

**HONORABLE BOARD OF LEGISLATORS
THE COUNTY OF WESTCHESTER, NEW YORK**

Your Committee is in receipt of a communication from the County Executive requesting that your Honorable Board authorize the County of Westchester (the “County”), acting by and through its Department of Public Safety, to enter into inter-municipal agreements (“Police Instructor IMAs”) with municipalities in Westchester County as well as with the Counties of Dutchess and Putnam, the Town of Carmel, and/or the Town of Kent, whereby police officers from such municipalities, who are certified police instructors, will teach police officer training courses and drills at the County’s police academy (the “Police Academy”) in Valhalla, New York and/or at other locations, for a term of five years commencing on March 21, 2022 and continuing through March 20, 2027.

Your Committee has been advised that, under New York State Law, newly appointed police officers of any county, city, town, village or police district must satisfactorily complete an approved municipal police basic training program within 12 months of being hired. Police officers are also required from time to time to take additional training courses as part of their ongoing training and employment requirements. The Police Academy is the New York State Police Training Academy responsible for training officers throughout Zone 3, which includes Westchester and Putnam Counties, in order to satisfy these training requirements. Although the Police Academy is primarily staffed with police officers assigned from within the Department of Public Safety, certified police instructors from other local law enforcement agencies are often utilized to supplement the County’s police instructors. This collaborative effort enables the Police Academy to use local experts and provide superior training opportunities to law enforcement officers throughout Westchester and the surrounding area.

Your Committee has been advised that, over the past twenty years, your Honorable Board has adopted four Acts authorizing the County to enter into Police Instructor IMAs, each for a term of five years. By the most recent of these Acts, Act 54-2017 adopted by your Honorable Board on April 3, 2017, the County was authorized to enter into Police Instructor IMAs for a term commencing on March 21, 2017 and expiring on March 20, 2022. If authorized, the

proposed Police Instructor IMAs will enable the County to continue the practice of utilizing police officers from various municipalities throughout Westchester County, as well as those from Dutchess County Sheriff's Office, Putnam County Sheriff's Office, the Town of Carmel, and/or the Town of Kent to instruct police officers at the Police Academy and other locations in various law enforcement topics.

Your Committee has been informed that, as was the case under the prior Police Instructor IMAs, in exchange for the municipality assigning one or more of its certified police 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 be covered under the Municipality's workers compensation policy.

The Planning Department has advised that the proposed project does not meet the definition of an action under New York State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning dated January 14, 2022, which is on file with the Clerk of the Board of Legislators.

An affirmative vote of a majority of the voting strength of your Honorable Board is required for approval of the attached Act.

Your Committee has carefully considered the proposed Act and recommends your Honorable Board's favorable action on the annexed Act.

Dated: April 18, 2022
White Plains, New York

J. H. L.
Nancy Khan
Sen. J. Z. ...
Vedat ...
Colin ...

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Nancy Khan
Sen. ...
Colin ...

Budget & Appropriations
COMMITTEE ON
jrc con125803

Public Safety

Dated: April 18, 2022
White Plains, New York

The following members attended the meeting remotely, pursuant to Chapter 56 of the New York State Laws of 2022, and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.

Committee(s) on:

**BUDGET & APPROPRIATIONS
COMMITTEE**

William R. Maher

Jeff Rein

Mary Jane Skimsky

David A. Tubiolo

Catherine F. Parker

**PUBLIC SAFETY
COMMITTEE**

Margaret A. Cunzio

Jeff Rein

ACT NO. __-2022

An Act authorizing the County of Westchester to enter into inter-municipal agreements whereby police officers from municipalities in Westchester County and certain municipalities in Putnam and Dutchess Counties will teach police officer training courses at the Police Academy in Valhalla, New York and/or at other locations, for a term of five years commencing on March 21, 2022 and continuing through March 20, 2027.

BE IT ENACTED by the Board of Legislators of the County of Westchester as follows:

Section 1. The County of Westchester (the "County"), acting by and through its Department of Public Safety, to enter into inter-municipal agreements ("Police Instructor IMAs") with municipalities in Westchester County as well as with the Counties of Dutchess and Putnam, the Town of Carmel, and/or the Town of Kent, whereby police officers from such municipalities, who are certified police instructors ("Instructor(s)"), teach police officer training courses and drills at the County's police academy (the "Police Academy") in Valhalla, New York and/or at other locations, for a term of five years commencing on March 21, 2022 and continuing through March 20, 2027.

§2. 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 be covered under the municipality's workers compensation policy.

§3. The County Executive or his authorized designee is hereby authorized and empowered to execute all instruments and to take all action necessary and appropriate to effectuate the purposes hereof.

§4. This Act shall take effect immediately.