

Steps Required to Comply with New York Executive Order No. 203: New York State Police Reform and Reinvention Collaborative

Background: On June 12, 2020 Governor Cuomo signed Executive Order No. 203. The Executive Order states this was created in response to “...the police-involved death of George Floyd in Minnesota, protests have taken place daily throughout the nation and in communities across New York State in response to police-involved deaths and racially-biased law enforcement to demand change, action, and accountability.”

The purpose of EO 203 is to create changes in local law enforcement policies and strategies to mitigate police-involved deaths and racially biased law enforcement.

EO 203 Overview

EO 203 calls for: 1) a **review** of current local government, not State, policing policies; 2) subsequent or in coordination with the review, **developed a plan** to meet the goals of mitigating police-involved deaths and racially biased law enforcement. This plan development must be done with the involvement of multiple interested parties (listed below); 3) this **plan is to be ratified** by local government legislative body after such plan is offered to the public for comment; 4) The ratified **plan must be submitted to** the State Budget Director. The police policy review, the new plan development, and the ratification of such plan each have involvement from different entities.

- 1) **Review-** EO 203 calls on any local government policing entity, to perform a review current “police force deployments, strategies, policies, procedures, and practices.”
- 2) **Plan Development-** After or in coordination of such review, the local government “Chief Executive” of any local government with a local police agency must “convene the head of the local police agency, and “stakeholders” in the community to develop such plan. The stakeholders (defined below) must be consulted with and allowed to make recommendations when creating such plan.
- 3) **Adoption or Ratification of Plan-** Such plan must be offered for public comment to all citizens in the locality, and after consideration of such comments, shall be presented to the local legislative body in such political subdivision, which shall ratify or adopt such plan by local law or resolution, as appropriate, no later than April 1, 2021.
- 4) **Submit Plan to DOB-** Such local government shall transmit a certification to the Director of the Division of the Budget to affirm that such process has been complied with and such local law or resolution has been adopted.

Who are Stakeholders:

Stakeholders, including but not limited to membership and leadership of the local police force; members of the community, with emphasis in areas with high numbers of police and community interactions; interested non-profit and faith-based community groups; the local office of the district attorney; the local public defender; and local elected officials.

What Police Entities are Subject to EO 203-

This process is only for local governments that have police agency operating with police officers. New York State defines police officers under Criminal Procedure Law Section 1.20. For most counties, the majority of employees with police powers are within the Sheriff's Department. However, it is important to review the following police power list to see if your county has any of the following that would be subject to this process, plan review and adoption. Defined under 1.20 of the Criminal Procedure Law the following are have police powers in New York State:

- (a) A sworn member of the division of state police;
- (b) Sheriffs, under-sheriffs and deputy sheriffs of counties outside of New York City;
- (c) A sworn officer of an authorized county or county parkway police department;
- (d) A sworn officer of an authorized police department or force of a city, town, village or police district;
- (e) A sworn officer of an authorized police department of an authority or a sworn officer of the state regional park police in the office of parks and recreation;
- (f) A sworn officer of the capital police force of the office of general services;
- (g) An investigator employed in the office of a district attorney;
- (h) An investigator employed by a commission created by an interstate compact who is, to a substantial extent, engaged in the enforcement of the criminal laws of this state;
- (i) The chief and deputy fire marshals, the supervising fire marshals and the fire marshals of the bureau of fire investigation of the New York City fire department;
- (j) A sworn officer of the division of law enforcement in the department of environmental conservation;
- (k) A sworn officer of a police force of a public authority created by an interstate compact;
- (l) Long Island railroad police.

(m) A special investigator employed in the statewide organized crime task force, while performing his assigned duties pursuant to section seventy-a of the executive law.

(n) A sworn officer of the Westchester county department of public safety services who, on or prior to June thirtieth, nineteen hundred seventy-nine was appointed as a sworn officer of the division of Westchester county parkway police or who was appointed on or after July first, nineteen hundred seventy-nine to the title of police officer, sergeant, lieutenant, captain or inspector or who, on or prior to January thirty-first, nineteen hundred eighty-three, was appointed as a Westchester county deputy sheriff.

(o) A sworn officer of the water-supply police employed by the city of New York, appointed to protect the sources, works, and transmission of water supplied to the city of New York, and to protect persons on or in the vicinity of such water sources, works, and transmission.

(p) Persons appointed as railroad police officers pursuant to section eighty-eight of the railroad law.

(q) An employee of the department of taxation and finance (i) assigned to enforcement of the taxes imposed under or pursuant to the authority of article twelve-A of the tax law and administered by the commissioner of taxation and finance, taxes imposed under or pursuant to the authority of article eighteen of the tax law and administered by the commissioner, taxes imposed under article twenty of the tax law, or sales or compensating use taxes relating to petroleum products or cigarettes imposed under article twenty-eight or pursuant to the authority of article twenty-nine of the tax law and administered by the commissioner or (ii) designated as a revenue crimes specialist and assigned to the enforcement of the taxes described in paragraph (c) of subdivision four of section 2.10 of this title, for the purpose of applying for and executing search warrants under article six hundred ninety of this chapter, for the purpose of acting as a claiming agent under article thirteen-A of the civil practice law and rules in connection with the enforcement of the taxes referred to above and for the purpose of executing warrants of arrest relating to the respective crimes specified in subdivision four of section 2.10 of this title.

(r) Any employee of the Suffolk county department of parks who is appointed as a Suffolk county park police officer.

(s) A university police officer appointed by the state university pursuant to paragraph 1 of subdivision two of section three hundred fifty-five of the education law.

(t) A sworn officer of the department of public safety of the Buffalo municipal housing authority who has achieved or been granted the status of sworn police officer and has been certified by the division of criminal justice services as successfully completing an approved basic course for police officers.

(u) Persons appointed as Indian police officers pursuant to section one hundred fourteen of the Indian law.

(v) Supervisor of forest ranger services; assistant supervisor of forest ranger services; forest ranger 3; forest ranger 2; forest ranger 1 employed by the state department of environmental conservation or sworn officer of the division of forest protection and fire management in the department of environmental conservation responsible for wild land search and rescue, wild land fire management in the state as prescribed in subdivision eighteen of section 9-0105 and title eleven of article nine of the environmental conservation law , exercising care, custody and control of state lands administered by the department of environmental conservation.