

**29235**

September 17, 2012

TO: Board of Acquisition and Contract

FROM: George N. Longworth  
Commissioner-Sheriff of Public Safety

RE: Authority to enter into intermunicipal agreements with one or more of the municipalities located in Westchester County and/or the additional municipalities listed in Schedule "A" to utilize police officers from such municipalities as instructors at the County's police training facility located in Valhalla, New York, for a term commencing March 21, 2012 and continuing through March 20, 2017

By Resolution approved on December 2001, your Honorable Board authorized the County to enter into intermunicipal agreements ("IMAs") with one or more municipalities in order to have police officers from such municipalities teach at the County's police training facility ("Police Academy") located in Valhalla, New York, for a period of five years commencing upon execution. Thereafter, by Resolution approved on May 24, 2007, your Honorable Board authorized the County to renew those agreements for another five (5) year term expiring on March 20, 2012.

All of these agreements expired as of March 20, 2012. Accordingly, on September 10, 2012, the Westchester County Board of Legislators adopted Act No. 2012-116 authorizing the County, acting by and through its Department of Public Safety, to enter into IMAs with one or more of the municipalities located in Westchester County and/or the additional municipalities listed in Schedule "A" (the "Municipality") whereby the Municipality will assign one or more of its police officers who are certified police instructors ("Instructor"), as part of his or her employment duties, to teach police officer training courses, seminars, conferences, exercises, drills or workshops at the County's police academy located in Valhalla, NY, as well as any off-site location where such training takes place ("Police Academy") for a term commencing March 21, 2012 and continuing through March 20, 2017.

As you may recall, New York State Law requires newly appointed police officers of any county, city, town, village or police district to satisfactorily complete an approved municipal police basic training program within 12 months of being hired. A police officer may also be required from time to time to take additional training courses as part of their ongoing training and employment requirements. In order to satisfy these training requirements, police officers from the County and other municipalities attend the Police Academy.

The IMAs will enable the County to continue utilizing police officers from various Municipalities, who are certified police instructors (“Instructor”), to teach police officers certain police training and related courses at the Police Academy. While the County will not be required to pay the Municipality any fee for the utilization of their police officers, the County, in exchange for the Municipality assigning one or more of its Instructors to teach at the Police Academy, will provide defense and indemnification to the Municipality for the Instructor’s acts or omissions while acting within the scope of his or her duties as an Instructor at the Police Academy. The duty to defend and indemnify will not arise where injury or damage resulted from intentional wrongdoing or recklessness on the part of the Instructor. In no event will the County’s obligation to provide defense and indemnification be construed to include claims arising outside the scope of the Instructor’s teaching services or in connection with the Instructor’s travel to and from the Police Academy. Additionally, the County will not have any obligation to the Municipality or its Instructor for any claim raised or benefits provided pursuant to New York General Municipal Law Section 207-c. If an Instructor is injured during the time he or she is teaching at the Police Academy, it is understood that the Instructor, as an employee of the Municipality, will apply for coverage under the Municipality’s workers compensation policy.

Public Purpose: As the Department of Public Safety is responsible to train all police officer recruits in Zone 3, it is advantageous to all entities involved to have those instructors who are most knowledgeable in a particular subject matter to teach that subject. There are many talented law enforcement officers working for our local municipalities that offer their services for this purpose and bring a wealth of important information to new law enforcement personnel.

The goals and objectives of this program are as follows:

- Goal #1- Provide basic and advanced law enforcement training courses including, but not limited to, the Basic Course for Police Officers, Criminal Investigator Course, Course in Police Supervision, Instructor Development Course, RADAR/LIDAR Operator Course, General In-Service Course for Police Officers, Field Training Officer Course and the Law Enforcement Bicycle Patrol Course, in accordance with the minimum standards established by the New York State Division of Criminal Justice Services Municipal Police Training Council.
  - Objective #1 for Goal #1- Maintain communication with the Municipal Police Training Council to ensure that all training course updates and revisions are added to each curriculum to ensure that the most current information is being delivered.
  - Objective #2 for Goal #1- Maintain communication with all Zone 3 chiefs, commissioners and training officials to determine the training needs of the law enforcement agencies within Zone 3.
  - Objective #3 for Goal #1- Schedule, announce and conduct law enforcement training courses for Zone 3 agencies as needed by: establishing and submitting to the New York State Division of Criminal Justice Services a curriculum content form for the training course to be conducted, communicating the details of each training course to be conducted to the Zone 3 chiefs, commissioners and

training officials, and administering the training in accordance with Municipal Police Training Council guidelines.

- Goal #2- Administer each training course utilizing the most effective and experienced law enforcement instructors.
  - Objective #1 for Goal #2- Identify law enforcement officers who are experienced and knowledgeable in a particular topical area and who are certified as police instructors by the Municipal Police Training Council pursuant to Title 9 of the *Official Compilation of Codes, Rules and Regulations of the State of New York*, Part 6023.
  - Objective #2 for Goal #2- Maintain a list of qualified instructors to include specialty, agency and contact information.
  - Objective #3 for Goal #2- Make instructor requests in a timely manner to avoid scheduling conflicts and maintain a record of all instructors assigned to Police Academy programs to include date, times, hours and topics taught.

The goals and objectives of this program will support the public safety and/or welfare by ensuring that the Westchester County Police Academy is responsive to the training needs of those agencies within Zone 3, and that the programs offered are taught by the most experienced, enthusiastic and qualified instructors. The result of this effort will be a better trained police officer/supervisor that can serve the community in a more professional, efficient and effective manner.

The goals and objectives of this program will be tracked and monitored by the Police Academy's Commanding Officer by conducting reviews during which feedback is gathered regarding the effectiveness of the program. This information will be reported to the Commissioner of the Department of Public Safety.

Attached for your consideration is a Resolution authorizing the County to enter into these IMAs. I recommend your favorable consideration of the annexed proposed Resolution.

GNL/MC/cs  
Attachment

## RESOLUTION

Upon a communication from the Commissioner-Sheriff of Public Safety, be it hereby

**RESOLVED**, that the County of Westchester is authorized to enter into intermunicipal agreements (“IMAs”) with one or more of the municipalities located in Westchester County and/or the additional municipalities listed in Schedule “A” (the “Municipality”) whereby the Municipality will assign one or more of its police officers who are certified police instructors (“Instructor”), as part of his or her employment duties, to teach police officer training courses, seminars, conferences, exercises, drills or workshops at the County’s police academy located in Valhalla, NY, as well as any off-site location where such training takes place (“Police Academy”) for a term commencing March 21, 2012 and continuing through March 20, 2017; and be it further

**RESOLVED** that in exchange for the Municipality assigning one or more of its Instructors to teach at the Police Academy, the County would provide defense and indemnification to the Municipality for the Instructor’s acts or omissions while acting within the scope of his or her duties as an Instructor at the Police Academy. The duty to defend and indemnify shall not arise where injury or damage resulted from intentional wrongdoing or recklessness on the part of the Instructor. In no event shall the County’s obligation to provide defense and indemnification be construed to include claims arising outside the scope of the Instructor’s teaching services or in connection with the Instructor’s travel to and from the Police Academy to carry out such teaching services. Additionally, the County shall not have any obligation to the Municipality or its Instructor for any claim raised or benefits provided pursuant to New York General Municipal Law Section 207-c. If an Instructor is injured during the time he or she is teaching at the Police Academy, it is understood that the Instructor, as an employee

of the Municipality, would apply for coverage under the Municipality's workers compensation policy; and, be it further

**RESOLVED**, that the County Executive or his authorized designee is authorized and empowered to execute and deliver all instruments and take all actions necessary or appropriate to effectuate the purposes hereof.

Account to be Charged/credited	Fund	Dept	Major Program, Program & Phase or Unit	Object/ Sub Object	Trust Account	Dollars
No funds						-0-

Budget Funding Year(s) N/A Start Date \_\_\_\_\_ End Date \_\_\_\_\_  
 (must match resolution)

Funding Source Tax Dollars \_\_\_\_\_  
 State Aid \_\_\_\_\_  
 \$ N/A Federal Aid \_\_\_\_\_  
 (must match resolution) Other \_\_\_\_\_

APPROVED BOARD OF ACQUISITION & CONTRACT 10/11/2012 - JOMAR VIEIRA, SECRETARY

**SCHEDULE "A"**

**MUNICIPALITIES OUTSIDE WESTCHESTER**

Dutchess County Sheriff's Office  
Putnam County Sheriff's Office  
Town of Carmel  
Town of Kent

APPROVED BOARD OF ACQUISITION & CONTRACT - 10/11/2012 - JOMARY VIEIRA, SECRETARY