

**THE TOWN OF DEERPARK, ORANGE COUNTY , NEW YORK**

**LOCAL LAW NO. 1 OF 2011**

**A LOCAL LAW AMENDING CHAPTER 67 OF THE TOWN OF DEERPARK CODE  
AND RE-ESTABLISHING THE TOWN POLICE COMMISSION**

**ARTICLE I, Board of Police Commissioners**

**§ 67-1. Legislative Intent.**

By the adoption of this article, the Town Board of the Town of Deerpark elected to establish a Board of Police Commissioners pursuant to § 150, Subdivision 2, of the Town Law of the State of New York and § 22 of the Home Rule Law of the State of New York.

**§ 67-2. Definitions.**

The words and phrases and definitions of words as used in the New York State Town Law shall be applied in the enforcement of this article.

**§ 67-3. Appointment Commissioners.**

The Town Board of the Town of Deerpark does hereby establish a Board of Police Commissioners for the Town. The Police Commissioners shall be appointed by the Town Board. The Board shall consist of three (3) Commissioners who shall at the time of their appointment and throughout the term of their office be electors of the Town and who shall serve without compensation, and at the pleasure of the Town Board. No fewer than one (1) of the Police Commissioners shall be a Town Board member from the Town Board of the Town of Deerpark.

**§67-4. Appointment of Alternates.**

The Town Board may appoint no more than two (2) individuals to serve as alternates for the Board of Police Commissioners. Alternates shall at the time of their appointment and throughout the term of their office be electors of the Town and who shall serve without compensation, and at the pleasure of the Town Board. An alternate may only become a voting member of the Board of Police Commissioners if a Commissioner is absent or abstains and such absence or abstention results in a failure to meet quorum.

**§67-5. Powers of the Board of Police Commissioners.**

The Board of Police Commissioners shall have and exercise all powers relative to police matters conferred upon the Town Board pursuant to Article 10 of the Town Law of the State of New York including review of all police operations, review of all citizen complaints, review of all departmental complaints, making recommendations to the Town Board for action, and any additional duties as delegated by the Town Board and not inconsistent with any State laws. This article has been created and enacted in order to specifically supersede any prior resolutions of the Town Board establishing or abolishing a Board of Police Commissioners within the Town.

**§67-6. Chairman of the Board of Police Commissioners.**

The Chairman of the Board of Police Commissioners shall be appointed by the Town Board of the Town of Deerpark. The Chairman shall hold that position at the pleasure of the Town Board of the Town of Deerpark.

**ARTICLE II, Background Checks for Candidates**

**§ 67-7. Title.**

This article shall be entitled "Investigation and Fingerprinting of Police Commissioner/Police Chief Candidates in the Town of Deerpark, Orange County, New York."

**§ 67-8. Intent; Authority.**

The Code that follows deals with the establishment of fingerprinting and background checks for all candidates for appointment to the office of Town Police Commissioner/Town Police Chief within the Town of Deerpark. By adoption of this article, the Town of Deerpark declares its intent to fingerprint and perform background checks on all future candidates for appointment to the office of Town Police Commissioner/Town Police Chief Authority for this article comes from the provisions of § 25-a of the New York State Town Law.

**§ 67-9. Definitions.**

- A. As used in this article, the following terms shall have the meanings indicated:
  - 1. TOWN POLICE CHIEF and TOWN POLICE COMMISSIONER and APPOINTEE TO THE OFFICE OF TOWN POLICE COMMISSIONER OR TOWN POLICE CHIEF -- Any person appointed by the Town Board to fill the position of member of the Deerpark Police Commission or Department Head of the Police Department of the Town of Deerpark.
- B. The words and phrases and definitions of words as used in the New York State Town Law shall be applied in the enforcement of this article.

**§ 67-10. Fingerprinting and Background Checks.**

- A. Each candidate for appointment or appointee to the office of Town Police Commissioner or Town Police Chief in the Town of Deerpark shall have a fingerprint impression of the fingers and thumbs of both hands taken by the Police Department of the Town of Deerpark. The Police Department of the Town of Deerpark is authorized to forward the appointee's fingerprints to the New York State Division of Criminal Justice Services for a criminal investigation prior to the Deerpark Town Board's confirmation of said candidate's appointment as Town Police Commissioner or Town Police Chief. The Deerpark Town Board shall be responsible for paying the required fee for said background investigation in the form of a check or money order made payable to the New York State Division of

Criminal Justice Services, and shall forward said payment, together with the fingerprints, to the New York State Division of Criminal Justice Services. The Town Board of the Town of Deerpark shall review the information secured as a result of said investigation.

- B. The Town Board shall not confirm the appointment of any candidate who has been convicted of a felony or Class A Misdemeanor as defined in the Penal Law of the State of New York, and who has not, subsequent to such conviction, had this disability removed as provided in New York State Correction Law § 751. An application for an exemption for an appointee convicted of a Class A Misdemeanor may be made to the Town Board, and upon good cause, the Town Board may waive this disability.

### **ARTICLE III, Supervision of Dog Control Officers**

#### **§ 67-11. Legislative Intent.**

By the adoption of this article, the Town of Deerpark declares its intent to delegate to the Police Commission established within the Town of Deerpark, the authority, presently entrusted to the Town Board of and for the Town of Deerpark, to monitor and control personnel employed by the Town of Deerpark in the position of Dog Control Officer. It is specifically the intent of the Town of Deerpark to reserve to the Town Board the power to hire or fire persons employed in the said capacity as Dog Control Officers, but that all other supervisory and administrative duties shall be delegated to the Police Commission for the Town.

#### **§ 67-12. Definitions.**

The words and phrases and definitions of words as used in the New York State Town Law and/or the New York State Agriculture and Markets Law shall be applied in the enforcement of this article.

#### **§ 67-13. Authority Retained by Town Board.**

The position of Dog Control Officer having been previously created by the Town of Deerpark, the Town Board of and for the Town of Deerpark shall hereby retain all authority to create or remove such position of employment, as well as the authority to appoint, hire, fire, contract for services with, and/or otherwise establish and maintain the position of Dog Control Officer.

#### **§ 67-14. Authority Delegated to Police Commissioners.**

The Town of Deerpark hereby expressly delegates the management authority and supervisory responsibility over persons employed by the Town of Deerpark in the position of Dog Control Officer to the persons appointed to serve as Police Commissioners of and for the Town of Deerpark. The Police Commissioners shall be specifically responsible to verify the hours of employment/work performed, and to monitor reports and other documentary information generated as a result of the said employment. After review of said documentation by the Police Commission, it shall be the responsibility of the said Commission to file copies of all such

records with the office of the Town Clerk of and for the Town of Deerpark where said documentation shall be maintained as an official Town record.