

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one:)

of DEERPARK

Local Law No. 4 2 of the year 2017 18

A local law DELEGATING TO THE CHIEF OF POLICE OF THE TOWN OF DEERPARK, COUNTY
(Insert Title)
OF ORANGE, STATE OF NEW YORK, THE POWER AND AUTHORITY TO REQUEST
OR GRANT POLICE ASSISTANCE PURSUANT TO AN INTERMUNICIPAL
AGREEMENT AND SECTION 209-M(3) OF THE GENERAL MUNICIPAL LAW OF
THE STATE OF NEW YORK

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

County City Town Village
(Select one:)

of DEERPARK as follows:

SEE ANNEXED PAGES.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

LOCAL LAW NO. ~~1~~ OF 2017
A LOCAL LAW DELEGATING TO
THE CHIEF OF POLICE OF
THE TOWN OF DEERPARK, COUNTY OF ORANGE, STATE OF NEW YORK
THE POWER AND AUTHORITY TO
REQUEST OR GRANT POLICE ASSISTANCE
PURSUANT TO AN INTERMUNICIPAL AGREEMENT
AND SECTION 209-M(3) OF THE
GENERAL MUNICIPAL LAW OF THE STATE OF NEW YORK

Section 1. Purpose. It is recognized that there are some instances where a particular police department may not have sufficient manpower to respond appropriately to criminal acts, natural or man-made disasters, or other emergency circumstances that require a police response. It is further recognized that combining forces, or seeking assistance from neighboring police departments, may be necessary or desirable in such instances in order to protect the public and property. It is further recognized that having no ability to request or provide assistance under such instances could, because of their very nature, have potentially serious, and negative operational characteristics that may be deleterious to the health, welfare, enjoyment and well-being of the citizens of the Town of Deerpark and those who live within the Town. It is further recognized that because the Town of Deerpark is a small residential town, the inability to request such assistance could dangerously affect the welfare of the entire community and a regulation is required in order to prevent such endangering.

Section 2. Legislative Findings.

A. The County of Orange has generated and prepared an Agreement entitled "MUTUAL AID FOR SUPPLEMENTAL POLICE ASSISTANCE By Cities, Towns and Villages within Orange County, N.Y., which Agreement would permit participating municipalities to request additional assistance, as well as provide assistance to other municipalities, as determined to be necessary by the Chief of Police and/or Chief Executive Officer of the said municipalities.

B. The Town of Deerpark Town Board has been approached by the Chief of Police of the Town of Deerpark who has reviewed the proposed Agreement and has determined to recommend that the Town of Deerpark enter into said Agreement and to enact any additional or alternative regulations necessary to be adopted in addition to execution of the said Agreement in order to enter into said Agreement and thereby accomplish the stated purposes of the Town Board.

Section 3. Authorization Granted.

A. By adoption of this Local Law, the Town Board of the Town of Deerpark authorizes Supervisor Gary Spears to execute the proposed Intermunicipal Agreement entitled Mutual Aid for Supplemental Police Assistance by Cities, Towns and Villages within Orange County, New York, a copy of which is attached to and made a part of this Local Law.

B. The Town Board of the Town of Deerpark hereby delegates to the Chief of Police of the Town of Deerpark Police Department, the powers granted to the Chief Executive Officer/ Supervisor of the Town of Deerpark pursuant to Section 209-M(3) of the General Municipal Law of the State of New York.

Section 4. This Local Law shall take effect immediately.

PLEASE TAKE NOTICE TO THE EXTENT THAT THIS LOCAL LAW MAY CONFLICT WITH APPLICABLE PORTIONS OF THE TOWN LAW OF THE STATE OF NEW YORK, IT IS THE STATED INTENTION OF THE TOWN TO EXERCISE ITS AUTHORITY TO SUPERSEDE AND AMEND, AS GRANTED UNDER THE MUNICIPAL HOME RULE LAW OF THE STATE OF NEW YORK, SECTION 10. THE TOWN HEREBY PROVIDES NOTICE THAT IT IS EXERCISING ITS AUTHORITY TO SUPERSEDE AND AMEND PURSUANT TO MUNICIPAL HOME RULE LAW OF THE STATE OF NEW YORK SECTION 22.

MUTUAL AID FOR SUPPLEMENTAL POLICE ASSISTANCE

By

Cities, Towns and Villages within Orange County, N.Y.

THIS AGREEMENT, made and entered into this _____ day of _____, 2017, by and between the Town of Deerpark, and all other city, towns, villages or other municipalities within Orange County, N.Y. who executed this Agreement;

WITNESSETH;

WHEREAS, Section 209-M(2) of the General Municipal Law authorizes and empowers the Chief Executive Officer of a local government, whenever he/she deems that the public interest requires it, to request the Chief Executive Officer of any local government to detail, assign and make available for duty and use in the local government for which the request is made, any part of the forces, equipment and/or supplies of the police department of the local government of which the request is made;

WHEREAS, Section 209-M(3) of the said law further states that a local government may, by local law, delegate to the Chief of Police of its police department the powers granted to a Chief Executive Officer to request and grant police assistance;

WHEREAS, Section 209-M(5) of the said law empowers and authorizes a local government granting police assistance pursuant to this law to assume any loss, damage, expense and cost for the personnel, equipment and/or supplies and donate these services, including salaries and any other expenses incurred to the local government granting said police assistance;

WHEREAS, it is to the mutual advantage and benefit of the parties hereto that each of the other parties agree to render police assistance, including available personnel, equipment and/or supplies, in the event the Police Chief of a police department deems the public interest requires it and that said local government granting the police assistance donate such services to the receiving local government and assume any loss, damage, expense or cost for providing any personnel, equipment and/or supplies;

NOW, THEREFORE, in consideration of their mutual covenants, the parties hereto agree as follows:

1. The Town of Deerpark hereby agrees to provide police assistance in the form of personnel, equipment and/or supplies to any other local government within Orange County and hereby authorizes and empowers the Chief Executive Officer or Chief of Police to grant said police assistance pursuant to Section 209-M of the General Municipal Law as identified in Appendix A (ORANGE COUNTY, NY POLICE MUTUAL AID AND RAPID RESPONSE PLAN) which is a part of this agreement.
2. The parties agree that the extent of the police assistance rendered by the local government granting said assistance should be determined solely by the local government furnishing said assistance and it is understood that the assistance so furnished may be recalled.
3. The parties further agree to prepare, support and enact a local law pursuant to Section 209-M(3) of the General Municipal Law delegating to the Chief of Police of the respective police departments the powers granted to the Chief Executive Officer in said law to request or grant police assistance.
4. The parties agree that pursuant to Section 209-M(5) of said law, the local government rendering the police assistance hereby agrees to assume any loss, damage, expense and/or cost of personnel , equipment and/or supplies, and donate these services, including salaries and any other expenses incurred by the local government granting such assistance.
5. The personnel who are furnished by a local government will work as far as possible under their own supervisors, and the equipment furnished by them will ordinarily be operated by personnel of the police department furnishing their equipment. However, the superior officer at the scene of the emergency of the police department requesting the assistance shall have command of the overall operations unless said command is relinquished by said superior officer to another officer from one of the assisting police departments.
6. The term "police department" as used in this Agreement shall be interchangeable with the term F.B.I., State Police, Sheriff's Office, or any other police agency.
7. The term "Orange County" shall include all the cities, towns and villages of Orange County.
8. It is mutually understood and agreed that this Agreement does not relieve any of the parties hereto from the necessity and obligation of providing adequate police protection within their own areas.
9. It is further understood and agreed that the provisions of this Agreement will be invoked only when, in the opinion of the Police Chief of the party requesting

assistance, it is deemed necessary to request outside assistance because all of the personnel, equipment and/or supplies under his/her command have been exhausted and outside assistance is needed to control and suppress a disturbance or other local emergency.

10. This Agreement shall not be construed as or deemed to be an Agreement for the benefit of any third party or parties, and no third party or parties shall have any right of action hereunder for any cause whatsoever. Any services performed or expenditures made in connection with furnishing mutual aid under this Agreement by either party hereto shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of such party.
11. Any party to this Agreement may withdraw at any time, upon thirty (30) days written notice to each of the other parties, and thereafter, such withdrawing party shall no longer be a party to this Agreement;

IN WITNESS WHEREOF, this Agreement has been executed the day and year first above written by the parties hereto through their respective Mayors and Supervisors first thereunto duly authorized by their respective City, Village, and Town Boards.

MUNICIPALITY: Town of Deerpark

By: Supervisor Gary Spears

Signature: _____

Date: _____

Appendix A

ORANGE COUNTY, NY POLICE MUTUAL AID AND RAPID RESPONSE PLAN

It is the responsibility of Law Enforcement Agencies in Orange County to be prepared when dealing with major incidents, whether they are criminal in nature or natural disasters. Rapid response and pre-planning can often prevent the loss of life, damage to property and to prevent an incident from escalating. This plan does not replace the need for any **pre-existing SWAT, SOG, or REACT** teams. This plan is only to rapidly supply a needed agency with police personnel during the incipient stages of an incident requiring numerous officers.

POLICY

Working within the existing Jurisdictional Protocol Regarding Dispatching Procedures for Law Enforcement's Response to 9-1-1 Calls for Service, it is the policy of the Police Departments of Orange County to promptly provide Mutual Aid and rapid response in the form of manpower and equipment under the County Mutual Aid and Rapid Response Plan, (herein referred to as "RRP") upon the request of any participating agency.

DEFINITIONS

- **Mutual Aid and Rapid Response Incident:** An incident requiring activation of the Mutual Aid and Rapid Response is defined as a major incident or occurrence which necessitates a Police Department, within Orange County, to request **immediate wide scale** assistance.
- **Major Incidents:** Means any event, generally of an emergency nature, that involves actual or potential personal injury or property damage arising from a natural disaster, manmade disaster, civil disturbance or terrorist act.
- **Natural Disaster:** Means those incidents in which the forces of nature threaten the lives, safety or property of numerous persons; i.e.: floods, hurricanes, earthquakes, explosions, tornadoes, landslides or any other significant extreme weather event.
- **Manmade Disaster:** Means an incident in which the forces of man threatens the lives, safety or property of numerous persons; i.e.: nuclear/radiological accidents, chemical spills, major railroad accidents or aircraft crashes.
- **Active Shooter:** An active shooter is an individual actively engaged in killing or attempting to kill people in a populated area, and recent active shooter incidents have underscored the need for a coordinated response by law enforcement and others to save lives.

- **Civil Disturbance:** Means an action by any group that poses a substantial threat to peace, life or property or any tumultuous or violent activity that creates a grave risk of causing public alarm.
- **Terrorist Action:** Means a politically motivated, hostile action taken by a person or group whose intent is the commission of violent acts designed to instill fear, communicate a message and/or demand some governmental action.
- **Requesting Agency:** A Police Department located within Orange County that is requesting Mutual Aid from other police agencies, which have previously agreed to participate in the RRP, for the Police Departments in Orange County.
- **Responding Agency:** A Police Department located within Orange County that is responding to a request for Mutual Aid from other police agencies, which have previously agreed to participate in the RRP, for the Police Departments in Orange County.
- **Incident Command System:** The accepted system to be utilized to coordinate multi-agency responses to incidents.
- **Incident Commander:** The highest ranking member of the requesting department at the scene or his/her designee.
- **Staging Area:** The location designated generally a reasonable, safe distance from the incident of occurrence from which responding mutual aid units may be rapidly deployed to the scene.
- **Command Post:** The location from which the Incident Commander and his/her staff coordinate the Department's response to a major emergency.

Orange County participants shall consist of the following police agencies and will provide officers to support the Rapid Response Plan

<u>Department (ZONE)</u>	<u>Rapid Response</u>	<u>Delayed Response</u>
<u>City of Middletown (1)</u>		
<u>City of Port Jervis (1)</u>		
<u>Town of Deerpark (1)</u>	<u>2</u>	<u>2</u>
<u>Town of Goshen (1)</u>		
<u>Town of Mount Hope (1)</u>		
<u>Town of Wallkill (1)</u>		
<u>Village of Goshen (1)</u>		
<u>City of Newburgh (2)</u>		
<u>Town of Crawford (2)</u>		
<u>Town of Montgomery (2)</u>		
<u>Town of New Windsor (2)</u>		
<u>Town of Newburgh (2)</u>		
<u>Village of Maybrook (2)</u>		
<u>Village of Montgomery (2)</u>		
<u>Village of Walden (2)</u>		
<u>Village of Washingtonville (2)</u>		
<u>Town of Blooming Grove (3)</u>		
<u>Town of Chester (3)</u>		
<u>Town of Cornwall (3)</u>		
<u>Town of Highlands (3)</u>		
<u>Town of Tuxedo (3)</u>		
<u>Town of Warwick (3)</u>		
<u>Town of Woodbury (3)</u>		

Village of Chester (3)

Village of Cornwall-on-Hudson (3)

Village of Florida (3)

Village of Greenwood Lake (3)

Village of Harriman (3)

Village of Highland Falls (3)

Village of Monroe (3)

Village of Tuxedo Park (3)

Orange County Sheriff (ALL)

New York State Police (ALL)

LEVELS OF RESPONSE

- **STANDBY** – A situation exists of serious proportions and Police Departments participating in the RRP, should prepare to send the minimum pre-arranged number of officers (rapid response) to the identified location. **DO NOT RESPOND AT THIS TIME.**
- **RESPOND** - A situation exists of serious proportions and Police Departments participating in the RRP, **SHOULD SEND** the minimum pre-arranged number of officers (rapid response) to the identified location.
- **RESPOND BY ZONE** - A situation exists of serious proportions, the requesting agency requests participating Police Departments by zone. When a request is made by zone, only those Police Departments within that zone **SHOULD SEND** the minimum pre-arranged number of officers (rapid response) to the identified location.

ACTIVATION OF THE PLAN

- All requests for assistance under the RRP shall be made by Orange County 911 communications.
- The following are example announcements to be followed when activating the RRP:
 - STANDBY – Wallkill Police Department has activated a RRP Standby call. ALL ORANGE COUNTY DEPARTMENTS PLEASE PREPARE YOUR OFFICERS AS PER THE RAPID RESPONSE PLAN.....DO NOT RESPOND AT THIS TIME.
 - RESPOND - Wallkill Police Department has activated a RRP RESPOND call, ALL ORANGE COUNTY DEPARTMENTS PLEASE DISPATCH YOUR OFFICERS AS PER THE RAPID RESPONSE PLAN.... RESPOND to.....

DUTIES OF REQUESTING AGENCY

Using Principals of Incident Command (ICS)

- Identify the nature and location of the incident.
- Identify the location of a Command Post.
- Identify the Staging Area.
- Identify the Incident Commander of any change of command.
- Identify any and all specialized equipment with which responding officers should be equipped.
- Record the name, rank and command of each responding officer.
- Commence internal Departmental mobilization as needed.

DUTIES OF RESPONDING AGENCY

- Authorize only the designated pre-arranged number of UNIFORMED officers to respond.
- Proceed directly to the location of requested response or the Staging Area as directed.

RESPONSIBILITIES AT THE SCENE OF THE INCIDENT

- The Incident Commander designated by the requesting agency shall be in charge at the scene of the incident.
- Uniformed officers detailed to the incident shall follow the direction of the Incident Commander.
- Where the provided assistance requires the loan of a SWAT team, hostage negotiation, bomb disposal unit or canine, the Commander of that specialized unit shall be responsible for the implementation of the specific mission, as determined by the IC of the requesting agency.
- When taking law enforcement actions at the scene of the incident, including use of force, uniformed officers from the responding agency shall at all times adhere to their agency policies and procedures and utilize only those weapons and tactics that they have been trained and deemed qualified to use.
- Uniformed officers on loan from the responding agency at an emergency site shall regularly apprise the Command Post concerning the continued status of the emergency, line of duty injuries or their need for relief.

COMMUNICATIONS

- Upon the activation of a Rapid Response, all responding officers shall switch to the Orange County 911 Priority Dispatch Channel or a 911 assigned tactical channel:

RELEASE OF PERSONNEL

- The incident Commander or his/her designee shall authorize release of personnel from all responding agencies.

AFTER ACTION REPORT (AAR)

- Within 30 days of the activation of the RRP, the Chief of the Department whom activated the RRP, shall prepare an After Action Report including the facts and circumstances surrounding the incident and any recommendations for any modifications to the RRP, if necessary. The after action report shall be forwarded to all RRP participating agencies for their review.

ANNUAL TRAINING

- In order to maintain an appropriate level of readiness, annual training will be conducted. This training shall consist of a rapid response to a mock incident. Once a year, a different participating agency shall conduct this drill by creating a mock Rapid Response Request, each participating agency shall respond with the respective number of officers assigned to the plan (**ONLY THE RAPID RESPONSE, NOT THE DELAYED RESPONSE**). The host agency shall establish a mock command post and staging area at a location of their choosing. Once all of the mutual aid officers are on the scene, a roll call shall be conducted by the OIC or his/her designee. Upon completion of the Roll Call, officers should be released back to their respective departments.

PLAN MODIFICATIONS AND UPDATES:

- Request by any participating agency to change or modify the plan must be presented to all participating agencies police chiefs for their approval.

IN WITNESS WHEREOF, this Agreement has been executed the day and year first above written by the parties hereto through their respective Mayors and Supervisors first thereunto duly authorized by their respective City, Village, and Town Boards.

MUNICIPALITY _____ **Deerpark** _____

By: _____

DATE: _____

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

(Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2017 of the ~~(County)(City)(Town)(Village)~~ of DEERPARK was duly passed by the TOWN BOARD on 2017, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. of 20 of the ~~(County)(City)(Town)(Village)~~ of was duly passed by the on 20 , and was (approved)(not approved) (repassed after disapproval) by the and was deemed duly adopted on 20 , in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 20 of the ~~(County)(City)(Town)(Village)~~ of was duly passed by the on 20 , and was (approved)(not approved) (repassed after disapproval) by the on 20 .
(Name of Legislative Body)
(Elective Chief Executive Officer)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on 20 , in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 20 of the ~~(County)(City)(Town)(Village)~~ of was duly passed by the on 20 , and was (approved)(not approved) (repassed after disapproval) by the on 20 . Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of 20 , in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

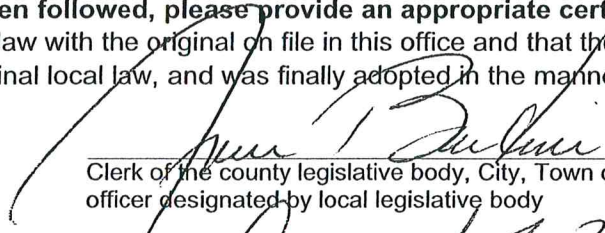
6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

(Seal)


Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: August 1, 2017