual assault investigation trainings. Molly Bates continued by highlighting the trainings being offered by the Leadership Unit which include the FBI Law Enforcement Executive Development Association Trilogy of supervisory, command and executive institutes, the Guardian Leadership three-part series (developing the leader within and around you and instilling a culture of leadership excellence), recruitment and retention workshop, and Magnus Ovea, which is a workshop on developing peak performance. Molly Bates concluded by covering upcoming jail time calculation training for the corrections community.

A discussion was led by Debra Long regarding the availability of mental health professionals to assist law enforcement when responding to calls of individuals in emotional crisis. Council members discussed co-responder models in their jurisdictions and the continued need for law enforcement agencies to have access to more resources to address mental health. Chief Mueller expressed his appreciation in the investment DCJS is making in leadership training and the need to ensure the upcoming generation of new leaders are being developed.

#3- Project Updates

Joshua Vinehout informed the Council that a proposed test model of the new physical ability standard is anticipated to be ready for presentation to the Council during the December meeting, assuming the vendor contract process is finalized. A high-level summary of next steps was provided including establishing a cut score time in which the components of the test must be completed as well as amending the current hiring regulations after the test model is finalized. Joshua Vinehout then provided a brief overview on the status of finalizing the request for proposal for the rewrite of the Course in Police Supervision.

Molly Bates then summarized the plan to conduct a job task analysis of the Basic Course for Correction Officers that is scheduled to begin within the coming weeks. Molly Bates then updated the Council on the Sexual Assault Trauma Informed online training program being developed. The Council was informed that the training is being designed to meet the statutory trauma informed training requirements and will be housed on a learning management system for all law enforcement to access. In addition to the online training, DCJS will continue to deliver a series of classroom based sexual assault trainings that include scenarios and practical exercises for the student to practice the skills learned. Molly Bates expressed DCJS' appreciation to council member Maureen Curtis for the support Safe Horizon has provided in developing the training.

Michael Puckett informed the Council of the new Firearms Instructor course in development with an expected presentation of the new curriculum in December. Three pilots have been conducted and the final product is expected to be approximately two weeks in length. Michael Puckett also informed the Council that OPS plans to conduct a full police officer job task analysis for purposes of informing OPS of future updates to the Basic Course for Police Officers. Michel Puckett concluded by mentioning the current collaboration between the Office for the Prevention of Domestic Violence and OPS to update the domestic violence training portion of basic training.

Joshua Vinehout shared with the Council a newly created MPTC public facing webpage. The webpage includes council membership and duties. Joshua Vinehout proposed to the Council, with permission from the Public Information Office, to utilize the website to promote the work of the Council to the public and house important documents for law enforcement such as model policy.

#3- Legislative Updates

Joshua Vinehout summarized a series of legislative bills that impact the Council's duties and responsibilities beginning with NYS Senate Bill 8881: Notification of Crime Victim Compensation Awards. The bill directs DCJS in collaboration with OVS to develop and implement a standardized procedure for law enforcement to notify family members and dependents about the existence of crime compensation awards and resources. The bill would require the MPTC to amend the law enforcement death notification policy to include these new procedures. The next bill Joshua Vinehout highlighted is NYS Senate Bill 2747 which requires the Council to develop written policies and procedures for child sensitive arrest practices. The third bill covered is NYS Senate Bill 6162 which is an act to amend the MPTC's color vision requirements for appointing police officers pursuant to Part 6000 hiring standards. The final bill Joshua Vinehout covered was NYS Assembly Bill 7717. This bill would amend the law to allow a police agency to be listed as the petitioner of an ERPO instead of an officer. Joshua Vinehout informed the Council if the bill is signed, then MPTC's ERPO model policy would need to be updated to reflect the change.

New Business

There was no new business raised by the Council.

The 267th session of the Municipal Police Training Council came to a close at 11:05 a.m. with a motion to adjourn by **Debra Long** and a second by **Chief Obe**. The motion was unanimously approved.

**NEXT MEETING:
December 4th, 2024, at 10:00 a.m.**

**NYS Municipal Police Training Council
268th Meeting
December 4, 2024**

Action Item #3

Professional Communication Skills for Law Enforcement Curriculum Update

The Office of Public Safety will present to the Council for their review and approval the following completed section of the Basic Course for Police Officers recently reviewed and updated: Professional Communication Skills for Law Enforcement (Section 4-V, 8 hours).

This section has been updated to reflect modern best practices in police-citizen communications, including interactions with persons in crisis. A central goal of the curriculum is for recruits to recognize and develop emotional intelligence and the role it plays in effective communication strategies and de-escalation techniques.

Teaching methods in this course include PowerPoint slides, lecture, and video. A goal of the Curriculum Review Panel was to ensure the course also incorporated interaction among participants and the opportunity for them to practice and discuss effective communication strategies. Therefore, there are seven group activities and six group- and class-level discussions.

There are six learning objectives for the course:

1. Recognize the elements of professional communication and the related abilities that police officers must possess.
2. Differentiate between five emotional intelligence components and explain how they apply to effective communication.
3. Recognize best practices for effective communication.
4. List the common barriers to effective communication and describe best practices to overcome them.
5. Define de-escalation and describe how to use it correctly during a crisis event.
6. Discuss how to communicate effectively when negotiating.

Motion 1: Approve Professional Communications Skills for Law Enforcement – Part 4, Section V as the minimum standard of instruction in the Basic Course for Police Officers or equivalent, Basic Course for Peace Officers, Campus Public Safety Officer Course and Specialized Investigator Police Course and require all instructors teaching this section to be at minimum a General Topics Instructor.

Motion 2: All employers and academies conducting the Basic Course for Police Officers or equivalent, Basic Course for Peace Officers, Campus Public Safety Officer Course and Specialized Investigator Police Course beginning on or after September 1, 2025 must utilize the newly approved curriculum.

**NYS Municipal Police Training Council
268th Meeting
December 4, 2024**

Action Item #4

MPTC Basic School Resource Officer Curriculum Update

The Office of Public Safety will present an update to the MPTC Basic School Resource Officer Course to the Council for their review and approval.

In September 2021, the Council adopted the MPTC Basic School Resource Officer Course designed to provide new school resource officers (SRO) with relevant knowledge and skills to assist SROs in better understanding their duties and expectations.

Section 7, School Safety Plans and S.H.E.L.L. (Shelter in Place, Hold in Place, Evacuate, Lockout, Lockdown) of the curricula addresses the SAVE legislation, school safety planning and responding to emergency events. This section has been amended to reflect updated response protocol adopted by NYS Department of Education and supports best practice in the field.

Studies have indicated that the using the words “Lockout” and “Lockdown” as separate stand-alone words within a school safety standard response plan are often confused during emergencies, leading to unnecessary stress and trauma in already stressful situations. As a result, the NYS Department of Education has adopted the Standard Response Protocol developed by the “I Love U Guys” Foundation of Hold, Secure Lockout, Lockdown, Evacuate, and Shelter. These protocols have been incorporated into Section 7 of the Basic SRO course and aligns New York Schools with the national standard.

To reflect the new terminology, the title of Section 7 has been updated from School Safety Plans & S.H.E.L.L. to School Safety Plans and Standard Response Protocol. In addition, learning objective 5 changed from “List the five steps of the SHELL emergency response model” to “List the five steps of the New York State Standard Response Protocol”.

Motion:

Rename Section 7 of the MPTC Basic School Resource Officer Course to School Safety Plans and Standard Response Protocol and adopt the revised instructional objective to the MPTC Basic School Resource Officer course. All future deliveries of the course must utilize the new section title and learning objective.

**NYS Municipal Police Training Council
268th Meeting
December 4, 2024**

Action Item #5

Pistol Instructor Course

The Office of Public Safety will present the Pistol Instructor Course to the Council for their review and approval.

The Pistol Instructor Course is designed to prepare experienced police and peace officers to teach law enforcement officers how to operate and effectively utilize a pistol. This course contains updates with modern tactics with a focus on adult learning methodology during skills-based training.

The course has been designed to be delivered with a break of a week between weeks 1 and 2. This is designed to reduce fatigue, aid in scheduling, enable instructor candidates time to practice new skills, and allow for the consolidation of knowledge and skills learned during week 1 before building upon that information.

This ten-day course follows the following schedule:

Day One		
Topic	Learning Objectives	Hours
Introduction and Course Overview	<ol style="list-style-type: none">1. Describe the requirements for attendance and successful completion of the Pistol Instructor Course.2. List the equipment required for the course.	1 hour
Safety Briefing and Med Plan	<ol style="list-style-type: none">1. List the Firearms Safety Rules and Recommendations.2. Identify and describe an emergency medical plan for the training location.	30 mins
Baseline Qualification and Shoot-in	<ol style="list-style-type: none">1. Describe the qualification course of fire for successful completion of the Pistol Instructor Course.2. The instructor candidate will demonstrate the ability to complete the qualification in 35.0 seconds or less (including penalties) to remain in the course.	1.5 hours
Data-Driven Training	<ol style="list-style-type: none">1. Describe the process of using data to develop police training topics and exercises.	1 hour
Stance and Movement	<ol style="list-style-type: none">1. Demonstrate a proper shooting stance.2. Identify the two (2) critical elements of a good stance.3. Demonstrate lateral movement between two (2) points.	1 hour

Aiming and Vision – Part 1	<ol style="list-style-type: none"> 1. Describe the benefits of shooting with both eyes open. 2. Demonstrate the process of identifying a shooter's dominant eye and explain why this is important. 	1.25 hours
Grip	<ol style="list-style-type: none"> 1. Demonstrate and explain the fundamental aspects of an effective grip on a semi-automatic pistol. 2. Demonstrate and explain the method for testing a shooter's grip 	1.25 hours
Day Two		
Debrief	No learning objectives.	15 mins.
Training Culture and Accountability	<ol style="list-style-type: none"> 1. Identify the important aspects of instructor demonstrations and their necessity. 2. Identify and discuss the importance of continuing education for firearms instructors. 	30 mins
Teach Back Group Assignments	<ol style="list-style-type: none"> 1. Instructor candidates will identify their assigned group for teach backs. 	15 mins
Safety Briefing and Med Plan	No learning objectives.	15 mins
Trigger Control	<ol style="list-style-type: none"> 1. Demonstrate and explain the press of the trigger. 2. Demonstrate and explain in flight trigger reset. 3. Demonstrate and explain the three methods of trigger manipulation. 	1.25 hours
Aiming and Vision – Part 2	<ol style="list-style-type: none"> 1. Describe the factors affecting the degree of confirmation required from the sighting system. 	1 hour
Role of the Coach and Use of Video	<ol style="list-style-type: none"> 1. Describe the Shooter-Coach model of skills instruction. 2. Explain the benefit of using video for skills instruction. 	30 mins.
Intro to MRDS for Handgun Use	<ol style="list-style-type: none"> 1. List and describe two (2) benefits of MRDS systems for handguns. 	30 mins.
Ready and Carry Positions	<ol style="list-style-type: none"> 1. Explain the different uses or carry and ready positions. 2. Demonstrate three (3) ready positions. 3. Demonstrate the use of two (2) carry positions. 4. Safely demonstrate the appropriate carry position during lateral movement to cover. 	1 hour
Gear Considerations	<ol style="list-style-type: none"> 1. Identify and describe considerations for gear selection and placement related to holsters, magazine pouches, flashlights, keys, and other equipment commonly carried on a police officer's body. 	30 mins.
The Draw Stroke	<ol style="list-style-type: none"> 1. Explain the steps of the draw and considerations for efficient movement during the draw. 	30 mins.

	2. Demonstrate drawing from a duty holster to firing of one round on target in 1.5 seconds or less.	
Reloads	1. Demonstrate a tactical reload. 2. Demonstrate an emergency reload.	1 hour
Day Three		
Debrief	No learning objectives.	15 mins.
Safety Briefing and Med Plan (Trainee Delivered/Teach Back #1)	1. Demonstrate adequate delivery of the Safety Briefing and Med Plan as described in section 2 of the Pistol Instructor Course.	30 mins.
Shooting Exercises	No learning objectives.	1 hour
Cover Principles	1. Define cover and concealment and explain the difference between the two. 2. List three (3) reasons why an officer might want to “crowd” available cover. 3. Demonstrate proper positioning with using cover.	1.5 hours
Course of Fire Roles and Responsibilities	1. Describe the expectations of instructors when conducting live fire exercises.	30 mins.
Movement to Cover Drill	No learning objectives.	30 mins.
Malfunctions	1. Demonstrate and explain [talk through] the remediation of a “click” malfunction. 2. Demonstrate and explain [talk through] the remediation of a “mush” malfunction.	1 hour
Practice Qualification Attempt	1. The instructor candidate will demonstrate the ability to complete the qualification in 30.0 seconds or less (including penalties).	1 hour
Flashlight Techniques & Low-Light Shooting	1. Identify five (5) uses for a flashlight by a police officer. 2. Demonstrate the use of the following flashlight techniques and describe their recommended uses: wanding, neck index, and Harries.	45 mins
Teach Back Practice	No learning objectives.	30 mins.
Day Four		
Debrief	No learning objectives.	15 mins.
Adult Learning	1. Describe the difference between interleaved and block training. 2. Identify three (3) factors that can be used to influence retention in trainees. 3. Define random practice and provide an example. 4. Define varied practice and provide an example.	45 mins.
Safety Briefing and Med Plan	No learning objectives.	15 mins
Shooting Exercises	No learning objectives.	1 hour
Injured Shooter – Part 1	1. Demonstrate a reload without the use of the support hand.	1.25 hours
Issue Assigned Teach Back #3	None – issue assignments and review expectations.	30 mins.
Shooting Exercises	No learning objectives.	2 hours

Low-Light Safety Briefing	1. List and describe low-light specific safety considerations.	15 mins.
Shooting Exercises	No learning objectives.	45 mins.
Clean-up and Debrief	No learning objectives.	30 mins.
Day Five		
Debrief	No learning objectives.	30 mins.
Safety Briefing and Med Plan	No learning objectives.	15 mins
Issue Assigned Teach Back #2	None – issue assignments and review expectations.	30 mins.
Shooting Exercises	No learning objectives.	1 hour
Qualification Attempt #1	1. The instructor candidate will demonstrate the ability to complete the qualification in 30.0 seconds or less (including penalties).	1 hour
BCPO Drill Demonstration	No learning objectives.	1 hour
Teach Back #3 (1 per group)	1. Demonstrate conducting an assigned course of fire (drill) from start to completion.	Varies (based on class size)
Group Practice – Teach Back #2	No learning objectives.	45 mins.
Shooting Competition	1. Demonstrate and safely perform a competition shooting drill.	45 mins.
Dryfire Programming and Benefits	1. Define what is meant by “dryfire” training. 2. List two (2) benefits of dryfire training.	30 mins
Week Closure	No Learning Objectives	15 mins.
Day Six		
Debrief/Week 2 Kickoff	No learning objectives.	15 mins.
Safety Briefing and Med Plan	No learning objectives.	15 mins.
Shooting Exercises	No learning objectives.	1 hour
Course Development & Drill Design	1. Explain the importance of component skills competency as it relates to layering of skills and drill development. 2. Demonstrate the 3 Cone Drill as a shooter using either live-fire or non-lethal training weapons (NLTA).	1.5 hours
Use of Force Review	1. Describe the objective standard used to test the constitutionality of police use of force. 2. List the 3 “Graham factors.”	1.25 hours
Nomenclature	1. List and describe the visible parts of a semi-automatic pistol.	30 mins.
Teach Back #3 (1 per group)	2. Demonstrate conducting an assigned course of fire (drill) from start to completion.	Varies (based on class size)

Teach Back #2	1. Demonstrate adequate delivery of an assigned block of instruction on one of the fundamentals of shooting.	Varies (based on class size)
Day Seven		
Debrief	No learning objectives.	15 mins.
Safety Briefing and Med Plan	No learning objectives.	15 mins.
Shooting Exercises	No learning objectives.	1 hour
Qualification Attempt #2	1. The instructor candidate will demonstrate the ability to complete the qualification in 30.0 seconds or less (including penalties).	1 hour
Issue Assigned Teach Back #4	None – issue assignments and review expectations.	30 mins.
Ammunition and Wounding Ballistics	1. Identify the components of a pistol cartridge. 2. Describe the importance of shot placement as it relates to incapacitation	30 mins.
Instructor Regulations and Responsibilities	1. Describe the minimum safety equipment required to be used when exposed to range training. 2. Describe safety protocols to be utilized when handling ammunition and cleaning weapons.	30 mins.
Teach Back #3 (1 per group)	1. Demonstrate conducting an assigned course of fire (drill) from start to completion.	Varies (based on class size)
Special Problems	1. Demonstrate the high-pectoral thumb index retention shooting position. 2. Describe circumstances where the backplating or C-clamp technique would be necessary.	1.5 hours
Teach Back #3 (1 per group)	1. Demonstrate conducting an assigned course of fire (drill) from start to completion.	Varies (based on class size)
Day Eight		
Debrief	No learning objectives.	15 mins.
Safety Briefing and Med Plan	No learning objectives.	15 mins.
Teach Back #3 (1 per group)	Demonstrate conducting an assigned course of fire (drill) from start to completion.	Varies (based on class size)
Working Around Vehicles	1. Describe the various points of cover available on a motor vehicle. 2. Describe the ballistic capabilities of modern motor vehicles and explain the tactical relevance for law enforcement officers.	1.5 hours
Teach Back #4 (half class)	1. Demonstrate conducting an assigned course of fire (drill) with skills demonstration from start to completion.	Varies (based on class size)
Injured Shooter – Part 2	1. Beginning with a support hand grip, demonstrate the remediation of a “click” and a “mush” malfunction without the use of the strong hand.	1.25 hours

	2. Beginning with a support hand grip, demonstrate a reload without the use of the strong hand.	
Shooting Competition	1. Demonstrate and safely perform a competition shooting drill.	1 hour
Day Nine		
Debrief	No learning objectives.	15 mins.
Safety Briefing and Med Plan	No learning objectives.	15 mins.
Teach Back #4 (half class)	1. Demonstrate conducting an assigned course of fire (drill) with skills demonstration from start to completion.	Varies (based on class size)
Qualification Attempt #3 (Final)	1. The instructor candidate will demonstrate the ability to complete the qualification in 30.0 seconds or less (including penalties).	1 hour
Range Considerations	1. Identify three range considerations an instructor must examine before engaging in a live fire training session.	30 mins.
Low-Light Exercises	1. Participate in low-light shooting exercises.	3 hours
Clean-up and Debrief	No learning objectives.	30 mins.
Day Ten		
Debrief	No learning objectives.	15 mins.
Safety Briefing and Med Plan	No learning objectives.	15 mins.
Safely Conducting NLTA	1. Identify those allowed to stop a scenario for safety reasons. 2. List the 3 steps involved in the triple check safety procedure.	30 mins.
NLTA Drills	1. The instructor candidate will demonstrate the completion of the included NLTA drills.	2.75 hours
Range and Weapons clean-up	No learning objectives	1 hour
Final Written Exam	1. Instructor candidates will complete the final written exam with a passing score of 70% or higher.	30 mins
Course Debrief and Dismissal	None – conduct a course debrief and dismiss the class.	1 hour

Motion 1:

Approve the MPTC Pistol Instructor Course for issuance of MPTC certificates to all students who successfully complete the course and issue MPTC certificates to all students that have previously successfully completed the Pistol Instructor Course pilots.

Motion 2:

Require all instructors of the Pistol Instructor Course to have successfully completed the MPTC Firearms Instructor Course and MPTC Firearms Instructor Workshop or have completed the MPTC Pistol Instructor Course. Require all new instructors in the use of a pistol to complete the new Pistol Instructor Course as the minimum standard of instruction for courses approved on or after January 1, 2025.

Motion 3:

Require all instructors serving in the role of an Exercise Control Officer or Training Coordinator as defined in the Reality Based Training Instructor Course during the non-lethal training ammunition (NLTA) drills or teaching the Safely Conducting NLTA Drills section of the Pistol Instructor Course to be a certified MPTC Reality Based Training Instructor.

**NYS Municipal Police Training Council
268th Meeting
December 4, 2024**

Action Item #6

Initial Pistol Course for Peace Officers

The Office of Public Safety will present an update to the initial pistol training for peace officer employers to the Council for their review and approval.

Section 4M-Firearms of the Basic Course for Police Officers (BCPO) was revised and the new section became required to be utilized for BCPO or equivalent courses that begin on or after September 1, 2024. Due to the scale of this change and the required instructor updates, peace officer implementation of a new initial firearms training program is set for a future date. The former section 4-M Firearms continues to be the minimum standard for peace employers who equip their members with firearms.

In recognition of new role that this curriculum plays, the Office of Public Safety Proposes the renaming of this 40-hour curriculum to ***Initial Pistol Course for Peace Officers***. OPS also proposes a modification of learning objective #1 to be consistent with the Firearms Safety Rules and Recommendations framework previously adopted by the Council for section 4-M Firearms of the BCPO (December 2022) and Firearms Instructor, Patrol Rifle Operator, and SWAT Operator Courses in March of 2023.

Learning objective #1 should now read, “List the firearm safety rules and recommendations and explain why each is either a rule or recommendation.”

With the anticipated approval of the Pistol Instructor Course and the recent approval of the Firearms Instructor Workshop, law enforcement agencies and academies in New York State will be well-positioned to update their existing instructional staff and to develop new instructors. The Office of Public Safety plans to offer several Pistol Instructor Courses and Firearms Instructor Workshops around the state annually for the foreseeable future to assist agencies in meeting the new standard as well as to ensure fidelity with the new program.

OPS anticipates requesting in the future for the MPTC to require all peace employers utilize the new training curricula for initial pistol courses that begin on or after September 1, 2026. OPS will work to identify and satisfy peace officer employer training needs to meet this deadline and will brief the Council as that date approaches on the status of developing instructors.

OPS will also request the Council to rename Section 4-M of the Basic Course for Police Officers from Firearms Training to Initial Pistol Course to be consistent with the “pistol” naming convention.

Motion 1: Approve the amendments to the Initial Pistol Course for Peace Officers to reflect the new firearms safety rules and recommendations previously adopted by the MPTC at the December 2022 meeting for the Basic Course for Police Officers – Firearms.

Motion 2: Require peace employers to utilize the Initial Pistol Course for Peace Officers as the minimum standard of training when equipping their officers with a pistol for courses that begin on or after January 1, 2025. All instructors of the Initial Pistol Course must have successfully completed the MPTC Firearms Instructor or MPTC Pistol Instructor Course.

Motion 3: Rename section 4-M of the BCPO from *Firearms Training* to *Initial Pistol Course*.

**§NYS Municipal Police Training Council
268th Meeting
December 4, 2024**

Action Item #7

MPTC Extreme Risk Protection Order Model Policy Update

The Office of Public Safety will present an update to the Extreme Risk Protection Order Model Policy to the Council for their review and approval.

The MPTC Extreme Risk Protection Order Model Policy was originally adopted in December 2022 pursuant to Executive Law § 840 Section 3(i) and provides guidance to law enforcement in using this tool to prevent firearm access by those at risk of harming themselves or others and for the quick and safe removal of firearms, rifles, or shotguns in those individuals' possession.

Recent amendments to Civil Practice Laws and Rules (CVP) §6340 (2) requires updates to be made to the model policy. The updates comprise of expanding the definition of petitioner to include a law enforcement agency that employs a police officer, as defined Criminal Procedure Law §1.20.

Amendments have been made to the following sections of the policy:

Section III. D – Definition of Petitioner

- The definition of petitioner and associated footnote has been expanded to include law enforcement agency (page 2).

Section IV. F.2 – ERPO Application Filing Process - Filing an application

- The filing process has been updated to now include listing a law enforcement agency as a petitioner on the TERPO application (page 7).

Section V. B. 1 Service – Serving Respondent.

- Added clarifying language for service of an ERPO when a law enforcement agency is listed as the petitioner (page 10).

Motion:

Adopt the updates made to the MPTC Extreme Risk Protection Order Model Policy as presented.

Extreme Risk Protection Order - Model Policy

Municipal Police Training Council

I. Purpose

Law enforcement is uniquely situated to address high risk behavior of an individual by intervening through the utilization of extreme risk protection orders (ERPO). This policy is designed to provide guidance to law enforcement in using this tool to prevent firearm access by those at risk of harming themselves or others and for the quick and safe removal of firearms, rifles, or shotguns in those individuals' possession.

II. Policy

All police officers are statutorily required¹ to file an ERPO application pursuant to the requirements set forth in New York State Civil Practice Law and Rules (CVP) Article 63-a, including adhering to all provisions for the service of ERPOs and accounting for weapons voluntarily surrendered by or removed from the possession of individuals who are subject to ERPOs.

The filing of an application is a civil process that is distinct from arrests and other law enforcement interventions. As such, ERPOs should be utilized in conjunction with or independently of a variety of responses including arrest and prosecution, where appropriate. The ERPO process should also initiate an assessment of suitability for and referrals to a range of services and supports such as mental health evaluations and treatments, when it is determined, that an individual is in a crisis.

III. Definitions

A. **Application** – The process and forms required by the NYS Unified Court System to file a petition to request the issuance or extension of an extreme risk protection order that consists of an ERPO Application (UCS-6341)², a Request for Judicial Intervention (RJI)³, and an Application for Renewal of an Extreme Risk Protection Order⁴, and/or any supporting documentation⁵.

B. **Extreme Risk Protection Order (ERPO)**⁶ – A court-issued order prohibiting a person from purchasing, possessing or attempting to purchase or possess a firearm, rifle or shotgun. There are two types of court orders that may be issued:

1. **Temporary Extreme Risk Protection Order (TERPO)**⁷ – An ex parte order sought and issued without notice to the respondent on the same day the petition is filed or on the business day immediately following. It is used to quickly mitigate risk in situations where emergency action is needed to prohibit a person from purchasing, possessing or attempting to purchase or possess a firearm, rifle or shotgun based on credible information that establishes probable cause to believe that an individual is likely to engage in conduct that would result in serious harm to themselves or others (as defined in NYS Mental Hygiene Law (MHL) §

¹ NY CVP § 6341

² [https://www.nycourts.gov/legacypdfs/forms/erpo/Application_Temporary_ERPO_\(UCS-6341\)_fillable.pdf](https://www.nycourts.gov/legacypdfs/forms/erpo/Application_Temporary_ERPO_(UCS-6341)_fillable.pdf)

³ <https://www.nycourts.gov/legacypdfs/forms/rji/UCS-840-fillable.pdf>

⁴ [https://www.nycourts.gov/legacypdfs/forms/erpo/Application_Renew_ERPO_\(UCS-6345A\)_fillable.pdf](https://www.nycourts.gov/legacypdfs/forms/erpo/Application_Renew_ERPO_(UCS-6345A)_fillable.pdf)

⁵ NY CVP § 6341

⁶ NY CVP § 6340(1)

⁷ NY CVP § 6342

Extreme Risk Protection Order - Model Policy

Municipal Police Training Council

9.39).The court may conduct an examination under oath of the petitioner or any witness the petitioner may produce.⁸

2. **Final Extreme Risk Protection Order (FERPO)**⁹ – A final order issued, that is effective up to one year, following a hearing that occurs 3-6 business days after a TERPO is issued or within ten business days if the initial petition for a TERPO is denied. The petitioner, at the hearing, has the burden to present clear and convincing evidence that an individual is likely to engage in conduct that would result in serious harm to themselves or others (as defined in NYS Mental Hygiene Law § 9.39). The respondent has the opportunity to participate in the hearing, retain counsel, testify, present evidence, and defend against the allegations made.

C. **ERPO Coordinator** – An individual appointed by an agency to develop, maintain, and manage procedures consistent with ERPO statutory requirements and any local procedures including but not limited to, for the filing, service, renewal, and accounting for prohibited weapons obtained pursuant to an ERPO.

D. **Petitioner** – A **law enforcement agency that employs a police officer or a police officer** as defined in criminal procedure law (CPL) §1.20.¹⁰

E. **Prohibited Weapons** – Firearms, rifles, and shotguns that the respondent is temporarily not allowed to purchase or possess or attempt to purchase or possess pursuant to an ERPO.¹¹

F. **Respondent** – The person against whom an extreme risk protection order is or may be sought¹² which can include those legally prohibited from possessing firearms, rifles, and shotguns including but not limited to minors or convicted felons.

IV. Extreme Risk Protection Order Application Filing Process

A. When to file a TERPO application

1. Upon the receipt of credible information that shows there is probable cause to believe an individual is likely to engage in conduct that is a substantial risk of physical harm:

a) to the individual as manifested by threats of or attempts at suicide or serious bodily harm or other conduct demonstrating danger to the individual; or

⁸ NY CVP § 6342(2)

⁹ NY CVP § 6343

¹⁰ NY CVP § 6340(2) Although in the context of this document a petitioner is referred to solely as a **law enforcement agency that employs a police officer or is a police officer**, statute also requires District Attorneys to file a petition. It also permits, although not statutorily required, family or household members, school administrators and licensed individuals in the medical field, including specified mental health practitioners to serve as a petitioner. Individuals who are not required to file a petition may seek the assistance of a police officer to do so.

¹¹ NY CVP §§ 6342(1) and 6343(3)(b) and NY PL § 265.00(3)

¹² NY CVP § 6340

Extreme Risk Protection Order - Model Policy

Municipal Police Training Council

- b) to other persons as manifested by homicidal or other violent behavior by which others are placed in reasonable fear of serious physical harm.¹³
 2. When considering the need to file a TERPO application, the central issue is not what is causing the crisis but whether there is probable cause to believe an individual is likely to engage in conduct that would result in serious harm to themselves or others and should therefore not have access to firearms, rifles, or shotguns.
 - a) Not all cases in which a person is suffering from mental illness and is, as a result, a danger to themselves, requires law enforcement to file a TERPO application.
 - b) Evidence of mental illness is not required for a TERPO application and is not one of the statutory factors the courts must consider when determining whether to issue an ERPO.
 - c) Some risks of harm that arise from mental illness – such as an inability to provide for one’s basic needs, e.g., food, bathing – are not meant to be addressed by an ERPO. In those cases, involuntary commitment and treatment are appropriate, but filing a TERPO application is not.
 3. Firearm use is not required to file a TERPO application, nor is evidence of immediate access to or possession of a firearm, rifle or shotgun by the respondent required. As such a TERPO may also be considered when an individual is otherwise prohibited from or otherwise unable to possess firearm, rifle or shotgun including but not limited to:
 - a) Minors.
 - b) Convicted felons.
 - c) Persons named in an active order of protection.
 - d) Incarcerated individuals.
- B. Statutory factors to consider when establishing probable cause to file a TERPO application include but are not limited to:¹⁴
 1. A threat or act of violence or use of physical force directed toward self, the petitioner, or another person;
 2. A violation or alleged violation of an order of protection;

¹³ NY MHL § 9.39(a)(1)(2)

¹⁴ NY CVP § 6342(2) These statutory factors are a key foundation to any TERPO application. However, the court is not limited to the consideration of these factors and other facts relevant to the court in determining whether grounds for a TERPO exist should be included in any application.

Extreme Risk Protection Order - Model Policy

Municipal Police Training Council

3. Any pending charge or conviction for an offense involving the use of a weapon¹⁵;
 4. Reckless use, display or brandishing of a firearm, rifle or shotgun;
 5. Any history of a violation of an extreme risk protection order;
 6. Evidence of recent or ongoing abuse of controlled substance or alcohol within the six months prior to the date the petition was filed; or
 7. Evidence of recent acquisition of a firearm, rifle, shotgun or other deadly weapon or dangerous instrument within the six months prior to the date the petition was filed.¹⁶
- C. Additional factors for consideration to support the filing of a TERPO application¹⁷ include but are not limited to:
1. Any other credible information to know, or have reason to believe, that the individual owns, possesses, or has access to a firearm, rifle or shotgun such as:
 - a) Witness, family, and subject statements.
 - b) Records documenting:
 - (1) Pistol permit licensing including a concealed carry permit.
 - (2) Recent firearm purchase.
 - (3) Prior calls for service and reports.
 - c) Family/co-habitants have firearms, rifles, or shotguns that are not reasonably secured from the individual.
 2. Any other evidence that establishes the risk of harm posed by the respondent, including, but not limited to information from:
 - a) Department of Motor Vehicles database,¹⁸
 - b) Local Record Management System,

¹⁵ The NYS Division of Criminal Justice Services can only release Federal or State criminal history record information (CHRI) for criminal and civil purposes when explicitly authorized in accordance with Executive Law § 837, 9 NYCRR Part 6051 and related laws which govern the authority of a requesting party to receive CHRI information. The ERPO statute does not explicitly authorize the release of criminal history record information; therefore, an application for an ERPO does not permit access. This does not preclude law enforcement from accessing locally "owned" criminal history reports for this purpose.

¹⁶ Any inquiry requesting information on all weapons known to be registered to the respondent can be made to the New York State Police Pistol Permit section.

¹⁷ NY CVP § 6343(2)

¹⁸ Department of Motor Vehicle database search will provide name-based information on order of protections, warrants, extreme risk protection orders, and supervision status.

Extreme Risk Protection Order - Model Policy

Municipal Police Training Council

- c) Crime Analysis Centers (CAC),
 - d) Domestic Incident Report Repository,
 - e) Order of Protection Registry,
 - f) Results of validated danger assessment tools,¹⁹
 - g) National Instant Criminal Background Check System
 - h) Electronic evidence: social media posts, texts, calls and computer aided dispatch (CAD) system; and
 - i) Relevant local and state law enforcement agencies and individuals who may have information about the respondent, including prior conduct or access to firearms, rifles, or shotguns.
- D. Where applicable, communicate with family/household members and service providers who may be able to help address the root cause of the respondent's crisis and dangerous behavior. In addition to an ERPO, other interventions may be appropriate, to ensure that individuals in crisis get the help they need to ensure that they no longer pose a serious threat of harm to themselves or others.
- E. Prior to filing an application
- 1. Notify direct supervisor and ERPO coordinator of intent to file.
 - 2. Provide any necessary notifications required by established local ERPO procedures and consult with relevant city, county, or other assigned counsel to ensure necessary counsel representation is obtained.
 - 3. Notify any persons who may be at a risk of harm by the respondent.
 - a) It's important to connect at risk parties with victim advocates or outside service providers to safety plan and prevent threats.
 - b) Since ERPOs only provide one type of protection of temporarily removing and limiting access to firearms, rifles, or shotguns, orders of protections should also be considered to: prohibit a respondent from coming near or contacting a protected individual; remove the respondent from a home shared with the individual; and address child custody and support. At risk parties who are members of the same family or household as the respondent should be advised to seek an order of protection in family court, regardless of whether or not an ERPO or criminal court order of protection is issued.

¹⁹ Various disciplines have screening tools that assess dangerousness, including but not limited to domestic violence, probation, or mental health.

Extreme Risk Protection Order - Model Policy

Municipal Police Training Council

F. Filing an application

1. Complete and submit the necessary TERPO application and forms required by the NYS Office of Court Administration as well as any supporting documentation to the Supreme Court of the county which the respondent resides.²⁰ If the Supreme Court is closed (at night or on the weekends): Outside New York City, call 800-430-8457 or email: emergency@nycourts.gov. In Bronx, Brooklyn, Manhattan, Queens or Staten Island, go to the Criminal Court.
 - a) A TERPO application must be filed in the county which the respondent resides, however; in situations where a respondent is temporarily residing in a county, then a TERPO application should be filed in the county of temporary residence
 - b) If a respondent has no residence in New York State, then the TERPO application should be filed in the county in which the conduct gave rise to the need to file an application.²¹
 - (1) Consideration should be given to file a TERPO application in this instance to prevent a respondent from purchasing a prohibited weapon in any state as a result of New York courts entering the ERPO into the National Instant Criminal Background Check System.
 - (2) Consider notifying an appropriate police department in the subject's home state that a New York ERPO has been issued, and that department can then consider whether to secure weapons from the subject.
 - c) If a respondent has multiple residences
 - (1) Provide details on additional residences in the application. If necessary, the details can be provided as an attachment if there is not enough room on the application.
 - (2) Explain in the application why a search is needed for other residences if the petitioner has probable cause to believe it's necessary.
 - (3) Specify address of physical location of prohibited weapons in application.

²⁰ See definition of application in Section III of this policy for required forms necessary to be filed.

²¹ ERPOs issued by New York courts are entered into the National Instant Criminal Background Check System (NICS) as a universal prohibitor, which means that a NICS denial will be issued if the subject attempts to purchase a prohibited weapon in any state.

Extreme Risk Protection Order - Model Policy

Municipal Police Training Council

- d) When filing in a county other than the petitioner's jurisdictional county, contact the Supreme Court of the respondent's residence to determine available filing options.²²
2. The petitioner listed on the application must be either a name of a police officer or name of a law enforcement agency that employs a police officer person; it cannot be the name of any other an institution (e.g., police department, district attorney office).²³
3. Deliver in person the application to the County Clerk's Office for the county which the respondent resides for an Index Number to be assigned to the application.
4. Once the application has been accepted for filing and an Index Number is assigned, deliver the application to the Supreme Court Chief Clerk's Office for a judicial review.
5. Redaction of sensitive information
 - a) The full name of the respondent under the age of 18 shall be omitted, except the individual's initials, when completing the application.²⁴
 - b) Consider requesting the court²⁵ to redact for safety reasons the petitioner's name and/or contact information from the order and related papers served.
6. Upon submission of the application, the court may conduct an examination under oath of the petitioner or any witness the petitioner may produce. As such, the petitioner and any witnesses shall be prepared to testify under oath.²⁶
7. If there is probable cause to believe that the respondent possesses specific firearms, rifles or shotguns at a specific location or locations, the petitioner may request issuance of a "search order" – an optional portion of a TERPO that authorizes law enforcement officials to search for and remove prohibited weapons currently in the respondent's possession. To obtain a search order, the petitioner must inform the judge of the requested authority to search for and seize prohibited weapons in the respondent's possession and ask the judge to issue a "search order" as part of the TERPO. The petitioner must be prepared to fully explain the basis for the probable cause determination regarding the prohibited weapons possessed and where they are likely to be found.

²² Some options may include in-person filing, virtual filing of application and files by secured transmission or usage of the Electronic Document Delivery System <https://iappscontent.courts.state.ny.us/NYSCEF/live/edds.htm>, or providing an affidavit to a local agency to file on behalf of the out of county law enforcement agency.

²³ NY CVP § 6340(2)

²⁴ 22 New York Codes Rules and Regulations 202.5(e)(1)(iii); Although the full name of the respondent may not appear on public documents including the application, the full name of the respondent will be entered into NICS.

²⁵ NY CVP § 6342 (6)(a)

²⁶ NY CVP § 6342(3)

Extreme Risk Protection Order - Model Policy

Municipal Police Training Council

8. To prevent unexpected delays where safety is critical, seek information from the court on how long it will take for the judge to review the filing and pull together the certified order and packets.
9. If the application for a TERPO is not granted by the court
 - a) The petitioner should notify all parties who have a stake in the application to determine whether to withdraw the application or continue with the scheduled hearing for issuance of a FERPO.²⁷
 - b) If the petitioner elects to proceed with a FERPO hearing, the court will schedule a hearing date and issue a Notification of Hearing for FERPO, which must be served upon the respondent.

V. Service

A. Prior to service of an ERPO

1. A law enforcement agency, who has jurisdiction in serving a TERPO and has been directed to do so by the court or serves a TERPO on behalf of another individual legally allowed to apply for a TERPO²⁸, is required to conduct a background investigation on the respondent prior to a FERPO hearing. In instances when a TERPO is denied, the court will require a background investigation to be conducted by the law enforcement agency having jurisdiction. The following areas are required to be investigated and reported to the court prior to a FERPO hearing.²⁹
 - a) Existence of a prior criminal conviction for an offense involving domestic violence, use of a weapon, or other violence, including any criminal charge or violation pending.
 - b) Whether the respondent is currently on parole or probation.
 - c) If the respondent possesses any registered firearms, rifles or shotguns.
 - d) If the respondent has been, or is, subject to any order of protection or has violated or allegedly violated any order of protection.
2. Conduct a threat assessment prior to service regarding the risk of lethality to respondent and others upon first notification of the court. Consider the following areas to be assessed.
 - a) Prior incidents of assault, threats, violence, or attempts to do so (DV and non-DV) against:

²⁷ NY CVP § 6342(5)

²⁸ When serving an ERPO on behalf of a petitioner, law enforcement may not charge the petitioner for such service pursuant to NY CVP § 6342(6)(b)

²⁹ NY § CVP 6342(9)

Extreme Risk Protection Order - Model Policy

Municipal Police Training Council

- (1) Children,
 - (2) Law enforcement,
 - (3) Victim, or
 - (4) Animals.
- b) Any type of physical violence, stalking, or sexual harm toward victims.
 - c) Conviction or arrest involving violent acts.
 - d) History of alcohol or substance abuse.
 - e) Behavioral crisis in the past that may be indicative of dangerousness to self and/or others including suicidality.
 - f) Existence of outstanding warrants.
 - g) Information about respondent's firearm licenses and any firearms, rifle or shotguns that may be possessed or accessible to the respondent.
 - h) Computer Aided Dispatch System reports that may indicate firearm, shotgun or rifle ownership or possession.
 - i) Pawn history of firearm, rifle or shotguns purchases, sales, or holds for loans.
 - j) Attempts by respondent to purchase a firearm, rifle or shotgun.³⁰
 - k) Existence of any hunting license respondent possesses.
3. When serving the court order, the number of officers and, where applicable, officers with specialized crisis response training should be considered to ensure the safety of officers, the respondent, and others who may be present at the location.
 4. Review list of prohibited weapons contained in the court order.
 5. Verify whether respondent will require interpretation services to understand directions and terms of the court order.
 6. Consider service of these orders to take priority over the service of other orders due to the underlying emergency nature and purpose of ERPOs, except for orders of a similar emergency nature.

³⁰ A search of the National Criminal Background Check System would indicate any attempts by a respondent to purchase a prohibited weapon.

Extreme Risk Protection Order - Model Policy

Municipal Police Training Council

7. Coordinate with the local law enforcement agency that has jurisdiction where respondent resides, if outside the petitioner's jurisdictional area of coverage, to ensure there is collaboration of service of the TERPO among agencies.

B. Serving Respondent

1. Service of an ERPO cannot be made by the petitioner³¹; however, if the petitioner is a law enforcement officer, it's permissible for that officer to accompany another law enforcement officer who is serving the ERPO. The petitioner may speak with the respondent, conduct a legally authorized search, and secure custody of any prohibited weapons that are surrendered or removed. **When a law enforcement agency is listed as the petitioner, a law enforcement officer from the same agency can serve the ERPO.**
2. While service cannot be made upon person on a Sunday, or on a Saturday if the individual keeps Saturday as the Sabbath (holy time),³² a request to the court to immediately serve the order should be made due to the emergency nature of the ERPO.
3. Promptly serve copies of documents provided by the court to the name of the person named in the order³³ along with a clear explanation of the parameters of the ERPO. Ensure service of the documents is consistent with any procedures established by the ERPO coordinator. The documents served depending on the type of ERPO may consist of:
 - a) TERPO court order (UCS ERO-1)³⁴
 - b) Notice of hearing date to determine whether to issue a FERPO (UCS-6342/N)³⁵
 - c) FERPO court order if the respondent is not present in court³⁶
 - d) A copy of the petition and any supporting documentation³⁷
 - e) Form for respondent to complete which describes firearms, rifles, or shotguns possessed by respondent and their location (UCS-6342/L)³⁸
 - f) Notice of ERPO renewal application, where applicable³⁹

³¹ NY CVP §2103(a)

³² NY General Business Law §§11 and 13

³³ NY CVP §6342(6)(b)

³⁴ NY CVP § 6342(4)

³⁵ NY CVP §§ 6342(4)(d)(ii) and 6342(5)

³⁶ NY CVP § 6343(1)

³⁷ NY CVP § 6342(6)(a)

³⁸ NY CVP § 6342(4)(e)

³⁹ NY CVP § 6345(2)

Extreme Risk Protection Order - Model Policy

Municipal Police Training Council

4. Service of a minor⁴⁰ who is the respondent
 - a) A minor who is the age of 14 but less than 18 years, shall also be served along with a parent or any guardian or any person having legal custody of the minor.⁴¹
 - b) A parent or any guardian or any person having legal custody of the minor must be served if the minor is less than 14 years of age.
5. A minimum of two additional attempts should be made if the first attempt at serving the ERPO is unsuccessful. Additional service locations should be considered if the respondent is unable to be located.
 - a) If service on respondent is not effectuated despite ongoing risk, law enforcement should notify any victim or third-party who may be at personal risk of the inability to serve.
 - b) All attempts to serve the ERPO shall be documented, and such documentation should include any concerning behavior on the part of the respondent when contact is made such as threats, evasion of service, denials of ownership, and behaviors that suggest an ongoing risk of harm to self and/or others.
 - c) Depending upon the activity observed at the time of service, consider if any criminal charges may be appropriate (e.g., menacing).

C. Removal of prohibited weapons

1. Request the named person on the ERPO to immediately surrender all prohibited weapons as required by the order⁴² unless the judge denies the TERPO application, but the petitioner has elected to proceed with a FERPO hearing. In this case, no weapons will be secured when serving the FERPO hearing papers until directed by the court after the final hearing.
 - a) Clearly explain the surrender portion of the ERPO to the respondent.
 - (1) Explain that the order is already in effect and the respondent is prohibited from purchasing or possessing firearms for the duration of the order.
 - (2) Explain the order requires immediate surrender of all prohibited weapons in respondent's custody, control, or possession.

⁴⁰ NY CVP §105(j)

⁴¹ NY CVP § 309(a)

⁴² NY CVP §§ 6342(8) and 6343(3)(d)

Extreme Risk Protection Order - Model Policy

Municipal Police Training Council

criminal contempt 2nd or some other offense having been committed when there is reasonable belief that a respondent failed to surrender prohibited weapons specified in the court order or if additional information is obtained that the respondent possesses firearms, rifles, or shotguns at another location not previously known.

3. The same proof required to obtain a search warrant in any other investigation is required in the ERPO process.⁴⁶
 - a) Probable cause to believe that there are firearms, rifles, or shotguns in the respondent's possession, custody, or control is required.
 - b) Provide specifics about firearms, rifles, or shotguns to be targeted in the search and alleged locations.

E. Receipt of property⁴⁷

1. Issue a receipt/voucher to the owner from whom the prohibited weapon is taken, describing the property in detail.
2. In cases where the owner is not present:
 - a) Issue the receipt/voucher in the place where the property was found; or
 - b) Mail a copy of the receipt/voucher to the last known address of the owner of the prohibited weapon.
 - (1) Retain proof of mailing.
 - (2) File a copy of the receipt/voucher with the court.

F. Proof of service

1. The individual who served the ERPO papers must indicate the ERPO has been served in the eJusticeNY Integrated Justice Portal Order of Protection Serviced applications. Individuals must also complete a proof of service in the form of a certificate specifying:⁴⁸
 - a) papers served,
 - b) person who was served,
 - c) date and time,
 - d) address or place and manner of service if no address, and

⁴⁶ NY CPL Article 690

⁴⁷ NY CVP § 6344(1)

⁴⁸ NY CVP §§306(a) and 306(d)

Extreme Risk Protection Order - Model Policy

Municipal Police Training Council

- e) any facts showing the service was made by an authorized person and in an authorized manner.
2. Immediately transmit via email, hand delivery, etc. proof of service to the clerk of the court after service is complete.⁴⁹

VI. FERPO Hearing⁵⁰

- A. Counsel representation for the petitioner should be strongly considered prior to the final hearing to ensure the petitioner is not placed at a significant disadvantage. The proceeding may require in-person testimony, cross examination, and the presentation of legal arguments which law enforcement is not trained to handle.
- B. When preparing for the hearing, consider the following actions to ensure clear and convincing evidence is presented to the court by the petitioner and any witnesses.
 1. Review all factors that could be considered during a TERPO application delineated in section IV.B. and any relevant factors when serving an order delineated in section V.A.
 2. Written statements from any witnesses with personal knowledge of the facts and circumstances leading up to the application have been obtained.
 3. All relevant documentation and reports have been gathered for presentation, including any documentation that supported factors during the TERPO application process.
 4. All witnesses are prepared to provide testimony, if necessary, and are present for the hearing.

VII. Storage, Release, and Disposition of Prohibited Weapons

- A. Prohibited weapons shall be handled and stored in accordance with an agency's property evidence room procedures for the duration of the ERPO unless:
 1. The court directs that such weapons be returned to the respondent;⁵¹
 2. A determination is made by the court that the prohibited weapons removed is owned by a person other than the respondent and there is no legal impediment to the owner possessing the prohibited weapon(s) provided the lawful owner safely stores the firearm(s);⁵² or

⁴⁹ Proof of service notification to the court will ensure the National Instant Criminal Background Check System is updated to prevent the respondent from purchasing a prohibited weapon.

⁵⁰ NY CVP § 6343(2)

⁵¹ NY CVP §§ 6343 5(a) and 6346(2)

⁵² NY CVP § 6344(2)

Extreme Risk Protection Order - Model Policy

Municipal Police Training Council

3. Ownership is legally transferred by the respondent to an individual permitted by law to own and possess a firearm, rifle, or shotgun.⁵³
- B. Release of prohibited weapons shall be done in accordance with the agency's property and evidence room procedures.
- C. Disposition of prohibited firearms, rifles, and shotguns obtained by ERPO
 1. Unclaimed firearms, rifles, or shotguns safeguarded pursuant to an ERPO shall be retained and not disposed of for at least two years unless otherwise directed by the court to return firearms, rifles, and shotguns to the respondent or lawful owner.⁵⁴
 2. Destruction of firearms, rifles, and shotguns shall be done in accordance with the agency procedures.

VIII. Renewal of ERPO

- A. Request the court to provide an extension of a TERPO in cases where the TERPO will expire because the respondent was issued additional time to prepare for the FERPO hearing date (e.g., call witnesses or retain legal representation) and make record of the request.⁵⁵
- B. An extension of a FERPO may be requested at any time within 60 days before the expiration of the FERPO⁵⁶ by completing a NYS Courts Application for Renewal of an Extreme Risk Protection Order (UCS-6345/A) and filing it with the Supreme Court that originally issued the FERPO.⁵⁷
 1. Tracking and monitoring of expiring FERPOs by the ERPO Coordinator will ensure that a review can be completed within 60 days of expiration to determine if a renewal is necessary.
 2. The petitioner should evaluate whether there is probable cause to believe that the respondent is still likely to engage in conduct that could result in serious harm to themselves or others that necessitates the need to request for a renewal.
 3. After a notice is received by the courts that the respondent may apply for the return of prohibited weapons⁵⁸, the petitioner should verify that there is no new information that would justify the renewal of an ERPO.
- C. A copy of the renewal application must be personally served upon the respondent.⁵⁹

⁵³ NY CVP § 6344(1)

⁵⁴ NY CVP § 6344(1)

⁵⁵ NY CVP § 6343(1)

⁵⁶ NY CVP § 6345(1)

⁵⁷ Upon receipt of the request, the court will schedule a hearing, allowing reasonable time for the respondent to be served and fully participate in the renewal hearing.

⁵⁸ NY CVP § 6346(2)

⁵⁹ NY CVP § 6345(2)

Extreme Risk Protection Order - Model Policy

Municipal Police Training Council

- D. Any scheduled ERPO extension hearing will be conducted in the same manner as a FERPO. As such, the ERPO coordinator should ensure similar steps are taken to prepare for the hearing.

IX. Training

- A. An ERPO coordinator shall ensure all officers receive training on all local and statutory procedures required for the application and service of extreme risk protection orders, including procedures to prepare for hearings.
- B. This document is not intended to be a substitute for proper training on extreme risk protection orders.⁶⁰

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⁶⁰ An overview of New York State's Extreme Risk Protection Order may be viewed here: <https://www.youtube.com/watch?v=oMMkeLHTE9c>

**NYS Municipal Police Training Council
268th Meeting
December 4, 2024**

Informational Item #1

Administrative Site Visit Program

The Office of Public Safety will present an overview of the Administrative Site Visit Program currently being piloted.