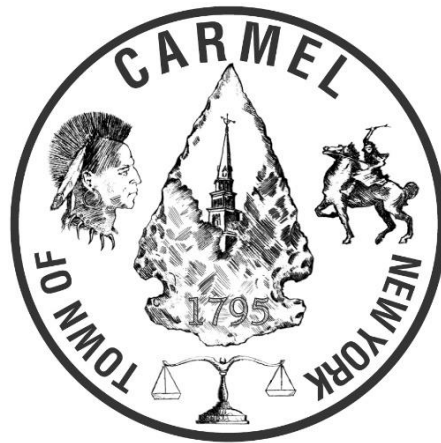


**TOWN OF CARMEL**  
**TOWN OF CARMEL POLICE DEPARTMENT**



**NEW YORK STATE**  
**POLICE REFORM AND REINVENTION COLLABORATIVE PLAN**  
**FEBURARY 2021**

**Town of Carmel, New York**  
**Town of Carmel Police Department**  
**New York State Police Reform and Reinvention Collaborative Plan**

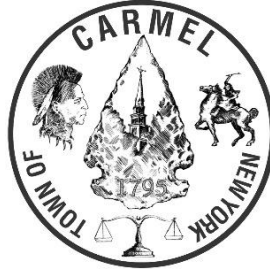
February 5, 2021

**Introduction:**

On June 12, 2020, New York State Governor Andrew Cuomo issued Executive Order 203, titled the “New York State Police Reform and Reinvention Collaborative”. This Executive Order requires each local government in New York State to adopt a policing reform plan by April 1, 2021. A copy of this Executive Order is attached at the end of this report.

In August of 2020, New York State issued the “Police Reform and Reinvention Collaborative Resources and Guide for Public Officials and Citizens”. In outlining planning for a reform work plan, this guide suggests that in some areas “a countywide process may be useful” (page 112). To this end, the Town of Carmel, along with other municipalities, public panel groups and all police agencies throughout Putnam County combined efforts to maximize community engagement and increase efficiency in the process by forming the “Putnam County Police Policy Review Panel” (PPRP). The town utilized a checklist, previously posted on its website (also attached in the appendix) that initiated the local process and integrated the results into the efforts of the PPRP.

The PPRP was able to leverage the scale of this suggested countywide process, providing the infrastructure for the greatest number of public officials and community stakeholders to come together to engage, listen, review, and report on their findings to compile the Putnam County Police Policy Comprehensive Review. It is this review that the Town of Carmel and the Town of Carmel Police Department will further use as a guide, along with a review of our own community stakeholder engagement, department policies, procedures, community interaction and training, recommended actions and reforms, transparency and accountability, and the impact of state mandates on police reform to complete our own Town of Carmel Police Policy Review. This policy review will be offered for further public review and comment prior to adoption and certification by the Town Board of the Town of Carmel, and finally submission to the state by April 1, 2021.



**Town of Carmel**

**Town Supervisor**

Kenneth Schmitt

**Town Board**

Suzanne McDonough (Deputy Town Supervisor)

Michael Barile

Frank D. Lombardi

Robert F. Schanil, Jr.



**Town of Carmel Police Department**

**Chief of Police**

Anthony Hoffmann

**Patrol Division Commander**

Lieutenant John Dearman

**Administrative Division Commander**

Lieutenant Stephen Kunze

## **Demographics:**

### **Town of Carmel**

The Town of Carmel is an approximately 40 square mile town in Putnam County, NY. It is the County Seat of Putnam, and borders the Town of Putnam Valley to the west, the Town of Kent to the North, the Town of Southeast to the east, and Westchester County to the south. It is comprised of the hamlets of Mahopac, Carmel, and Mahopac Falls. Carmel students attend two primary school districts – Mahopac and Carmel, and a portion of the Lakeland School District. Major roadways include a small portion of the Taconic State Parkway, State Routes 6 and 6N, and Interstates 84 and 684 just outside the jurisdiction. The Metro-North Harlem Valley line serves rail commuters just east of the town line as well. The Town of Carmel includes many beautiful bodies of water including Lake Mahopac, Lake Gleneida, and the West Branch and Croton Falls Reservoirs.

The town is governed by a Town Supervisor and Town Board. The Town Supervisor is Kenneth Schmitt. Town Board members include Deputy Town Supervisor Suzanne McDonough, Michael Barile, Frank D. Lombardi and Robert F. Schanil, Jr.

By US Census reporting, the town's total population is reported at 33,196. The reported gender makeup is male, 49.0%; female – 51.0%. The median age is 40.1 years. Census statistics report that the town is 90.5% White, 8.0% Hispanic (of any race), 8.0% Asian, 3.0% Black or African American, and 2.7% of other races.

### **Town of Carmel Police Department**

The Town of Carmel Police Department is a full-service police agency and the largest municipal police department in the county. Current CPD staffing levels are set at 42, both sworn officers and civilian personnel. The department is comprised of a chief, two lieutenants, a detective sergeant, 6 patrol sergeants, 3 detectives, 22 police officers, 5 civilian dispatchers, a records clerk and administrative assistant. The CPD provides service to its residents, guests, and visitors 24/7/365 through its patrol, administrative, and detective divisions. CPD also protects seasonal boaters through the marine patrol on Lake Mahopac, Putnam Trailway patrons through the bicycle patrol, and coordinates community interaction through the Community Relations Team.

The Town of Carmel Police Department maintains excellent collaborative working relationships with neighboring police agencies and departments that operate in support roles in the town including the Putnam County Sheriff's Office, the New York State Police, the New York City Department of Environmental Protection Police Department, and the New York State Department of Environmental Conservation Police Department.

## **Public Participation:**

### **Putnam County**

Community Stakeholder Groups from the Police Policy Review Panel:

- Putnam Families – Maggie Overfelt
- Mental Health & Substance Abuse – Dennis Ullman, Kristen McConnell
- Veterans – Ricardo Lopez
- People of Color – Scott Rhodes
- Education – Lou Riolo
- Law Enforcement – Carla Lucchino
- Latinx – Norma Pereira
- LGBTQIA+ – Sean Conway, Eileen McDermott
- Clergy/Community Outreach/Homeless – Fr. Richard Gill

*PPRP Community Stakeholder Group Report Recommendations are attached in the appendix.*

### **Town of Carmel**

Community Stakeholder Groups that have met with CPD administration either in person or via online platforms such as Zoom:

Hope not Handcuffs – Diversion Program: This group will find treatment placement for individuals whether they have been arrested or not. They ask that officers hand out cards to substance abuse or overdose patients or their families out in the field. CPD Officers also give a HNH card along with appearance ticket to arrestees.

Local Criminal Defense Attorneys – Joseph Tock, Christopher Maher, Christopher Yorke, and Mary Jane McCrae: This group stated that they did not see issues of excessive force or higher amounts of minority group arrests by the CPD. They would like CPD to be cognizant of proper search and seizure guidelines while performing police actions such as vehicle stops. They also noted CPD’s professionalism and kindness shown to arrestees.

## **Public Participation, Town of Carmel: (continued)**

Local Clergy from Temple Beth Shalom and St. John's Catholic Church: Both clergy spoke of positive interactions with the police, and positive feedback received from their respective congregations regarding police interactions. It was noted that both groups appreciated the CPD's sensitivity with handling individuals with mental health crises. The groups see more mental health issues in the community than racial issues, but would still like CPD to be aware of the potential for biases and prejudices and take positive action among CPD personnel to ensure such things do not occur going forward.

United Way/211 of Hudson Valley Region – Tonyae Liverpool, Director of Programs and Services – Mental Health Crisis Hotline: Ms. Liverpool reported that normally, call takers at the hotline assess if callers in crisis need a police response. It was agreed that CPD can also use the hotline as a resource to aid those in mental health crisis. The hotline number was programmed into all CPD Patrol Sector mobile telephones. CPD Officers were instructed on how to utilize the hotline to connect individuals suffering from mental health issues with a counselor.

Mahopac for Racial Justice: This group seeks better working relationships with Putnam County Sheriff's School Resource Officers (SRO's) and the CPD. The suggestion was made that the SRO's and CPD meet with minority groups regularly in relaxed settings and maintain an open dialogue on matters of mutual interest to the community.

Putnam NAACP – Sherry Grimes-Jenkins: Ms. Grimes-Jenkins spoke of potential psychological triggers for people of color or in minority communities. She suggested the CPD bring in people of color to speak during in-service implicit bias/procedural justice training. She also suggested CPD meet with minority groups regularly in relaxed settings and keeping an open dialogue so that people of color can become more relaxed around police officers and vice-versa.

Putnam Progressives: this group spoke of the CPD's need to earn and maintain the public's trust. Suggestions were made to pursue continuing education and licensing for police officers, not just certifications that are not built upon. Greater transparency was mentioned in a possible NYS portal for police disciplinary records, and the possibility of monitoring officer's off-duty social media activity to ensure that officers are not belonging to hate or fringe groups.

Putnam Pride - Sean Conway, Eileen McDermott: This group represents the LGBTQIA+ community. They made the suggestion of adjusting department forms to include an area for a non-traditional gender response. Also suggested was in-service training with LGBTQIA+ groups and officer social media monitoring. The group offered the "Model Policy on Police Department Interactions with Transgendered People" from the National Center for Transgender Equality as a guide.

## **CPD Policies and Procedures:**

The CPD has contracted with the Daigle Law Group of Plantsville, Connecticut, a “leading law firm specializing in management consulting services in support and development of effective and constitutional policing practices.” As such, the entire CPD policy manual is currently under review. However, in order to adhere to the Executive Order and to maintain transparency with the community, the following CPD policies are attached in full in the appendix and excerpted below:

A-01: Mission Statement – *“The oath of office administered to each member at the time of employment, is their personal commitment to serve all our citizens with impartiality and fairness. Each police officer in Carmel must carry out these duties without allowing personal feelings, animosities or prejudices to influence their actions.”*

A-10: Recruitment and Selection – *“It is the policy of the Carmel Police Department to recruit and hire the best-qualified people to perform the duties of Police Officer. It is the policy of this department that local, state and federal laws and regulations shall be fully complied with.”*

A-14: Promotions – *“Promotions within the Town of Carmel Police Department will be made under the guidelines established by Civil Service Law. The Civil Service Commission shall make appropriate announcements when promotional examinations are scheduled. Promotion to civil service rank will be job related and non-discriminatory as outlined in New York State Civil Service Law. The Civil Service Commission will establish an eligibility list for promotion based on civil service examinations. These lists will be maintained by the Civil Service Commission, and are subject to the requirements of New York State Civil Service law.”*

A-15: Use of Force – *“Officers of the Carmel Police Department are expected to use only such force as is reasonable and necessary in making an arrest. They may only use the level of physical force necessary to effect lawful objectives in the performance of their duties within the limits established in Article 35 of the New York State Penal Law and consistent with training received by each officer in this Department. It is the responsibility of each member to be aware of the requirements of Article 35 and to guide his/her actions based upon law.*

*The use of indiscriminate force is prohibited. Unnecessary force occurs when unjustified physical abuse of a person has occurred or when it is apparent that the type or degree of force employed was neither necessary or appropriate, or when any degree of force is utilized as summary punishment or vengeance.”*

A-16: Use of Deadly Force – *“Law enforcement officers around the country and here in New York State are authorized to use reasonable and legitimate force in specific circumstances. Federal constitutional and state statutory standards dictate when and how much force can be used...This policy is written in recognition of the value of all human life and dignity without*

## **CPD Policies and Procedures: (continued)**

*prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires a careful balancing of all interests.”*

Note: This policy also includes procedures for the reporting and investigating of Use of Force incidents. Additionally, through departmental directive, CPD has classified the use of breathing restraint commonly known as a “chokehold” as deadly physical force, and has appropriately restricted its use thereof. Both of these elements are required under EO 203 and will be further integrated into the forthcoming updated CPD policy manual.

O-10: Constitutional Requirements – This policy includes CPD’s procedures on “Stop, Question, and Frisk” and its legal application under the requirements of the US Constitution, state law, and case law.

O-50: Handling of Mentally Ill or Emotionally Disturbed Persons - *“Mentally ill and/or emotionally disturbed persons can pose a significant challenge to law enforcement personnel. Persons in these conditions can behave in an erratic and unpredictable manner and can often pose a serious threat to safety. The Town of Carmel Police Department will strive to deal with these types of persons in a compassionate yet safe manner to protect the individual, the public, family members and his/herself. If there is any indication that the person may be violent, personnel must consult with a supervisor and take any necessary precautions that may include several officers, help from the family or mental health professionals and possibly use of the Emergency Response Team.”*

As stated above, the Daigle Law Group is currently reviewing all CPD policies to ensure not only adherence to federal, state, and local law, but also the requirements of EO 203 and community input. CPD and the DLG are actively interacting to review and reassess all of these policies, and once completed CPD will utilize recently purchased software from the PowerDMS group to disseminate and track the new policy distribution to all CPD personnel. Additionally, PowerDMS allows for the electronic distribution, tracking, and maintenance of any departmental training documents, other policies, directives, memoranda, special orders, and other documents of importance.



## **Community Interaction:**

CPD Community Relations Team - Comprised of two officers, CPD's CRT officers are the focal point for the interactions the department has with organized community, school, and religious groups. These officers conduct regular meetings with these groups in addition to their regular patrol duties. The CRT is the coordination point between the groups in our community and the rest of the officers in the CPD. As a result of the many public contacts they have made, CRT officers are routinely asked for by name to assist community members with public safety or other government related issues. These officers are then able to direct the community member in need to the appropriate CPD officer or other public service contact. The CPD CRT also conducts police station tours for our local boy/girl scout groups, local school field trips, and other community groups.

CRT also attends different community fairs such as the Spring Fair and the Fall Harvestfest. Here they create a fun environment for the public to come up and talk. They set up a photo booth, give-a-ways and informational pamphlets. They attend Girl Scout meetings to help them earn badges such as "Respect Authority Badge" and "Detective Badge". Topics included the importance of working together and leadership as well as general safety tips and introduction to the local police. CRT visits the local senior center to talk about relevant topics such as how to prevent identity theft and answer questions. They also gave out File of Life packets so that seniors can have important contact info handy for first responders. Officers also often visit younger children (ages 4-6) at schools and day care centers during class to introduce themselves, go over basic safety such as how to call 911, Stranger Danger and Halloween safety tips.

Coffee with a Cop – Founded in Hawthorne, California in 2011 by Officers of the Hawthorne Police Department, Coffee with a Cop has become one of the most successful police-community interactive activities across the US and internationally. Coffee with a Cop is based upon a simple plan – to bring the police and the communities they serve through informal conversations over coffee. Having over 10,000 events worldwide, statistics have shown that 70% of the event attendees had a more positive view of their police after the event. While 2020's National Coffee with a Cop day in October was cancelled due to the Covid-19 pandemic, CPD has participated in past events and will look to increase their involvement in the future as public health regulations allow. Website: <https://coffeewithacop.com/>

Hope not Handcuffs - Hope Not Handcuffs is an initiative aimed at bringing law enforcement and community organizations together in an effort to find viable treatment options for individuals seeking help to reduce dependency with any substance including heroin, prescription drugs, and alcohol. A person can come to a participating law enforcement agency and ask for help. They will be greeted with compassion and respect. An Angel volunteer will be called to assist until a treatment option is found. The local Hudson Valley Hope Not Handcuffs page can be found at <https://m.facebook.com/HNHHV/>.

## **Community Interaction: (continued)**

Child Advocacy Center of Putnam County - CPD's Detective Division works closely and maintains a strong relationship with the Putnam County Child Advocacy Center. The CAC helps facilitate investigations into crimes involving special victims such as children, sometimes with disabilities, victimized in domestic violence, sexual offenses, along with other traumatizing incidents.

Drug Abuse Resistance Education (D.A.R.E.) - The police department participates in the D.A.R.E. program in each of the town's elementary schools. While temporarily on hold for the 2020-2021 school year due to the COVID pandemic, we anticipate continuing this as soon as possible. The D.A.R.E. program envisions a world in which students everywhere are empowered to respect others and choose to lead lives free from violence, substance abuse, and other dangerous behaviors. It has also shown to build a friendly relationship between officers and students at an early age.

Mahopac Middle School Career Fair- CPD Officers also attend career fairs for our local schools where we meet the students, answer questions and speak to them about pursuing careers in law enforcement.

Special Education Parent Teacher Organization (SEPTO) - This contact originated from a concerned parent who spoke to CPD Officers at the Spring Fair. CPD organized a meeting with the group, established an effective relationship with them and it also led to additional training for officers (Responding to calls of service for those with special needs). This started a collaborative effort with parents to "introduce" their child to police and relay important information to responders.

Child Car Seat Safety - CPD also has numerous officers certified as Child Passenger Safety Seat Technicians. This program enables members of the community to have their child restraints checked to ensure proper installation to optimize safety for their children, where the officer works with people to teach them the proper installation for their child restraints. Officers take appointments for checks at the police station and also attend different checks at community events.

Community Business Contacts – CPD has also created an after-hours business contact form for businesses so that we can contact them in an emergency or notify them of an incident (Broken windows, open doors, etc.). CPD Officers go door to door to meet the business owners and ask if they had any security concerns, questions or comments for the Police Department.

## **Department Training Efforts:**

The Carmel Police Department believes in the importance of training in order to have its officers interacting with the town's residents safely. As there is a concern from many members of the community for Police Officers to receive more training on a variety of subjects, including: Equity, Diversity, Inclusion, Bias, Cultural Sensitivity, Emotional Intelligence, Constitutional Conduct, De-escalation, Domestic Violence, Trauma-Informed training, Crisis Intervention training, and Mental Health training. While some of these topics are covered when recruit officers attend the police academy, the Police Department also conducts mandatory sexual harassment and workplace violence training on a yearly basis. Also conducted on a mandatory yearly basis is training in procedural justice, and professional communications through the Westchester Zone 3 Police Academy.

*Note: Portions of training syllabus from the Westchester County Police Academy are attached in the appendix.*

In addition to the aforementioned training programs, the Carmel Police Department has two officers being trained as instructors in a specialized de-escalation training program. This program is covered via a block of instruction called **Practical De-escalation Tactics and Critical Decision-Making Instructor Course**. This is a "train the trainer" course which will enable these two officers to come back and teach the following topics to the rest of the department: situational assessment, de-escalation methods, evaluation methods, temper control, tactical reasoning, tactical communication, and others. The department plans to conduct this training to all of its officers on a yearly basis as well.

The Police Department has also sent two officers to disability awareness training at the police academy. These two officers are also known as the department's Community Relations Team. CRT attends numerous community events such as SEPTO, or Special Education Parent Teacher Organization, which is a program in the Mahopac Central School District for parents of students with varying disabilities. Attending these meetings is very helpful in some of the concerns of parents when police are called to situations involving their children and how they should recognize different disabilities and techniques to properly deal with these situations. The information they bring back from these meetings will also be incorporated into future training.

Finally, the department is in the process of implementing shorter "roll call" style training that will be utilized by first-line supervisors to increase flexibility in getting training out to all CPD personnel. Planned training includes video based implicit bias training from the Nassau County (NY) Police Department Community Affairs Unit and LGBTQ sensitivity/awareness workshops from the NYPD's Gay Officers Action League (GOAL).

## **Recommended Actions, Reforms and NYS Mandates:**

The below points address Executive Order 203's stated areas of strategies and reform and CPD actions to remain transparent, attentive to community feedback, and maintain safe and efficient police operations:

- Use of force policies;

*CPD Action – Posted in report, under review by Daigle Law Group, in compliance with state and federal guidelines. CPD review has added additional definitions to better address subject active/passive resistance, brandishing of weapons, and minimum use of force.*

- Procedural justice;
- Studies addressing systemic racial bias or racial justice in policing;
- Implicit bias awareness training;
- De-escalation training and practices;

*CPD Action – Training at both the academy and in-service levels through the Westchester County Police Academy, NYS Division of Criminal Justice Services, and CPD's own instructors. CPD exceeds minimum standards in these areas.*

- Law enforcement assisted diversion programs;
- Restorative justice practices;
- Community-based outreach and conflict resolution;
- Violence prevention and reduction interventions;

*CPD Action – Increasing collaborations with Putnam County agencies to enhance and provide these services to those who reside, work, or visit the Town of Carmel. Diversion programs, restorative justice practices, and community-based outreach and conflict resolution all primarily rely on outside agencies with CPD involvement. CPD will continue and improve upon that involvement.*

## **Recommended Actions, Reforms and NYS Mandates: (continued)**

- Problem-oriented policing;
- Hot spots policing;
- Focused deterrence;
- Crime prevention through environmental design;

*CPD Action – As a smaller yet full-service agency, CPD Patrol Officers are kept aware through review of recent incidents of crime trends and quality of life issues. CPD Sergeants review reports to determine community issues and “hot spots” to address and where to focus directed patrol activities. CPD Detectives take an active role in aspects of crime prevention, through community speaking engagements, crime prevention reviews, and assessments of areas to address crime prevention through environmental design.*

- Model policies and guidelines promulgated by the NYS Municipal Police Training Council; and

- Standards promulgated by the NYS Law Enforcement Accreditation Program.

*CPD Action – As stated previously in this report, CPD is in the process of updating its policy manual. Together with the Daigle Law Group, CPD will utilize model policies and guidelines issued by the NYS MPTC in ensuring the updated policies are in compliance with federal, state, local, and case law, as well as community standards. CPD and many police agencies throughout the state utilize the information contained in the MPTC’s Use of Force Model Policy. Each of the MPTC published model policies are in the process of review by CPD and DLG to determine how the maximum benefit can be attained for the department and the community at large. MPTC’s model policies are available at:*

<https://www.criminaljustice.ny.gov/crimnet/ojsa/standards/index.htm>

*Additionally, CPD is exploring the possibility of attaining accreditation through the NYS Law Enforcement Accreditation Program. The CPD agrees with NYS Division of Criminal Justice Services that accreditation is a worthy endeavor and seeks to achieve the goals of:*

- 1. To increase the effectiveness and efficiency of law enforcement agencies utilizing existing personnel, equipment and facilities to the extent possible;*
- 2. To promote increased cooperation and coordination among law enforcement agencies and other agencies of the criminal justice services;*

## **Recommended Actions, Reforms and NYS Mandates: (continued)**

3. *To ensure the appropriate training of law enforcement personnel; and*
4. *To promote public confidence in law enforcement agencies.*

*As a preliminary step in this process, CPD has requested that the revision of its policy manual incorporate NYS LEAP accreditation standards. This will not only allow CPD to maintain policies that are in accordance with accreditation standards, but also determine what areas require development to become an accredited agency.*

*Additional information on the NYS LEAP program is available at:*

<https://www.criminaljustice.ny.gov/ops/accred/index.htm>

### **New York State Related Mandates:**

Civil Penalties for Filing False Reports on Member of a Protected Class - Establishes civil penalties for falsely Summoning a Police Officer when there is no reason to believe a crime, offense or threat has been committed involving a member of a protected class. (Effective June 13, 2020)

*CPD Action – All members, officers and civilian dispatchers, advised of new law.*

Require Police Officers to Report the Discharge of Weapons - Requires a police officer or peace officer (whether on or off duty) who discharges his or her weapon under circumstances where a person could be struck by a bullet to verbally report the incident within six hours, and file a written report within forty-eight hours. (Effective September 13, 2020)

*CPD Action – CPD policy A-15 “Use of Force” exceeds this mandate by directing the following: “After physical force is used, the officer shall immediately evaluate the need for medical assistance and, if necessary, arrange for such attention. Notification must be made without delay to the highest-ranking officer on the shift. The officer must complete the “Use of Force” report or “Firearms Discharge Report” and submit this report within 48 hours of the incident.”*

Require the Reporting of Police Acts or Omissions Resulting in a Person’s Death to the Office of Special Investigation - Establishes an Office of Special Investigation within the Office of Attorney General which will have investigative authority and criminal jurisdiction for any incident involving the death of a person caused by an act or omission by a police officer or a peace officer employed as a correction officer or contracted by an education, public health, social service, parks or housing agency. Where an investigation concludes that the death or matters relating to the death or investigation of the death involved criminal conduct, the Office will be empowered to prosecute any such alleged offenses. (Effective April 2021)

## **New York State Related Mandates: (continued)**

*CPD Action – Administration and investigative staff advised. Additional in-service training planned for all CPD members upon law taking effect.*

Choke Hold Ban - The Eric Garner Anti Choke Hold Act creates the crime of aggravated strangulation (making it a Class C felony) and establishes criminal penalties for a police officer or peace officer who uses a choke hold that causes serious physical injury or death. (Effective June 12, 2020)

*CPD Action – CPD members advised via department directive that breathing or blood circulation restraint, or the use of a chokehold or similar restraint, constitutes a use of deadly physical force as defined in CPD policy and the NYS Penal Law and is restricted and governed accordingly.*

Requiring Medical Response for Arrestees - Affirms an individual’s right to medical and mental health attention while under arrest or otherwise in custody of a police officer or peace officer. Failure to provide reasonable and good faith medical assistance could result in a cause of action against the officer, representative and/or entity. (June 15, 2020)

*CPD Action – Department directives already require rendering or summoning medical aid for any persons in the custody of the CPD.*

Require Policing Statistics to be Reported to the Division of Criminal Justice Services - Requires courts to compile and publish data concerning arrests and court proceedings involving low-level offenses such as violations and traffic offenses. Such report will include aggregate and anonymized demographic information such as race, ethnicity and sex. This bill requires police departments to submit annual reports on arrest-related deaths to the Department of Criminal Justice Services, as well as the Governor and the State Legislature. (Effective December 12, 2020)

*CPD Action – In 2021 CPD is transitioning to reporting statistics to NYS DCJS using the FBI’s National Incident-Based Reporting System (NIBRS). According to the FBI, this system has been “implemented to improve the overall quality of crime data collected by law enforcement, NIBRS captures details on each single crime incident—as well as on separate offenses within the same incident—including information on victims, known offenders, relationships between victims and offenders, arrestees, and property involved in crimes.” Prior Uniform Crime Report (UCR) information is attached in the appendix.*

Recording of Law Enforcement Activity - Provides that a person not under arrest or in the custody of a law enforcement official has the right to record police activity and to maintain custody and control of that recording and of any property or instruments used by that person to record such activities. A person in custody or under arrest does not, by that status alone, forfeit such right to record. (Effective July 13, 2020)

## **New York State Related Mandates: (continued)**

*CPD Action – All members, officers and civilian dispatchers, advised of new law.*

Provide the Public Access to Personnel Records of Deputies and Correctional Officers - Repeal of Civil Rights Law 50-a, which had made all personnel records used to evaluate the performance toward continued employment or promotion of police officers, firefighters, paramedics, correction officers or peace officers confidential and not subject to inspection or review without the individual's express written consent or a court order. This legislation also amends the New York State Freedom of Information Law (FOIL), subjecting any record created in furtherance of a law enforcement disciplinary proceeding to disclosure under FOIL. The new FOIL provisions require specific sensitive personal information, including medical history, to be redacted from such records prior to being disclosed. (Effective June 13, 2020)

*CPD Action – CPD Officers advised of the repeal.*

## **Transparency and Accountability:**

### Quality of Service – Commendation/Complaint Form, Online Surveys

The CPD is committed to maintaining transparency and accountability to the communities and individuals it serves. To this end, in 2021 the department will be implementing an online “Quality of Service Form” to provide for the reporting of commendations for or complaints against any CPD personnel. The form is currently under legal review and it is expected to be made available on the CPD’s website in Spring of 2021. Additionally, to continue the work of the Putnam County PPRC, the CPD is working on developing an annual online survey available to our residents and other members of the community that have interacted with the CPD over the course of the year. It is planned that the results will be compiled and shared with the community on an annual basis.

### Availability of Budgets, Contracts, and Equipment lists

To continue to provide the highest levels of transparency and accountability, the CPD refers those reviewing this report that all Town of Carmel, and by extension CPD, budgets are available on the town’s website at: <https://www.ci.carmel.ny.us/>. Labor contracts for the CPD are posted on the “See Through NY” website at: <https://www.seethroughny.net/> and all equipment utilized by the department is subject to the Town of Carmel’s Procurement Policy. Because of this comprehensive policy, many of the equipment acquisitions by the CPD are subject to Town Board resolutions, and therefore available for public review on the town’s website at <https://www.ci.carmel.ny.us/>.



## **Transparency and Accountability: (continued)**

### Civilian Oversight of the Police Department

The Town of Carmel and the CPD are committed to remaining accountable to all members of the public. To provide for civilian oversight of the police department is a vital aspect of this accountability. The members of the Town Board of the Town of Carmel are civilian, elected officials, responsible for providing civilian oversight in their role as the Board of Police Commissioners, and responsible to the public through the election process. While the complaint process begins with the CPD, ultimate civilian review rests with the elected members of the Town Board.

### **Conclusion:**

The Town of Carmel and CPD have scheduled two public forum interactive Zoom meetings, in order for the public to review this report, offer comments and suggestions, and continue to move the conversation forward on good policing reform. The material gathered by these meetings will be reviewed and incorporated into our final report to the state.

The Town of Carmel and the Town of Carmel Police Department both realize that the work of police reform is a constant process. This plan as adopted and submitted to the State of New York is not the end of the effort. The CPD will continue to strive to provide the highest level of police service to those who live, work, and visit the Town of Carmel. Public engagement will continue as this is vital to the process to maintain the high standards we seek to maintain.

In 1829, Sir Robert Peel, the founder of the London Metropolitan Police and considered the “Father of Modern Policing” developed nine core principles of policing that still provide a fundamental groundwork for police community relations today. Seventh of the nine principles states the police are “to maintain at all times a relationship with the public that gives reality to the historic tradition that the police are the public and that the public are the police, the police being only members of the public who are paid to give full-time attention to duties which are incumbent on every citizen in the interests of community welfare and existence.” It is in this philosophy of these core principles that the men and women of the Town of Carmel Police Department carry out their service to all – professionally, justly, and with equality every day, all day, and why the Town of Carmel is and will continue to be one of the best places to live in the State of New York.

## **Notes:**

The “New York State Police Reform and Reinvention Collaborative Resources & Guide for Public Officials and Citizens” is available at:

[https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police Reform Workbook81720.pdf](https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police_Reform_Workbook81720.pdf)

The webpage for the Putnam County Police Review Panel is located at:

<https://www.putnamcountyny.com/policereviewpanel/>

## **Appendix:**

NYS Executive Order 203

Town of Carmel Executive Order 203 Checklist

Putnam County PPRC Stakeholder Group Reports

CPD Policies

Westchester County Police Academy Training Documents

2019-2020 Uniform Crime Report (UCR) Arrestee Statistics



# State of New York

## Executive Chamber

No. 203

### EXECUTIVE ORDER

#### **NEW YORK STATE POLICE REFORM AND REINVENTION COLLABORATIVE**

**WHEREAS**, the Constitution of the State of New York obliges the Governor to take care that the laws of New York are faithfully executed; and

**WHEREAS**, I have solemnly sworn, pursuant to Article 13, Section 1 of the Constitution, to support the Constitution and faithfully discharge the duties of the Office of Governor; and

**WHEREAS**, beginning on May 25, 2020, following 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; and

**WHEREAS**, there is a long and painful history in New York State of discrimination and mistreatment of black and African-American citizens dating back to the arrival of the first enslaved Africans in America; and

**WHEREAS**, this recent history includes a number of incidents involving the police that have resulted in the deaths of unarmed civilians, predominantly black and African-American men, that have undermined the public's confidence and trust in our system of law enforcement and criminal justice, and such condition is ongoing and urgently needs to be rectified; and

**WHEREAS**, these deaths in New York State include those of Anthony Baez, Amadou Diallo, Ousmane Zango, Sean Bell, Ramarley Graham, Patrick Dorismond, Akai Gurley, and Eric Garner, amongst others, and, in other states, include Oscar Grant, Trayvon Martin, Michael Brown, Tamir Rice, Laquan McDonald, Walter Scott, Freddie Gray, Philando Castile, Antwon Rose Jr., Ahmaud Arbery, Breonna Taylor, and George Floyd, amongst others,

**WHEREAS**, these needless deaths have led me to sign into law the Say Their Name Agenda which reforms aspects of policing in New York State; and

**WHEREAS**, government has a responsibility to ensure that all of its citizens are treated equally, fairly, and justly before the law; and

**WHEREAS**, recent outpouring of protests and demonstrations which have been manifested in every area of the state have illustrated the depth and breadth of the concern; and

**WHEREAS**, black lives matter; and

**WHEREAS**, the foregoing compels me to conclude that urgent and immediate action is needed to eliminate racial inequities in policing, to modify and modernize policing strategies, policies, procedures, and practices, and to develop practices to better address the particular needs of communities of color to promote public safety, improve community engagement, and foster trust; and

**WHEREAS**, the Division of the Budget is empowered to determine the appropriate use of funds in furtherance of the state laws and New York State Constitution; and

**WHEREAS**, in coordination with the resources of the Division of Criminal Justice Services, the Division of the Budget can increase the effectiveness of the criminal justice system by ensuring that the local police agencies within the state have been actively engaged with stakeholders in the local community and have locally-approved plans for the strategies, policies and procedures of local police agencies; and

NOW, THEREFORE, I, Andrew M. Cuomo, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and the Laws of the State of New York, in particular Article IV, section one, I do hereby order and direct as follows:

The director of the Division of the Budget, in consultation with the Division of Criminal Justice Services, shall promulgate guidance to be sent to all local governments directing that:

Each local government entity which has a police agency operating with police officers as defined under 1.20 of the criminal procedure law must perform a comprehensive review of current police force deployments, strategies, policies, procedures, and practices, and develop a plan to improve such deployments, strategies, policies, procedures, and practices, for the purposes of addressing the particular needs of the communities served by such police agency and promote community engagement to foster trust, fairness, and legitimacy, and to address any racial bias and disproportionate policing of communities of color.

Each chief executive of such local government shall convene the head of the local police agency, and stakeholders in the community to develop such plan, which shall consider evidence-based policing strategies, including but not limited to, use of force policies, procedural justice; any studies addressing systemic racial bias or racial justice in policing; implicit bias awareness training; de-escalation training and practices; law enforcement assisted diversion programs; restorative justice practices; community-based outreach and conflict resolution; problem-oriented policing; hot spots policing; focused deterrence; crime prevention through environmental design; violence prevention and reduction interventions; model policies and guidelines promulgated by the New York State Municipal Police Training Council; and standards promulgated by the New York State Law Enforcement Accreditation Program.

The political subdivision, in coordination with its police agency, must consult with 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, and create a plan to adopt and implement the recommendations resulting from its review and consultation, including any modifications, modernizations, and innovations to its policing deployments, strategies, policies, procedures, and practices, tailored to the specific needs of the community and general promotion of improved police agency and community relationships based on trust, fairness, accountability, and transparency, and which seek to reduce any racial disparities in policing.

Such plan shall 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; and

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; and

The Director of the Division of the Budget shall be authorized to condition receipt of future appropriated state or federal funds upon filing of such certification for which such local government would otherwise be eligible; and

The Director is authorized to seek the support and assistance of any state agency in order to effectuate these purposes.



G I V E N under my hand and the Privy Seal of the  
State in the City of Albany this  
twelfth day of June in the year two  
thousand twenty.

BY THE GOVERNOR

A handwritten signature in black ink, appearing to be "M. C.", written over a horizontal line.

Secretary to the Governor

A large, stylized handwritten signature in black ink, appearing to be "Andrew M. Cuomo", written over a horizontal line.



Town of Carmel & Town of Carmel Police Department

## Checklist

For  
Executive Order No. 203:  
New York State Police Reform and Reinvention

On June 12, 2020 Governor Cuomo signed Executive Order No. 203: New York State Police Reform and Reinvention Collaborative Which requires each local government entity which has a police agency operating with police officers as defined under 1.20 of the criminal procedure law must perform a comprehensive review of current police force deployments, strategies, policies, procedures, and practices and develop a plan to improve such deployments, strategies, policies, procedures, and practices for the purpose of addressing the particular needs of the communities served by such police agency and promote community engagement to foster trust, fairness, and legitimacy and address any racial bias and disproportionate policing of communities of color.

Town of Carmel & Town of Carmel Police  
Department Checklist  
For  
Executive Order No. 203:  
New York State Police Reform and Reinvention

- 1) Town of Carmel Supervisor along with the Town of Carmel Police Department solicits input from the local residents and stakeholders in the community who wish to be involved in the Plan/Review - for Executive Order No: 203 New York State Police Reform and Reinvention Collaborative.

Date Completed: \_\_\_\_\_

See attached letters and emails from citizens wishing to be involved.

Notes:

Town of Carmel & Town of Carmel Police  
Department Checklist  
For  
Executive Order No. 203:  
New York State Police Reform and Reinvention

The Town of Carmel is seeking the public's assistance.

On June 12, 2020 Governor Cuomo signed Executive Order No. 203: New York State Police Reform and Reinvention Collaborative which requires that:

Each local government entity which has a police agency operating with police officers as defined under 1.20 of the criminal procedure law must perform a comprehensive review of current police force deployments, strategies, policies, procedures, and practices and develop a plan to improve such deployments, strategies, policies, procedures, and practices for the purpose of addressing the particular needs of the communities served by such police agency and promote community engagement to foster trust, fairness, and legitimacy and address any racial bias and disproportionate policing of communities of color.

Each chief executive of such local government shall convene the head of the local police agency, and stakeholders in the community to develop such plan, which shall consider evidence-based policing strategies...

In accordance with this Order, the Town of Carmel is seeking community groups and members who wish to participate in the New York State Police Reform and Reinvention Collaborative for the Town of Carmel.

Town of Carmel & Town of Carmel Police  
Department Checklist  
For  
Executive Order No. 203:  
New York State Police Reform and Reinvention

We ask all interested parties to submit their contact information along with any constructive ideas they may have to Town Clerk, Ann Spofford by mail to Town Clerk, Carmel Town Hall, 60 McAlpin Avenue, Mahopac, NY 10541 or by email to Town Clerk no later than Friday, October 30, 2020. Thank you in advance for your interest and participation.

- 2) Town of Carmel Supervisor along with the Town of Carmel Police Department identifies stakeholders and local community leaders who can meet and assist in the Plan/Review - for Executive Order No: 203 New York State Police Reform and Reinvention Collaborative.

Date Completed: \_\_\_\_\_

See attached list of stakeholders & community leaders.

Notes:



Town of Carmel & Town of Carmel Police  
Department Checklist  
For  
Executive Order No. 203:  
New York State Police Reform and Reinvention

- 3) Town of Carmel Supervisor along with the Town of Carmel Police Department meets with stakeholders and local community leaders to Plan/Review - for Executive Order No: 203 New York State Police Reform and Reinvention Collaborative.

"The Plan/Review should consider evidence-based policing strategies and cover - use of force policies, procedural justice, any studies addressing systemic racial bias or racial justice policing, implicit bias awareness training, de-escalation training and practices, law enforcement assisted diversion programs, restorative justice practices, community-based outreach and conflict resolution, problem oriented policing, hot spots policing, focused deterrence, crime prevention through environmental design, violence prevention and reduction interventions, model policies and guidelines promulgated by New York State Municipal Policing Training Council, and standards promulgated by the New York State Law Enforcement Accreditation Program."

Date/Dates Completed:

See attached list of ideas and/or changes.

Notes:

Town of Carmel & Town of Carmel Police  
Department Checklist  
For Executive Order No. 203:  
New York State Police Reform and  
Reinvention

- \* Use of Force policies
- \* Procedural Justice
- \* Any studies addressing systemic racial bias or racial justice policing
- \* Implicit Bias Awareness Training
- \* De-escalation Training and Practices
- \* Law Enforcement Assisted Diversion Programs
- \* Restorative Justice Practices
- \* Community-Based Outreach and Conflict Resolution
- \* Problem Oriented Policing
- \* Hot Spots Policing & Focused Deterrence
- \* Crime Prevention Through Environmental Design
- \* Violence Prevention and Reduction Interventions
- \* Model policies and guidelines promulgated by New York State Municipal Policing Training Council
- \* Standards promulgated by the New York State Law Enforcement Accreditation Program

Town of Carmel & Town of Carmel Police  
Department Checklist  
For Executive Order No. 203:  
New York State Police Reform and  
Reinvention

- 4) The Plan/Review - for Executive Order No: 203 New York State Police Reform and Reinvention Collaborative - is presented at a Town Board 1neeting or special meeting for public comment on such plan/review.

**SHOULD BE COMPLETED BY MARCH 1, 2021**

Date Completed \_\_\_\_\_

- 5) Carmel Town Board adopts the finalized - Review/Plan for Executive Order No: 203 New York State Police Reform and Reinvention Collaborative.

**MUST BE COMPLETED BY APRIL 1, 2021**

Date Completed: \_\_\_\_\_

- 6) Carmel Town Board/Town Clerk - Transmit a Certification to the Director of the Division of the Budget to affirm that the process has been completed along with a copy of the local law and/or resolution adopted and confirming said process.

Date Completed: \_\_\_\_\_

# ***Putnam County Police Policy Review***

## ***Education Committee***

### ***Participants:***

Lou Riolo  
Ilyanna Garcia  
Liz Kennedy  
Denise Gagliardi

We held three sessions. Five individuals participated in all.

The discussion was framed around the various areas of policy discussion and viewing their lens from an educational perspective. This included individual school, educator, student and parents of student/children with disabilities.

We focused a large amount on the Student Resource Officers (SRO) programs that run in our various schools throughout the entire county although other areas did arise during our discussions.

### ***Student Resource Officers (SRO) programs:***

It was discussed the need for greater structure of the SRO programs. This includes greater public awareness, improved relationship building. Improved defining role and communication of that role within schools for the benefit of the SRO, students, Administration and faculty is essential. Focus on how SROs' maintain relationships with individuals they come into daily contact should be analyzed. School integration of the SRO is essential to the individual's success and the effectiveness of the program. Greater training for SROs' in the area of students' with disabilities. We believe individuals and personality are invaluable in making or breaking relationships as an SRO. Therefore the process for choosing SRO's for schools should be reviewed where necessary. The position should be filled with individuals who are willing and want to work with student populations. The connection of the SRO to Admin staff and faculty in building is invaluable. Overall we believe that the SRO programs are a major support to our schools and their communities however a review would be important to create even greater success.

### ***Deployment:***

Sheriff Department does a very good job of not crossing improper lines. More visibility could occur in spots throughout the county. The question arose what the deployment numbers per day exist throughout the county and the dispersion of those deployments.

### ***Procedural Justice:***

Coffee with a cop, meet your SRO or programs that may be introduced through the schools (not only for SROs but other Sheriff Department staff) could be created without reach to school communities. Create opportunities of communication via schools. Having a Newsletter column in school or district information packets that may go out monthly or at least a few times a year could improve communication. Sheriff Department members being present at back to school nights to give quick informational symposiums for parents was another example presented.

***Bias:***

Review training used presently. The question of is this training constantly updated and do Sheriff Department members attend regularly? What screening processes are used with regards to hiring to remove any individuals with bias towards any group? Making a greater effort of hiring people of various and differing ethnicity and backgrounds to diversify department. Connect with various groups in the school community such as ELL/ESL students to create positive relationships and stereotypes.

***De-escalation:***

To what degree are officers trained to address citizens with mental illness and individuals with disabilities? Is this training ongoing? Educating police on dealing with young adults with autism and similar socially restraining disabilities is important and needs to be ongoing. To assist policing, making a concerted effort to support use of state driver licenses/ID with markings denoting potential disability to better inform Police of individual's cognitive/social/emotional state. In most instance SROs' are well trained in engaging students in challenging situations.

***Law Enforcement Diversion Programs:***

Not applicable.

***Restorative Justice:***

Prioritize training SROs in form of restorative justice practices. Potentially then use SRO program to work with others within department to improve the use of restorative justice where applicable.

***Community Based Outreach & Conflict Resolution:***

Allowing SROs to spend time in the greater school community even in a casual nature. One suggestion attending athletic events in plain clothes off duty (but still being paid). Have SROs and past SROs collaborate when creating the reorganization of outreach issues. Once again as state earlier inform community of SRO roles in the schools in conjunction with school districts.

***Problem Oriented Policing and Hot Spot Policing:***

Helpful to see the data on this. SRO use with student population if applicable.

***Focused Deterrence:***

Continuation of Drug Court (Judge Reitz) and potentially working with probation and court system to create something similar for students who are under age of eighteen. Work with schools on drug concerns and issues.

***Crime Prevention through Environment Design:***

Were unable to see application of this in education.

***Violence Prevention & Reduction Interventions:***

Sexual assault and the lack of reporting was discussed. Creating an environment where this reporting can be handled in a better fashion. In addition greater education through the schools with assistance of law enforcement to educate students on this topic.

***Models Policies Promulgated by the Municipal Police Training Council:***

Not applicable.

***The New York State Law Enforcement Agency Accreditation Standard:***

Not applicable

**PUTNAM COUNTY POLICE POLICY REVIEW PANEL  
MENTAL HEALTH AND SUBSTANCE USE DISORDER COMMITTEE RECOMMENDATIONS**

**Committee Members:**

**Co-Chairs:**

Dennis Ullman, Crisis Coordinator, Putnam Hospital Center  
Kristin McConnell, Director, Prevention Council of Putnam

James O. Carmody  
Baila Lemonik  
Edward Murphy, Past President of NAMI in Putnam County  
Naura Slivinsky, Arms Acres, Director of Community Relations

Thank you for the opportunity to participate in this initiative. We also want to acknowledge other individuals that participated in these discussions and asked to remain anonymous. In addition, all participants were encouraged to solicit input from colleagues, stakeholders, service recipients etc. Please note that the issues and recommendations that have been identified are not necessarily representative of the entire committee's views, but rather a culmination of suggestions and concerns brought forth by those involved. As such, please note the following may feel disjointed.

**Issues identified:**

Varied stakeholders shared their own personal experiences both positive and negative as well as those they have heard from others in their respective roles. In general, these themes emerged:

There appears to be a lack of consistency among departments and even among responding officers within a department and how they respond or react to behavioral health related incidents. These can range from extremely skilled individuals offering supportive encouragement, utilizing de-escalation techniques to extreme autocratic responses where authority and power are paramount. Bottom line, it feels as if the officer's personality plays a predominant role in how they respond versus clear procedural protocols. At times individuals felt that they were in fact being harassed for simply asking for assistance. During those times if empathy respect or common courtesy were paramount things may have gone substantially better.

Transparency and accountability was highlighted throughout many of our discussions. Media coverage of officers with "known" negative interactions but little if any disciplinary actions until a major violation, they simply moved on. If misconduct is noted in one area, it should be noted and become part of a permanent file or at least education and training initiatives need to be noted and reviewed in a P file.

Members noted their concern in officers not following appropriate health and safety procedures which can lead to citizen/police altercations and increased risk of public fear, anxiety and safety. Having clearly defined Pandemic Procedures to improve mental health during a public health crisis (i.e.) wearing masks and physically distancing is prudent.

**Solutions discussed:**

The idea of a requirement from an outside state licensing agency for police similar to other professions thus ensuring minimum standards and the use of ongoing education to keep one skills honed.

During each of our sessions common themes were again echoed: the word like transparency, accountability, enhance training were always forefront. Specific suggestions were made to mandate ongoing training such as Crisis Intervention Training (CIT). We developed a brief survey to poll the Police departments as to what would assist them. Unfortunately, only one department responded and as such the following contains some of that feedback.

Consider developing a Community Police Review Board to assist with transparency and accountability.

In an attempt to support law enforcement, 911 dispatchers can be trained to use a decision tree and where appropriate avoid a police response entirely. As an alternative to a police response, a 24/7 Mobile Crisis Team could be deployed. Putnam previously had this and would benefit from it, as it would significantly support local law enforcement. If a Mobile Crisis Team is not possible, we recommend funding to embed permanent trained personnel (civilian or officers) during each shift to assist in responding to calls of this nature. Finally, another alternative is specialized staff that could operate across police jurisdictions and work collaboratively with law enforcement. This could a similar model to what currently exists at Putnam County Department of Social Services, Adult Protective Services and Child Protective Services Units.

Other discussions centered around a collaborative team consisting of mental health and substance use disorder professionals including peers to assist in dealing with individuals under emotional stress. Specifically, we recommend funding positions such as Mental Health Peer Support Specialists and Certified Recovery Peer Advocates for departments. These individuals build capacity among law enforcement agencies to support their law enforcement by assisting individuals struggling with substance use disorders and/or mental illness by making referrals to treatment, removing barriers to recovery support services, and providing hope, optimism, and encouragement. Activities could include making treatment referrals for individuals who present to the station or in the field for help, and actively outreaching to individuals and encouraging them to seek services.

When it is clear that the issues are one driven by “behavioral health” perhaps at a minimum, officers would only respond after they have been trained in de-escalation techniques or at least are ones who have a sensitivity for that population.

Community engagement: discussions on ways to enhance general perception of the police can be very simple like open visits to stations, ongoing PAL events and/or coffee with a cop.

Consider funding for body cameras. Research suggests placing body-worn cameras on police officers improves the civility of police-citizen encounters and enhances citizen perceptions of police transparency and legitimacy (Colorado Senate Bill 20-217).

### **Trainings:**

The committee recommends at a minimum annual cultural sensitivity, de-escalation and Crisis Intervention Training to ensure police are aware of all resources and have opportunity to ask questions and explore real life issues. It may be required for individuals in the academy now, but all law enforcement should take this training. In sum, the concept is could enhance community policing in our community. Consider reallocating funding spent on excessive firearms training for de-escalation and mental health retraining.



Other resources we believe would be useful for law enforcement include the opportunity for Police to review behavioral events in near real time by calling a central hotline and review what occurred thus creating a learning opportunity for the next event. The use of virtual simulations via computer could be used frequently as initial training and refreshers as needed. The police can be trained in varied de-escalation techniques specific programs already occur by the Crisis Prevention Institute out of Milwaukee.

### **Existing Best Practices for Consideration**

We recommend that Putnam utilizes the multiple electronic bulletin boards throughout the county in a coordinated effort to disseminate mental health/substance use prevention and information to reduce calls to local law enforcement. By people having these resources, could prevent them from over utilizing law enforcement resources.

The committee reviewed best practices and models from neighboring counties and communities across the United States and included them below as recommendations for Putnam to consider.

#### **DUTCHESS COUNTY POLICE REFORM AND MODERNIZATION COLLABORATIVE**

Best Practice Concept: Crisis Assistance Helping Out On the Streets (CAHOOTS)

- “In Eugene and Springfield, Oregon, local police and social service providers collaborate to reroute calls that do not involve a legal issue or extreme threat of violence or risk to the individual or others. In these instances, officials send a team comprised of a medic and a crisis worker to respond to these calls. The responders assess the situation, assist the individual, and connect that individual with a higher level of care or services as needed. City officials estimate that this program, named CAHOOTS, has saved Eugene more than \$15 million a year. The program is also safe, as police backup was called 150 times out of a total of about 24,000 calls, only 0.6% of calls.” “Each team consists of a medic (either a nurse or an EMT) & a crisis worker (who has at least several years’ experience in the mental health field).”
- “CAHOOTS provides immediate stabilization in case of urgent medical need or psychological crisis, assessment, information, referral, advocacy & (in some cases)

Transportation to the next step in treatment. Any person who reports a crime in progress, violence, or a life-threatening emergency may receive a response from the police or emergency medical services instead of or in addition to CAHOOTS. The program offers a broad range of services, including but not limited to:

- o Crisis Counseling
- o Suicide Prevention, Assessment, and Intervention
- o Conflict Resolution and Mediation
- o Grief and loss
- o Substance Abuse
- o Housing Crisis
- o First Aid and Non-Emergency Medical Care
- o Resource Connection and Referrals
- o Transportation to Services”<sup>14</sup>

CAHOOTS diverts 5-8 percent of calls from Police.

- CAHOOTS' Funding in Eugene: "The City funds CAHOOTS through the Eugene Police Department. In Fiscal Year 2018 (July 2017 to June 2018) the contract budget for the CAHOOTS program was approximately \$798,000 which funded 31 hours of service per day (this includes overlapping coverage), seven days a week. One van was on duty 24 hours a day and another provided overlap coverage 7 hours per day. § Over the last several years, the City has increased funding to add more hours of service. The Fiscal Year 2020 (July 2019 to June 2020) budget included an additional \$281,000 on a one-time basis to add 11 additional hours of coverage to the existing CAHOOTS contract. CAHOOTS was able to add 5 of the 11 hours of service to bridge an afternoon gap to maintain two-van coverage. The City carried over the funding for the 5-hour expansion through Fiscal Year 2021 (July 2020 to June 2021)."

Best Practice Concept: Behavioral Evaluation & Assistance Team (BEAT) Patrols

- The BEAT patrol pairs a member of the County Mobile Crisis Intervention Team (MCIT) with police officers in the cities of Beacon and Poughkeepsie and towns of Poughkeepsie and Hyde Park. The teams are out in the community visiting sites where at-risk people congregate and building relationships while also connecting those in need to vital addiction, mental health, and housing services.

Other Examples

- "Denver recently launched a six-month pilot program named Support Team Assisted Response (STAR) which deploys teams of these professionals to respond to 911 calls for people experiencing mental health crises, homelessness, or drug addiction."

- "Since 2013, Austin's Expanded Mobile Crisis Outreach Team (EMCOT) has similarly handled crisis calls and behavioral health situations directly instead of the police. The city recently added funding for mental health professionals to work at its 911 call center to ensure the EMCOT team is able to divert and respond to these calls immediately."

- "Among the most ambitious local initiatives is Albuquerque, New Mexico's new Community Safety Department, which will be staffed by social workers, housing and homelessness specialists, and violence prevention experts. Emergency dispatchers will have the option to send Community Safety representatives, rather than police or firefighters, to the scene of an emergency." Focuses on responding to calls on inebriation, homelessness, substance-use, and mental health.

- "Rapid City, South Dakota and the Rapid City Police Department's Quality of Life Unit that engages police officers and caseworkers to connect those experiencing homelessness and other vulnerable members of the Rapid City community to support and social services."

- "Fort Collins, Colorado and the Fort Collins Police Force's mental health co-responder program in which behavioral health professionals respond to the scene of mental health/substance use disorder emergencies and help individuals get treatment and support services."

- "San Antonio, Texas and the San Antonio Police Department's Mental Health Detail that works to provide services for those experiencing behavioral health emergencies."

- “Wake County, North Carolina and Wake County’s Enhanced Mobile Crisis Pilot Program that works together with a local behavioral health managed care organization to send mobile crisis clinicians to emergency calls that may involve mental illness.”

Dutchess County continues to look for ways to more directly intervene with individuals experiencing homelessness, substance-use disorders, and mental health crises. The County has partnered with local agencies to support the aforementioned BEAT patrol. Additionally, the County Department of Behavioral and Community Health (DBCH) operates the Mobile Crisis Intervention Team (MCIT). The MCIT is a team of professionals who respond to people in crisis in the community, de-escalate situations involving people in crisis, and connect them to services. In 2021, Mental Health America is taking on the lead in staffing the team, the change will allow for more fluidity in practice, meaning the MCIT will be out in the community operating more visibly, proactively, and with a greater emphasis on case management.

MEMO TO: Putnam County Executive MaryEllen Odell  
Deputy Putnam County Executive Thomas Feighery  
Putnam County Sheriff Robert L. Langley, Jr.  
Putnam County District Attorney Robert V. Tendy

SUBJECT: 2020 Putnam County Police Policy Review, Law Enforcement Sub-Panel  
Recommendations

DATE: December 30, 2020

Thank you for the opportunity to participate in the Putnam County Police Policy Review. The Law Enforcement Sub-Panel understands the importance of this effort and the responsibility and trust placed in us. We spent several weeks compiling recommendations for your consideration. We used the Outline for Community Discussion on Reform and Reinvention of Policing in Putnam County, better known as "The Workbook," as our guide. The results are 10 pages of recommendations including specific policy changes, expanded training, new equipment, and improved practices to make our community even stronger and safer than it is today. Here are some highlights of our recommendations.

1. We need more law enforcement officers in Putnam County. So that our female and Hispanic populations are adequately represented in our police force, we recommend placing extra effort into hiring female officers and officers with Spanish language skills. In addition to increased hiring, backfilling officers with overtime and/or using improved schedule and shift management is recommended to create a force multiplier effect.
2. The Sheriff's budget should be increased. Our County plan should not produce unfunded mandates, nor should it require a tax increase. Understanding the many demands for County resources and the normal budget process, we urge you to consider reallocating resources and searching for efficiencies, such as merging Town, Village and County police forces. Additionally, we recommend you identify new and additive federal, state, private and non-profit funding and grants. Initiatives should be prioritized and placed on a timeline with milestones. Everything can't be done at once.
3. We highly recommend greater attention to officer wellness and training. Law enforcement is stressful. We want our officers to have the best training, develop the strongest skills with rapid adaptability for violent and non-violent situations, and be in the right place at the right time to keep us safe and secure.
4. Our officers should have body cameras. Body cameras protect the officers, people involved in emergencies and various situations, and by-standers. They create an accurate record of events that are useful in the court system, officer training, and crime prevention.
5. It is important to review our police policies to ensure they comply with State law. Our Putnam County police policies can be stricter than State law, not less.
6. The Putnam County Sheriff's office should be accredited. After two years, we should have a renewed sense of urgency in obtaining the New York State Law Enforcement Agency Accreditation immediately.

Although we understand the basis and requirements of the Governor's Executive Order 203, we did not try to fix a racial bias problem that doesn't exist in the Sheriff's office. That said, we think there is always room for improvement, and you'll see that reflected in our recommendations.

We are available for further consultation and to address any questions on our recommendations. Thank you again for the opportunity to serve Putnam County.

Carla Lucchino, Sub-Panel Leader

Ryan Beckwith

Bob Cullen

Jason Klein

Katherine O'Sullivan

Andy Powers

Bob Rivera

Mirna Santiago

Cindy Trimble

# **PUTNAM COUNTY POLICE POLICY REVIEW**

## **LAW ENFORCEMENT PANEL RECOMMENDATIONS**

**December 2020**

The following recommendations are submitted in accordance with the Outline for Community Discussions on Reform and Reinvention of Policing in Putnam County, known as “The Workbook.”

### Team Members:

Carla Lucchino, Leader  
Ryan Beckwith  
Bob Cullen  
Jason E. Klein  
Katherine O’Sullivan  
Andy Powers  
Bob Rivera  
Mirna Santiago  
Cindy Trimble

### **1. DEPLOYMENT:**

- a. As part of their 2021 budget review, the Putnam County Legislature recently looked into police department overlap and duplication. Where there are redundant law enforcement/police capabilities, and residents pay taxes for a Town or Village police force (Kent, Carmel, Cold Spring and Brewster) in addition to the Putnam County Sheriff’s Office (PCSO), consideration should be given to merging these police departments together. People in these towns and villages should not have to pay twice for police protection, particularly since this merger would create efficiencies that could fund panel recommendations, including body cameras, more racial equity training, accreditation, stronger recruiting of minority officers, and improved data collection. These economies of scale and scope would support building a more professional police force better equipped to address issues of racial justice.
- b. If the police forces in Putnam County are merged together, we should re-assess the numbers of police officers deployed and the locations of their deployments. Having more police, particularly in high crime areas, would be a plus for our County. Over-extended officers, who deal with the stress of long or double shifts, and the inability to take time off and adequately rest between shifts, is dangerous for the safety and wellness of our officers. It is also dangerous for the public’s welfare, and exposes our County and its taxpayers to litigation and damages resulting from negative outcomes attributable to officer fatigue.

- c. If we improve the tracking and data accumulation of police actions, particularly as they impact different communities, we could use this information to make police deployment decisions. This would help us avoid over-policing marginalized communities.

**2. USE OF FORCE:**

- a. Currently, the title of the Sheriff’s Use of Force Policy reads: “Use of Force.” The title should be changed to the following: “Use of Force Policy (NYS Executive Law Article 35, §840(4)(d)(3))”

- b. Currently, under Section 300.1.1, Definitions, states:

“Deadly force – Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious physical injury. This includes force that, under the circumstances, is readily capable of causing death or serious physical injury. (Executive Law §840).”

We recommend the following change. Replace the definition of “Deadly Force” with the definition of “Deadly Physical Force” as follows: “Deadly physical force means physical force which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury. (NYS Penal Law, Article 10, Section 10(11).”

NOTE: Don’t modify the definition of Deadly Physical Force. Use exactly what’s provided by the legislature in State law. The Law cited in the current policy refers broadly to the Executive Functions, Powers and Duties of the Municipal Police Training Council (MPTC), and does not refer the reader back to the actual definition of Deadly Physical Force. The Executive Law reference should be changed to match the NYS Penal Law reference.

- c. We recommend adding the following definition to Section 300.1.1, Definitions:

Brandish - For Use of Force reporting purposes, required under Executive Law §837-t, the Municipal Police Training Council (MPTC) adopted a definition of Brandish that is analogous to use and discharge for firearms, and use and deploy for impact weapons and electronic control weapons. The MPTC defined brandish/use/discharge and brandish/use/deploy as the operation of a weapon in a manner capable of causing physical injury. As defined by the MPTC, the mere pointing of a firearm, an impact weapon, or an electronic control weapon at a subject is not considered brandishing, use or discharge of a firearm, or brandishing, use, or deployment of an impact or electronic control weapon, and therefore, not a reportable Use of Force incident.

- d. We recommend adding the following language to the Use of Force Policy sections 300.1.1 (Definitions) and 300.3 (Use of Force):

Objectively Reasonable: An objective standard used to judge an officer's actions. Under this standard, a particular application of force must be judged through the perspective of a reasonable officer facing the same set of circumstances, without the benefit of 20/20 hindsight, and be based on the totality of the facts that are known to that officer at the time that the force was used. (Graham 490 U.S. 396 (1989) and MPTC)

NOTE: The term "objectively reasonable" is used in the Putnam County Use of Force Policy Section 300.4.

- e. Currently, the Use of Force Policy, Section 300.3.2 Use of Force to Effect an Arrest, states:

A police officer or a peace officer may use reasonable physical force to affect an arrest, prevent escape of a person from custody, or in defense of self or others from imminent physical force. (Penal Law §35.30)

We recommend the following change: "A police officer or a peace officer, in the course of effecting or attempting to effect an arrest, or of preventing or attempting to prevent the escape from custody, of a person whom he or she reasonably believes to have committed an offense, may use physical force when and to the extent he or she reasonably believes such to be necessary to effect the arrest, or to prevent the escape from custody, or in self-defense or to defend a third person from what he or she reasonably believes to be the use or imminent use of physical force." (NYS Penal Law §35.30)

NOTE: Recommend using language as defined by statute, which is the NYS Penal Law.

- f. Currently, Section 300.3.2 Use of Force to Effect an Arrest, states:  
Force shall not be used by a deputy to (Executive Law §840):

1. Extract an item from the anus or vagina of a subject without a warrant, except where exigent circumstances are present.
2. Coerce a confession from a subject in custody.
3. Obtain blood, saliva, urine or other bodily fluid or cells from an individual for scientific testing in lieu of a court order where required.

We recommend the following changes:

Force shall not be used by an officer for the following reasons:

1. To extract an item from the anus or vagina of a subject without a warrant, except where exigent circumstances are present,



2. To coerce a confession from a subject in custody,
3. To obtain blood, saliva, urine, or other bodily fluid or cells, from an individual for the purposes of scientific testing in lieu of a court order where required, and
4. Against persons who are handcuffed or restrained unless it is used to prevent injury, escape, or otherwise overcome active or passive resistance posed by the subject.

NOTE: Recommend using language provided by MPTC and adding item 4 as included in MPTC model policy.

- g. Currently, Section 300.5, Reporting the Use of Force, cites Executive Law §840. We recommend this be changed to cite NYS Executive Law §837t and 9NYCRR6058.
- h. Under Section 300.5.1, Notifications to Supervisors, we recommend the following addition:  
“J. Incidents where a firearm was discharged at a subject.”

NOTE: In accordance with New York State Executive Law §837v, any discharge of a weapon, while either on duty or off duty, in the direction of a person, should be verbally reported to the involved officer’s supervisor within 6 hours and a written report prepared within 48 hours of occurrence.

- i. We recommend the following change to Section 300.8, Training:  
“New York State Police Reform and Reinvention Collaborative Workbook issued by Governor Cuomo in August 2020, mentions, suggests, and recommends additional and specialized training for police officers approximately 150 times. Police Department budgets should be increased to accommodate increased in-service and continuing education training to improve service. The State of New York should provide additional funding to counties, cities, towns and villages for their police departments, and not burden police departments further with unfunded mandates. “
- j. Ensure there is adequate oversight of our use of force policy implementation. Get the policy right and make sure it’s followed. Consider creating an Internal Affairs organization, if one doesn’t currently exist. Perhaps there should be a probation period for newly promoted officers.

### **3. PROCEDURAL JUSTICE:**

### **4. BIAS:**

- a. Hispanics represent 16% of the population, 26% of arrests (2019), 29% of felony arrests, but just 2% of identified law enforcement staff. The PCSO should revamp and expand recruiting efforts for non-white officers, most especially Hispanic officers. It should also encourage, and consider subsidizing, Spanish-language training for officers. Until we have more multi-lingual officers, consider using AT&T's language line. Expand community outreach to local Hispanic organizations. Perhaps an outside consultant could be used to assist to conduct an Equity Audit that examines the County's demographics in comparison to our current police force. Also consider recruiting directly from high schools and colleges. We should hire talented and highly qualified officers that improve police services in Putnam County.
- b. The PCSO should review leadership training and promotion policies to ensure no bias exists to exclude underrepresented communities from advancement.
- c. Evaluate our 5-year trend in bias complaints. Compare this to nearby similar counties in NYS. Adjust the PCSO's bias training as needed. Consider training in implicit bias for police officers and community groups that involve residents assisting the police. This will help to avoid inadvertent racial profiling and stereotyping.
- d. It is important to have a police force with officers that have secondary educations. We recommend Putnam County consider providing financial support and incentives for higher education degrees to our police officers. The County could reimburse officers at the SUNY tuition credit rate for workforce degrees in disciplines such as public administration and criminal justice. This reimbursement could be prorated depending on the academic grade obtained by the officer in the program. For example, an officer who receives an "A" grade should be reimbursed at 100 percent, a "B" grade at 80 percent, and a "C" grade at 70 percent. A grade lower than "C" should not be reimbursed. A provision could also be added stating that if an officer transfers to another department within five years of receiving a degree paid for by Putnam County, that officer should reimburse the county for his or her educational expense.

## **5. DE-ESCALATION:**

- a. In addition to supplementary Use-of-Force training (NY State required 21 hours of annual in-service training), require annual in-service training such as Bias Reduction Training (including community-specific bias, implicit bias, and cultural competency), Constitutional Conduct Training, De-escalation Training, and Crisis Intervention Team (CIT) Training with an emphasis on sourcing high quality, rigorous, and evidence-based programs. De-escalation policy and training should emphasize and teach tactics and techniques that promote safe restraints and non-violent outcomes, where appropriate, in police activities.

- b. Consider creating a unit or units of non-police emergency first responders trained in Crisis Intervention Team (CIT) and De-escalation tactics. This unit could be deployed in instances of emergency calls related to substance abuse, mental health, and domestic crises. These responders may consist of a team of nurses, EMTs, social workers and/or psychological professionals. They may be dispatched out of the Sheriff's office or out of the County's Emergency Services office. They may be escorted or backed-up by a Deputy and they should be funded directly from the County budget or by a supplementary budget line provided to the Sheriff's office specifically for the creation and staffing of this unit.

## **6. LAW ENFORCEMENT ASSISTED DIVERSION PROGRAMS:**

- a. The Putnam Assisted Diversion Programs should be conducted in collaboration with Town and Village police departments. Do we distribute simple wallet size cards with names, numbers, addresses and services to the public? Can this be accomplished in conjunction with the Putnam County drug court?
- b. If there isn't a drug court in Putnam County, consider establishing one. Consider administering the Hope not Handcuffs program at the judicial level with input from the Putnam County District Attorney.

## **7. RESTORATIVE JUSTICE:**

- a. Consider a Restorative Justice program that arranges a meeting with the police officer and a social service agency representative in addition to the victim and the offender.
- b. Use metrics to determine the success of our Restorative Justice program(s), such as a reduction in recidivism.
- c. Consider operating Restorative Justice programs under the Probation Department and/or the District Attorney's office rather than the Sheriff's office.
- d. In addition to expanding Judge Reitz's Drug Court, consider other diversionary programs including Veteran's Treatment Court, Mental Health Court, etc. Additionally, the New York State Division of Criminal Justice Services (NYSDCJS) Division of Probation and Correctional Alternatives funds Alternative to Incarceration (ATI) Programs. Some of the ATI programs are run by not-for-profits funded by the State and Counties as well as grants. Consider the following ATI programs for Putnam County: Mental Illness Programs, Pretrial Services, Treatment Alternatives for Safer Communities (TASC) and Drug and Alcohol Programs, Specialized Programs, Community Service Programs, and Defender Based Advocacy.

## **8. COMMUNITY BASED OUTREACH AND CONFLICT RESOLUTION:**

- a. It's extremely important to communicate and share information with residents. Formally engage community members, especially those from marginalized groups, to solicit input on police officer training.
- b. Consider expanding Neighborhood Watch Programs.
- c. Consider developing a network of police liaison volunteers to assist with police/community relations in schools, chambers of commerce, religious institutions, and other local affinity groups; especially with the Hispanic community.
- d. Mutual appreciation and understanding through collaboration between the public and the police builds present and future trust, loyalty, respect and positive relationships. Consider greater involvement of the Sheriff's office in support of the Putnam County Drug and Treatment Courts so that police officers gain a better understanding of the personal issues faced by the participants, and the participants gain an improved understanding of law enforcement.
- e. Consider adding new and diverse voices from marginalized groups into the PCSO's Community Advisory Board.
- f. Consider resurrecting former Sheriff Smith's Putnam County Sheriff's Citizen Academy as a means of educating the public on the interaction between police officers and community residents. This would improve the PCSO's understanding of community concerns and also help residents understand the concerns of police officers when performing their jobs. This could mitigate, for example, apprehension by drivers, passengers and police when residents are stopped for traffic violations.
- g. Consider expanding other citizen collaboration programs including Junior Cadet programs such as the Sheriff's Cadet and Police Cadet program. Increase recruitment for this program in local schools and find more ways to involve local youth with police officers. This also provides a pipeline for development of future police officers.

## **9. PROBLEM ORIENTED POLICING AND HOT SPOT POLICING:**

- a. Unless this is already being done, use demographic and community needs data, such as information on crime trends and traffic issues, to determine where and how many police officers are deployed. High crime areas should receive the most police attention to prevent and/or apprehend effectively.
- b. Consider collecting data on how police officers spend their time to compare to crime statistics. Are police officers deployed where they are needed most or are they deployed to meet quotas? Deploy police officers when and where the demand for their services is greatest.

## **10. FOCUSED DETERRENCE:**

- a. Consider using 10-year trend crime statistics when designing crime reduction strategies.
- b. Officers should know our community, and if possible, identify suspicious people, vehicles and activities to deter the distribution of drugs and associated criminal acts in our community. The use of more surveillance cameras could help populate a database of information that can be used in preventing crime and arresting criminals.

## **11. CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN:**

- a. Consider conducting home and business security evaluations (similar to military threat assessments) and use the results to improve safety and security.
- b. Safety and Security improvements such as the addition of security systems, alarms, lighting, etc., should be incorporated into County, Town and Village Code and considered in evaluating applications to Town and Village Planning and Architectural Review Boards.

## **12. VIOLENCE PREVENTION AND REDUCTION INTERVENTIONS:**

- a. Putnam County should work with the Courts, the Sheriff's office, and non-profit organizations to ensure we make maximum use of programs that reduce recidivism.

## **13. MODEL POLICIES PROMULGATED BY THE MUNICIPAL POLICE TRAINING COUNCIL:**

- a. Consider surveying police officers to determine the adequacy of their training. Compare the training of Putnam County officers to comparable NYS police forces and make improvements as needed. Do we provide sufficient training (number of hours)? Is it the right type of training for the crime in Putnam County?
- b. Consider improved police training for domestic violence incidents. Taking "at the scene" actions based on evidence to mitigate or rescind false accusations, especially when alcohol or illegal drugs are involved, would expedite fair resolutions and serve justice. This helps all parties involved and safeguards time and taxpayer dollars.
- c. Ensure that police training focuses on day-to-day duties such as community policing, non-violent public interaction, and crime prevention, in addition to training for violent and serious crime prevention and reaction.

- d. The proper treatment of victims must be part of a police officer's training. The NYPD now has someone from the Victim Services Administration in each police precinct to assist with domestic violence or rape cases. This is funded through the social service and health agencies. Can we get this type of funding? Also consider adopting trauma-informed practices into police training. This training helps police officers examine victim/survivor behavior and psychology, which can inform policing strategies for vulnerable populations.
- e. We recommend training, as needed, when deploying new technology. This should include training on the proper management and storage of sensitive data.

#### **14. THE NEW YORK STATE LAW ENFORCEMENT AGENCY ACCREDITATION STANDARDS:**

- a. The PCSO should be accredited.

#### **15. OTHER:**

- a. Provide body cameras for all police officers. This protects officers from false charges and provides a clear record of all incidents with no editing of video or audio by civilians that may be at the scene and start recording an incident. Additionally, greater use of video equipment would improve our understanding of police officer's daily duties, aid court prosecutions, serve as a training tool, and provide input to better evaluate police officer performance.
- b. FEMA annually identifies 30-35 cities and towns that are at risk of international or domestic terrorist acts, such as riots. The towns identified can apply for grant money to buy tanks, guns, ammo and even Israeli consultations. Peekskill, for example, recently bought a bomb resistant tank. Consider holding public hearings prior to any application for Defense Dept. and/or Dept. of Homeland Security/FEMA funding for equipment and consulting.
- c. Consider a mini public relations campaign utilizing both traditional and social media to create community awareness of this Putnam Police Policy Review. Explain that it is focused on not only preventing reductions in state funding for our police but on enhancing community relations with local law enforcement.
- d. Establish Performance-Based Criteria for sourcing reputable and qualified partners and vendors. Award contracts based on best value rather than lowest price.
- e. Private businesses and institutions that use local law enforcement resources as an alternative to hiring private security and thus diverting our officers from serving local residents should pay a fee for these services. A case in point is the Arms Acres Methadone Clinic on Old Route 6 in Carmel.


- f. Consider modifying or increasing the Sheriff's budget in order to implement some or all of these recommendations, including those in support of Executive Order 203. Unfunded mandates can't be implemented. Make greater use of federal and state funded programs, and consider greater use of asset forfeiture funds from the District Attorney. Although these funds can't be used for salaries, they can be used for programs and equipment. Putnam County should consider hiring a grant writer, unless we already have one.
- g. Be sure to consider the wellness of our police officers as changes are made. The fluctuating stress level of police work is understated. Although it can be difficult to deal with the public, the mental health of our police officers is critical to the safety of the public.
- h. When an officer is in training, or called to back-up non-police emergency responders, there must be adequate replacement personnel, so we do not need to resort to expensive and exhausting overtime.
- i. The Putnam County Sheriff should consider establishing a survey on the Sheriff's Facebook page with questions about the public's interactions with police officers. This would provide positive and negative feedback and this feedback could be used to make improvements as needed.

**POLICE  
DEPARTMENT**

**MODEL  
POLICY**

**ON INTERACTIONS  
WITH TRANSGENDER  
PEOPLE**





This model policy document reflects national best policies and practices for police officers' interactions with transgender people. The majority of these policies were originally developed by the National LGBT/HIV Criminal Justice Working Group along with a broader set of model policies addressing issues including police sexual misconduct and issues faced by people living with HIV. Specific areas of the original model policy were updated and modified for use as the foundation for NCTE's publication "[Failing to Protect and Serve: Police Department Policies Towards Transgender People](#)," which also evaluates the policies of the largest 25 police departments in the U.S.

This publication contains model language for police department policies, as well as other criteria about policies that should be met for police departments that seek to implement best practices. **The larger Working Group's model policies developed by Andrea J. Ritchie and the National LGBTQ/HIV Criminal Justice Working Group, a coalition of nearly 40 organizations including NCTE,** can be found in the appendices of the Community Oriented Policing Services (COPS) "[Gender, Sexuality, and 21st Century Policing](#)" report.

While these are presented as model policies, they should be adapted by police departments in collaboration with local transgender leaders to better serve their community. **For assistance in policy development and review, please contact Racial and Economic Justice Policy Advocate, Mateo De La Torre, at [mdelatorre@transequality.org](mailto:mdelatorre@transequality.org) or 202-804-6045, or [ncte@transequality.org](mailto:ncte@transequality.org) or 202-642-4542. NCTE does not charge for these services.**

## #1: Availability of Policy on Transgender Interactions:

Department's Transgender policies should be readily accessible to the public at no cost via the Department's website and external search engines. An ideal policy would include all of the following criteria, either in a "Transgender Policy" or cross referenced from other sections within said policy.

## #2: Non-Discrimination and Profiling Based on Gender Identity:

### Model Policy:

1. Members shall *not*:
  - A. Request identification or otherwise initiate contact solely based on actual or perceived sexual orientation or gender identity or expression
  - B. Inquire about intimate details of an individual's sexual practices, genitals, anatomy or medical history, or conduct a search to determine a person's anatomy or assign gender.
  - C. Use language that is demeaning or derogatory to another person, in particular, language aimed at a person's actual or perceived gender identity, gender expression, or sexual orientation. This includes "he-she," "tranny," "faggot," "punk," "it," "shim," "thing," "dyke," "bull-dagger" or any other derogatory term.
  - D. Engage in any sexual harassment of members of the public, while on or off duty, as defined by the department's policy on sexual misconduct.
  - E. Consider an individual's gender identity, gender expression, or actual or perceived sexual orientation as a reason to stop, question, search or arrest that individual, a basis for reasonable suspicion, or as prima facie evidence that the individual is, has or is about to engage in a crime, including, but not limited to, prostitution or lewd conduct.
2. Officers should be aware that the presence of needles may be indicative of prescribed hormone treatment and/or therapy and is not necessarily indicative of illegal drug possession, use or drug paraphernalia.

### #3: Non-Discrimination Based on Sexual Orientation:

#### Model Policy:

Policy must clearly prohibit profiling, harassment, and discrimination based on sexual orientation or perceived sexual orientation. See criteria #2 for recommended policy language.

### #4: Non-Binary Recognition:

#### Best Practice:

Policies and training materials should recognize that not all people identify as male or female.

**Note:** Model policy language on non-binary identities is included in each of the gender-specific model policies that follow: *Use of Respectful Language, Department Forms/Records, Search Procedures, Transportation, Removal of Appearance Related Items, Bathroom Use, and Training.*

## HOW A POLICE DEPARTMENT CAN DESCRIBE NON-BINARY PEOPLE IN EASY-TO-UNDERSTAND LANGUAGE AND GIVE BASIC INFORMATION ABOUT USING PRONOUNS

Most people – including most transgender people – are either male or female. But some people don't neatly fit into the categories of "man" or "woman," or "male" or "female." For example, some people have a gender that blends elements of being a man or a woman, or a gender that is different than either male or female. Some people don't identify with any gender. Some people's gender changes over time.

People whose gender is not male or female use many different terms to describe themselves, with non-binary being one of the most common. Other terms include genderqueer, agender, bigender, and more. None of these terms mean exactly the same thing – but all speak to an experience of gender that is not simply male or female.

Different non-binary people may use different pronouns. Many non-binary people use "they" while others use "he" or "she," and still others use other pronouns. Asking whether someone should be referred to as "he," "she," "they," or another pronoun may feel awkward at first, but is one of the simplest and most important ways to show respect for someone's identity.

## #5: Use of Respectful Communication and Language:

### Model Policy:

1. Members shall:
  - A. Address the public using names, pronouns and titles of respect appropriate to the individual's gender identity as expressed by the individual (e.g. "she, her" for an individual who requests she/her pronouns; "he, his" for an individual who requests he/his pronouns; "they, them" for an individual who requests "they/them" pronouns.).
  - B. Respectfully treat trans, intersex and gender-nonconforming individuals in a manner appropriate to the individual's gender identity and/or expression, which may be different from their sex assigned at birth or what is listed on their official government-issued identification.
2. Members should be aware that individuals' names may change over time, whether due to marriage, changes in gender identity, or other factors, and should always use the name currently used by individuals.

## #6: Department Forms/Records: Name, Gender, and Pronouns

### Best Practices:

All departmental forms and records should include a space for "Name currently used (if different from legal name)," and "Legal Name" in addition to any spaces currently designated for "alias." (e.g. a transgender woman might use the name Jane Doe ("Name Currently Used"), her nickname might be JD ("Alias"), and the legal name on her ID might be different ("Legal Name"). Pronouns should be recorded along with "Name Currently Used."

All forms and records should include designations for male, female, a gender-neutral designation (such as "non-binary" or the abbreviation "X"), and "Unknown" for instances where the gender of the individual has not been disclosed and is otherwise unknown.

## Model Policy:

Members shall:

1. Record an individual's currently used name under "Name Currently Used" in all Department forms and records if different from legal name. Members shall use this name when addressing, recording, or referring to an individual.
2. Record an individual's legal name as stated on government issued ID or other legal paperwork under "Legal Name" in all Department forms and records.
3. Note an individual's gender as "M," "F," "X," or "Unknown" based on the individual's expressed gender identity. If unsure or if the individual has not disclosed, members shall respectfully ask for how the individual identifies regardless of gender marker on government ID.
4. Pronouns shall be recorded as stated by the individual.

*Some states and municipalities allow for a gender neutral designation (usually "X") on identification documents. Members shall consider identification with X gender markers as legal forms of identification.*


Members shall *not*:

1. Consider or document the name an individual currently uses as an "alias" or "nickname."

## #7: Search Procedures:

### Model Policy:

1. Under no circumstances shall members of the department frisk or search any person, including searches premised on an individual's consent, for the purpose of viewing or assigning gender based on the person's anatomy or genitalia or for any demeaning or harassing purpose.
2. Trans, intersex, and gender-nonconforming individuals shall not be subject to more invasive searches or frisk procedures than other individuals in the field or in police holding facilities.

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- 3.** Before searching an individual when no other lawful basis exists for the search, members shall inform the individual of their right to refuse a search based on consent (if applicable), and ask for the written consent of the individual to be searched. If no such consent is provided, then no search will be conducted.
  - 4.** Before conducting any search of an individual in the field or at a police holding facility, officers conducting the search will ask the individual to be searched their preference with respect to the gender of the officer conducting the search (i.e. a trans woman may prefer to be searched by female members of the department). This request will be honored absent exigent circumstances, which shall be documented in writing as set forth below. This provision does not apply to frisks conducted to ensure officer safety.
    - A.** If exigent circumstances exist or the search involves a frisk conducted to ensure officer safety and there is no time to determine whether the individual would feel safer being searched by a male or female officer, then the default should be for the individual to be searched by a female officer, unless a male officer is explicitly requested prior to or during the search. A search of a transgender, gender non-conforming, or intersex person by an officer of the same sex as the person's gender identity or of the requested gender shall be considered a proper "same-sex" search for purposes of PREA and any other applicable law.
      - a.** If no officer of the gender requested is available, then the members shall:
        - i.** Summon an officer who is of the gender requested by the individual to conduct the search; and if no such officer is available or the individual's request is not honored for any other reason, the member shall document the individual's preference with respect to the gender of the officer performing the search, and the reason the individual's preference was not honored, in the command log.
        - ii.** If an officer of the requested sex is not available to conduct a legally necessary strip search, then such a search may only be conducted in private by a physician as a last resort.

## #8: Transportation:

### Model Policy:

1. All members are required to contact dispatch at the beginning and end of transport and to document mileage from start to finish of each trip to transport arrestees.
2. When transporting trans, intersex, and/or gender-nonconforming individuals, members shall transport with other arrestees of the same self-identified gender unless the individual has expressed a safety concern and wish to be transported alone or with people of a different gender.
3. If a person does not identify as male or female, they shall be transported with arrestees of the gender they express to be safest for them.

## #9: Officer Sexual Misconduct:

### Model Policy:

This department has a zero tolerance policy with respect to sexual harassment, sexual assault, sexual misconduct, sexual abuse, and rape of any member of the public by any member of the department. Engaging in such conduct will be grounds for immediate discipline, up to and including suspension and termination from the force.

1. Members are prohibited from:
  - A. Engaging in any on-duty sexual activity by officers
  - B. Engaging in any on- or off-duty sexual activity using department/city property
  - C. Using official position to coerce, persuade, force, or initiate sexual contact
  - D. Failing to report sexual misconduct
  - E. Performing non-exigent searches of women by male officers
2. Department shall employ the following prevention and oversight measures:
  - A. partner with independent victim service providers to conduct post-arrest exit interviews;
  - B. Conduct regular unannounced supervision;
  - C. Conduct regular "sting" audits for officer sexual misconduct;


- D. Conduct annual independent audits for sexual misconduct compliance;
  - E. Publish annual data on alleged incidents of sexual misconduct
3. Department shall fully incorporates PREA lockup standards.
- A. Abuse Prevention Planning (hiring, training, searches)
  - B. Evidence and Referral Protocols
  - C. Training and Education
  - D. Risk Screening
  - E. Reporting
  - F. Official Response to a Report
  - G. Investigations
  - H. Staff Discipline and Prosecutions
  - I. Medical and Mental Care
  - J. Data Collection and Review
  - K. Audits and Corrective Action

## #10: Placement in Temporary Lockup:

### Model Policy:

1. In the event that a transgender or gender-nonconforming person is in police custody and held in an area segregated by gender:
  - A. The individual shall be consulted on where they feel most safe before placement, and every effort will be made to ensure the person will be placed where they say they will feel most safe.
    - a. Should the individual's assessment of their safety change over the course of detention, they will immediately be moved to a location where they feel safer.
  - B. Unless individuals express a concern for their safety, individuals shall be housed in a manner consistent with their gender identity.
    - a. Safety preference for placement will be documented in writing.
    - b. All placements made that are not in accordance with what the arrested individual specifies would be safest shall be documented in writing, with a detailed explanation for why the safety requests of the individuals were overridden.



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2. Transgender, gender-nonconforming, and intersex individuals shall not:
    - A. be arbitrarily placed in segregated cells solely because of their transgender, gender-nonconforming, or intersex status or for their own protection unless they have expressly requested to be so placed.
    - B. be handcuffed to railings, chairs, or other devices for any length of time solely because of their transgender, gender nonconforming, or intersex status or for their own protection.
    - C. be held longer than necessary for processing.

## **#11: Access to Medical Care in Lockup:**

### **Model Policy:**

1. Prescription hormones shall be treated like any other prescription medication necessary for an individual's health and wellbeing.
2. Whenever a trans, intersex, and/or gender-nonconforming individual expresses a need for medical attention, members shall handle the situation with the same urgency and respect as any medical need or injury.

## **#12: Removal of Appearance Related Items:**

*(e.g. prosthetics, bras, clothes, undergarments, wigs, chest binders, or cosmetic items)*

### **Model Policy:**

1. Transgender people shall not be asked to remove appearance-related items (such as prosthetics, bras, clothes, undergarments, wigs, chest binders, or cosmetic items), regardless of where they are housed, if non-transgender individuals of the same gender identity are not also required to do so.
  - A. If the individual does not identify as male or female, they should be allowed to keep appearance-related items regardless of placement, unless the items are disallowed for all arrestees regardless of gender.
  - B. Whenever practicable, removal of items shall be conducted in private.

## #13: Bathroom Use:

### Model Policy:

1. Trans, intersex, and gender non-conforming individuals shall not, on the basis of gender identity or expression, be stopped, questioned, or arrested for using a gender-segregated or single-sex restroom including public restrooms.
2. Trans, intersex and gender-nonconforming individuals shall be allowed to use the restroom in accordance with their gender identity or where they feel the most safe while in police custody.

## #14: Use of condoms as evidence for prostitution-related offenses:


*Many people participate in sex work, drug sales, and other activities that are currently criminalized (“underground economy”) to earn an income, or in exchange for food, a place to sleep, or other goods or services. The commercial sex trade exists in a variety of forms, including street-based and online sex work. Participation in the sex trade is often higher among those who have faced family rejection, poverty, or unequal opportunities in employment, housing, and education. Numerous studies have documented higher levels of participation in sex work among transgender people, and in particular people of color and those facing homelessness or poverty.*

### Model Policy:

Members of the service are advised that confiscating, citing, and invoicing condoms as arrest evidence for any prostitution-related offenses may compromise public health by creating a disincentive for individuals to carry, distribute, share, or receive condoms in order to engage in safer sex practices.

Members shall *not*:

1. Confiscate unused condoms from individuals under any circumstances.
2. Cite or rely on the presence or possession of condoms to any degree as the basis for reasonable suspicion or probable cause to believe that an individual has engaged in or intends to engage in any prostitution-related charge, including patronizing, promoting, maintaining a premise, or trafficking.

- 
3. Comment on the presence or possession of unused condoms, or ask individuals questions regarding the purpose and intended use of condoms, or regarding their sexual practices.
  4. Harass individuals or businesses engaged in the distribution of condoms, or threaten to use presence or possession of condoms as a basis for ongoing harassment or initiation of any law enforcement action.

## **#15: Training:**

### **Best Practices:**

1. The department should implement full and regular training of new recruits, current members of the department, supervisors, and commanders on this policy and other matters related to the LGB and trans, intersex, and gender-nonconforming community.
2. Trainings should be led or co-facilitated in meaningful part by members of the LGBT community who have experience with the department and by organizations knowledgeable about these issues and communities.
3. Training on trans, intersex, and gender-nonconforming issues should be incorporated throughout all officer trainings, including during search and seizure training and “cultural sensitivity” training.
4. Members should receive 8 hours of training specifically on trans, intersex, and gender-nonconforming issues and periodic roll-call trainings or other shorter “in-service” trainings.

## **#16: Immigration Enforcement Cooperation:**

### **Best Practices:**

NCTE encourages Police Departments to work with their local communities to establish comprehensive immigration and oversight policies and mechanisms for their jurisdiction. The following criteria are meant as a starting point to describe the overall position of the Department towards the communities they police.

Members shall *not*:

1. Honor civil immigration notification and hold requests from USDHS (“detainer requests”) by continuing to hold in custody without a judicial warrant an individual who is eligible for release on a criminal matter, or by sharing that individual’s information, including release date, with USDHS for purposes of aiding them with civil immigration enforcement.
2. Take police action for the purposes of determining immigration status.
3. Inquire about individuals’ immigration status, country of birth, or first language.

Members shall:

1. Provide police services to all persons, including those who are undocumented, to ensure a safe environment.

## **#17: Civilian Oversight:**

### **Best Practices:**

Independent oversight bodies should:

1. Be a standing body, independent of both law enforcement and political interference.
2. Have the authority to initiate and conduct investigations independently, including subpoena power and the authority to impose discipline up to and including terminating an officer for misconduct.
3. Report annually on the types of complaints received and their dispositions, and work collaboratively with community members and organizations to address issues and situations related to the community, even when official reprimand or discipline was not implemented.
4. Accept and investigate anonymous complaints, whether filed by the individual or by third parties/organizations on their behalf.



## Acknowledgments

We thank the members of the National LGBT/HIV Criminal Justice Working Group, a coalition of nearly 40 organizations, and in particular thank those who developed the original model policy from which the model policies in this report were adapted with their input:

Andrea J. Ritchie, primary author, 2014 Senior Soros Justice Fellow  
ACLU  
Black & Pink  
BreakOUT  
FORGE  
Jason Terry, D.C. Trans Coalition  
Just Detention International  
Lambda Legal  
National Center for Transgender Equality  
National Coalition of Anti-Violence Programs  
National LGBTQ Task Force  
Racial Justice Action Center  
Southerners On New Ground  
TransLatin@ Coalition  
Vera Institute





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 [TransEqualityNow](https://www.facebook.com/TransEqualityNow)

 [@TransEquality](https://twitter.com/TransEquality)

For assistance in policy development and/or review, please contact Racial and Economic Justice Policy Advocate, Mateo De La Torre, at [mdelatorre@transequality.org](mailto:mdelatorre@transequality.org), or [NCTE@transequality.org](mailto:NCTE@transequality.org) or 202-642-4542.

Published May 2019.

MaryEllen Odell, County Executive  
Tom Feighery, Deputy County Executive  
Putnam County Office Building  
40 Gleneida Avenue  
Carmel, New York 10512

January 12, 2021

Attn: Members of the Putnam County Police Policy Review Panel,

Attached please find the recommendations of the LGBTQIA+ Subcommittee of the Putnam County Police Policy Review Panel for improving community-police interactions across Putnam County. We submit these recommendations with the acknowledgement that we are a small, mostly white, cisgender group of volunteers who lack real-world experience with negative police encounters, profiling or violence. In an attempt to reach a broader cross section of Putnam County's diverse LGBTQIA+ population, we posted a survey on several platforms and gathered input from other self-identifying LGBTQIA+ community members, as well as parents and caregivers of LGBTQIA+ youth. The enclosed recommendations are based on that input, in addition to research on issues unique to our community.

We note that New York State Executive Order No. 203 – New York State Police Reform and Reinvention Collaborative, dated June 12, 2020, mandated a “**collaborative**” undertaking specifically “to develop practices to better address the particular needs of the **communities of color** to promote public safety, improve community engagement, and foster trust.” We do not feel that goal has been achieved here. Between the unnecessarily short timeline and the siloing of participants in the form of poorly designated, identity-based sub-panels, we do not feel that the needs and concerns of Putnam's Latinx and Black communities have been appropriately centered in this process. However, we are compelled to offer these specific recommendations which pertain generally to the LGBTQIA+ residents and visitors to Putnam County, as requested. We hope they will be considered and implemented as part of a much broader, more vigorous, and ongoing effort to improve everyone's relationship with the Putnam County Sheriff's Department.

Our recommendations also do not touch upon broader systemic issues or concerns within policing nationally, particularly those concerning the ethics around use of force, mass incarceration, body cameras, crowd control, or other important community considerations outside of our subcommittee's scope or expertise. The lack of inclusion of these topics do not imply a tacit acceptance of the “status quo” or a lack of interest in their reform. We also are not equipped to provide recommendations to correct the shocking lack of diversity within the Department, including LGBTQIA+ deputies. This should be Step One in reforming the Department.

The County must also engage the resources available from the Human Rights Campaign ([www.hrc.org](http://www.hrc.org)), the Transgender Law Center ([www.transgenderlawcenter.org](http://www.transgenderlawcenter.org)), the National Center for Transgender Equality ([www.transequality.org](http://www.transequality.org)), Lambda Legal ([www.lambdalegal.org/](http://www.lambdalegal.org/)), or other similar organizations for guidance on implementing inclusive LGBTQIA+ policies within the Sheriff's Department and across all County services.

We welcome your questions on the points we have raised, and we truly hope this is the beginning — not the end — of the process.

Sincerely,

Sean Conway, Cari Hallion, Melissa Marino, Eileen McDermott, and Jeannie Park.



## **RECOMMENDATIONS**

We have divided these recommendations into groups of similar functions, however those which are in bold represent the Top 5 priorities identified in our community survey.

### **SAFETY RESPONSIBILITIES**

- **Require all School Resource Officers to undergo ongoing anti-bias and sensitivity training regarding LGBTQIA+ issues, specifically focusing on LGBTQIA+ youth, and transgender, non-binary, and gender nonconforming awareness.**

*References: Policies 203.3, 320.5.9.f; 320.5.9.l; 341.11-a; 341.11-b; 401.3*

- **Require all department employees to undergo ongoing anti-bias and sensitivity training regarding LGBTQIA+ issues, specifically focusing on LGBTQIA+ youth, same-sex families, and transgender, non-binary, and gender nonconforming awareness.**

*References: Policies 203.3, 320.5.9.f; 320.5.9.l; 341.11-a; 341.11-b; 401.3*

- Require all Officers and affiliated professionals (Social Workers, EMTS, etc.) to undergo training specifically related to identifying potential domestic violence and abuse within LGBTQIA+ households.

*References: Policies 203.3, 409.1*

- **Implement and publicize a policy clearly stating whether employees may belong to, or promote and publicize, through social media or other means, any organization that has credible explicit or implicit links to domestic or international terrorism, or violent, homophobic, transphobic, racist or sexist ideologies, or any Ethno-Nationalist causes or campaigns.**

*Reference: Policies 320.5.8.g, 320.5.8.i, 320.5.9.f, 320.5.9.l, 1000.7.1.e*

- Study, implement and publicize policies outlining standards of safety for individuals held in gender-segregated detention; clearly communicate to any potentially vulnerable person facing detention what policies are in place to ensure their protection while in police custody.

### **COMMUNITY RESPONSIBILITIES**

- **Study, implement and publicize a Civilian Complaint Board, in addition to the Community Advisory Committee, for anyone to address grievances regarding the Department through an independent body, ensuring its membership explicitly includes diverse voices from across Putnam County through the active and open recruitment of volunteers.**

*Reference: Policy 341.9, 1010.3.2.a*

- Allow civilian observers to attend all anti-bias or sensitivity training sessions attended by members of the department and/or make training materials readily available to the public
- Establish a dedicated LGBTQIA+ Outreach Coordinator to act as a liaison between the Department and community, dedicated to ongoing dialog, and researching and reporting on training opportunities and best-practices.

*Reference: Policy 341.9*

- Ensure detailed descriptions of all Departmental Policies are made readily available to public via the Sheriff's website, in both English and in Spanish, and commit to making available translations in any other language(s) deemed significant and necessary by the Department, by the County, by request from a Town or Village government located within Putnam County, or by a petition submitted by residents of the County demonstrating such need.

### ADMINISTRATIVE RESPONSIBILITIES

- Review Departmental Documents for gendered language.
  - a. **Remove binary gender declarations (male/female) on all departmental forms and remove such questions entirely, or replace with open-ended response fields.**
  - b. Review all documents and policies for any gendered words (i.e.: “his/her”, “manpower,” “widow”) and replace them with gender-neutral language.  
*References: Numerous, for example “Quality of Service” forms, pistol permits, or “Use of Force” reports; Policies 203.7.1.b, 300.3.3.h, 1000.3*
  
- Maintain statistics for all police encounters involving voluntarily self-identifying LGBTQIA+ individuals, as witnesses, victims, or suspects, for continued analysis.

**MEMORANDUM**

**To: Putnam County Police Review Panel**

**From: People of Color Subcommittee**

**Date: 1.10.2021**

**Re: Report and Recommendation**

---

**I. Introduction:**

This Memorandum is being presented by the People of Color Subcommittee of the Putnam County Police Review Panel, (hereinafter referred to as the “Panel”), which was formed by Putnam County Executive Mary Ellen O’Dell as a result of the Executive Order Number 203 of New York State Governor Andrew Cuomo pertaining to New York State Police Reform and Reinvention Collaborative, a copy of which is attached as **Exhibit “1”**, (hereinafter referred to as the “Order”).

***A. Mandates of the Order To Be Accomplished By The Panel***

As this Panel is aware, the order requires every municipality in the State of New York which has a law enforcement agency (police department or sheriff’s department) to engage in a comprehensive review of the “current police force deployments, strategies, policies, procedures, and practices, and develop a plan to improve such deployments, strategies, policies, procedures, and practices, (“Police Policies”), for the purposes of addressing the particular needs of the communities served by such police agency and promote community engagement to foster trust, fairness, and legitimacy, and to address any racial bias and disproportionate policing of communities of color.”

To complete this required comprehensive review, the chief executive officer of each municipality (Town Supervisors, Village or City Mayors, County Executives) having law enforcement agencies are directed to form a panel.

The panels are to consist of the following community stakeholders:

1. Membership and Leadership of the Local Police Force;
2. Interested Non-Profit and Faith-Based Community Groups;
3. District Attorney;
4. Public Defender;
5. Members of the community, with emphasis in areas with high numbers of police and community interactions;
6. Local Elected Officials.

The panels are then directed how the comprehensive review will take place as the Order requires, at a minimum, that the following fourteen (14) areas be reviewed when each panel examines the police procedures of each respective communities Police Policies, (collectively referred to as “Evidence-Based Policing Strategies”):

1. Use of force policies, procedural justice;
2. Any studies addressing systemic racial bias or racial justice in policing;
3. Implicit bias awareness training;
4. De-escalation training and practices;
5. Law enforcement assisted diversion programs;
6. Restorative justice practices;
7. Community-based outreach and conflict resolution;
8. Problem-oriented policing;
9. Hot spots policing;
10. Focused deterrence;
11. Crime prevention through environmental design;
12. Violence prevention and reduction interventions;
13. Model policies and guidelines promulgated by the New York State Municipal Police Training Council; and
14. Standards promulgated by the New York State Law Enforcement Accreditation Program.

Following the review of the Police Policies of each respective municipality considering each of the Police Policy Subject Areas as to if any suggested improvements may be made, each panel is then directed to create a plan. Specifically, the Order directs that the panel:

“...create a plan to adopt and implement the recommendations resulting from its review and consultation, including any modifications, modernizations, and innovations to its policing deployments, strategies, policies, procedures, and practices, tailored to the specific needs of the community and general promotion of improved police agency and community relationships based on trust, fairness, accountability, and transparency, and which seek to reduce any racial disparities in policing.

The plan is then to be offered for public comment, after which the municipalities are to adopt the plan by resolution or local law, followed by a certification being sent to the New York State Office of Budget to confirm that each municipality has complied with the Order.

***B. Assistance Has Been Provided By the New York State Guide***

In an effort to facilitate the proper and complete implementation of the Order, the New York State Police Reform and Reinvention Collaborative Resources & Guide for Public Officials and Citizens was issued and made available to all municipalities throughout the State of New York in or about August 2020, a copy of which is attached as **Exhibit “2”**, (hereinafter referred to as the “State Guide”).

The State Guide stresses that the ***comprehensive review*** that is mandated by the Order by the Panel include an evaluation of all of the Putnam County Sheriff’s Department Police Policies, and some examples include the following directives:

“The Collaborative Process should: Review the needs of the community served by its police agency, and evaluate the department’s current policies and practices;...(Page 2)”

\* \* \*

“Advocates, experts and some in the law enforcement community have drawn attention to a number of specific policing strategies that they believe pose an undue risk of harm to the public. Your police department may use some or all of these strategies. As discussed here, some strategies that are currently in use may have a record of causing harm to individuals in your community. You should examine the practices of your police department to determine which, if any, of these strategies are in use and you should consider whether any of them need to be reformed, curtailed or discontinued. (Page 24)”

\* \* \*

“Law enforcement experts have also suggested that various policing and criminal justice strategies can reduce racial disparities and build trust between police departments and the community. You should consider which, if any, of these strategies would help your department achieve these goals. (Page 35)”

The State Guide includes a Suggested Workplan which includes in Phase 1, which was projected to take place on August-September of 2020, the following:

“Assess where you are now: Gather information on how your police department currently operates including data, policies, procedures, prior complaint history, budget, contracts, equipment, etc. Share this information with the public. This self-assessment will help focus the conversation on what you and your community wants to change. (Page 113)”

***C. Putnam County Has Acknowledged the Mandates of the Order to Be Accomplished by This Panel***

At the Organizational Meeting of this Panel a presentation was provided by County Executive Mary Ellen O'Dell wherein Putnam County acknowledged the mandates set forth within the Order which are to be accomplished by this Panel through both what was discussed at the Organizational Meeting and through the communications contained within the slide-show presentation attached hereto as **Exhibit "2"**, (hereinafter referred to as the "Presentation").

Page 8 of the Presentation includes the following statement:

"This directs the director of the Division of Budget, in consultation with the DCJS to shall promulgate guidance to be sent to all local governments directing that:

1. Local governments must perform a comprehensive review of current police force deployments, strategies, policies, procedures and practices
2. Develop a plan to improve such deployments, strategies, policies, procedures and practices for the purposes of addressing the particular needs of the communities served by such police agency
3. Promote community engagement to foster trust, fairness and legitimacy and to address any racial bias and disproportionate policing of communities of color."

Page 9 of the Presentation then references the fourteen Evidence-Based Policing Strategies to be considered when developing the plan referenced in Page 8, and then Page 9 of the Presentation goes into further detail as to how the plan shall be prepared:

"Create a plan to adopt and implement the recommendations resulting from its review and consultation, including any modifications, modernizations, and innovations to its policing, deployments, strategies, policies, procedures, and practices, tailored to the specific needs of the community and general promotion of improved police agency and community relationships based on trust, fairness, accountability, and transparency, and which seek to reduce any racial disparities in policing."

Notably, the website created for the Panel by the County of Putnam also has a link to the State Guide.

***D. Putnam County Has Failed to Comply With the Mandates of the Order Thereby Limiting the Nature and Scope of the Panel Review, and Recommendations To Be Provided***

As noted above, the Order requires a comprehensive review of the Police Policies of the Putnam County Sheriff's Department by the Panel and the State Guide further directs that this process should include a self-assessment to have been completed months ago in the early phase of this process wherein the Panel would have been provided by the Office of the County Executive, as the Chief Executive Officer of Putnam County who by way of the Order is required to convene the Panel, information on how the Putnam County Sheriff's Department currently operates including data, policies, procedures, prior complaint history, budget, contracts, equipment, etc.

Despite this initial foundational requirement being needed, a clear review of the website established for the Panel by the Office of the County Executive located at <https://www.putnamcountyny.com/police-review-panel/#top>, (hereinafter referred to as the "Panel Website"), a copy of which has been attached as *Exhibit "3"*, does not include any of the following:

1. Prior Complaint History of the Putnam County Sheriff's Department;
2. Budget of the Putnam County Sheriff's Department;
3. Contracts of the Putnam County Sheriff's Department;
4. Itemized Equipment of the Putnam County Sheriff's Department, or;
5. Complete Policies and Procedures of the Putnam County Sheriff's Department.

A clear reading of the Panel Website and the resources provided within the Panel Website, provides links to only the following policies and procedures of the Putnam County Sheriff's Department:"

1. Policy 203 Training;
2. Policy 300 Use of Force;
3. Policy 315 Discriminatory Harassment;
4. Policy 320 Standards of Conduct;
5. Policy 332 Limited English Proficiency Services;
6. Policy 333 Communications with Persons with Disabilities;
7. Policy 341 Community Relations;
8. Policy 401 Bias-Based Policing;
9. Policy 409 Crisis Intervention Incidents;
10. Policy 431 First Amendment Assemblies;
11. Policy 1000 Recruitment and Selection;
12. Policy 1004 Anti-Retaliation: and



### 13. Policy 1010 Personnel Complaints

(hereinafter collectively referred to as the “Select Policies and Procedures”), a copy of which have collectively been attached as **Exhibit “4”**.

Upon information and belief, that Select Policies and Procedures represent only a small fraction of the entire Police Policies of the Putnam County Sheriff’s Department, and by limiting the Panel’s review to only the Select Policies and Procedures the Putnam County Executive’s Office has failed to comply with the Order by preventing the Panel from completing the comprehensive review of the Police Policies of the Putnam County Sheriff’s Department.

The Panel has further been prevented from meeting its mandate under the Order by not having been provided access by the County Executive’s Office of the Prior Complaint History of the Putnam County Sheriff’s Department; Budget of the Putnam County Sheriff’s Department; Contracts of the Putnam County Sheriff’s Department; and an Itemized Equipment of the Putnam County Sheriff’s Department.

#### ***E. Limitation of the Report and Recommendations Set Forth Herein & Suggested that a Request for Extension Be Submitted to the State of New York***

Based upon the foregoing outlined lack of complete and required disclosure of the Police Policies and related information by the Putnam County Executive’s Office, being the entity required to convene the Panel and which did convene the Panel, it is respectfully submitted that Putnam County has failed to comply with the mandates set forth in the Order and which are further described in the State Guide. This process has amounted to proverbial “cherry picking” engaged in by the Office of the County Executive and prevented the comprehensive review by this Panel as the members cannot review Police Policies which are not provided to them.

Accordingly, the Report and Recommendations set forth within this Memorandum by the Subcommittee are based upon the limited information that was made available to the Subcommittee and greater Panel, and presented with the hope and expectation that the Office of the County Executive will request that the State of New York provide an extension of time for the submission of a County Resolution and/or Local Law to the New York State Office of Budget for a period of six (6) months. This extension, if granted, will permit the additional time needed for the Office of the County Executive to engage in a complete disclosure of all information required by the Order, allow for this Subcommittee and greater Panel to engage in the mandated comprehensive review of the Police Policies of the Putnam County Sheriff’s Department, and to meaningfully prepare a plan for submission for consideration to the Putnam County Executive, Legislature and Sheriff’s Department, followed by timely submission of a County Resolution and/or Local Law to the State of New York.

## **II. Recommendations:**

Even without complete access to the Police Policies of the Putnam County Sheriff's Department, our Subcommittee engaged in a review of the general principals and merit of the fourteen Evidence-Based Policing Strategies outlined in the Order with the intent of identifying if any of the individual Evidence-Based Policing Strategies could be utilized in the Putnam County Sheriff's Department.

Therefore, the Subcommittee has set forth our report and recommendations by outlining the following recommendations for adoption by the Panel and inclusion into the final report of the Panel which take into consideration a review of each of the fourteen Evidence-Based Policing Strategies and have further attached materials referenced as additional exhibits to this Memorandum so that the greater Panel may easily review the reference materials noted to confirm the merit and need for the recommendations presented.

### ***1. Law enforcement assisted diversion programs***

#### **A. What Are Law Enforcement Assisted Diversion Programs?**

Law Enforcement Assisted Diversion (hereinafter referred to as "LEAD"), programs are pre-booking diversion programs for low-level offenders in which a trained officer may screen and divert to case management for housing, treatment, and other services rather than processing the individuals through the traditional manner of arrest, prosecution and incarceration.

One scholarly article described the goals of LEAD programs:

"LEAD is based upon the belief that addiction shouldn't be criminalized, rather, addressed as a public health issue through a harm reduction approach. LEAD aims to increase access to community-based supports to improve quality of life and public safety for illicit opiate drug users. It also aims to reduce illicit opiate drug overdoses, reduce recidivism, property crimes, and ultimately, costs to the criminal justice and health systems (LEAD Santa Fe, 2015).

\* \* \*

Pre-booking and early diversion typically targets a specific population, for example, mentally ill offenders or drug offenders.

\* \* \*

The diversion goals include street-level safety, reduced pressure on booking and holding jails, reduced court and docket pressure, reduced costs, and increased access to medical, mental, and substance abuse/dependence treatment and services. Other services include housing placement, legal advocacy, education, transportation, food assistance, and job training. Programs have been shifting away from an "enforcement first" approach, and are placing more emphasis on individual wellness and harm reduction (Drug Policy Alliance, 2015)

\* \* \*

More recently, programs have expanded the ways in which contact is made with potential participants. Initially, individuals were identified and referred through a routine police contact that would have most likely resulted in an arrest. Oftentimes this individual has had prior arrests and might even be identified as a “high utilizer.” Newer programs are now looking at ways to identify and engage potential participants with drug addiction prior to entering the criminal justice system, either through treatment referrals, or self-initiated “turn-in’s” (Gloucester, Massachusetts, “Angel Program”) whereby a drug addict may hand over their drugs to the police department and are then assigned an ‘angel,’ or volunteer peer, to assist in treatment navigation. Such examples can be thought of as hybrid programs, based upon research and evidence, and tailored to the particular resources and needs of those communities.

*See*, “Law Enforcement Assisted Diversion (LEAD) Programs, by Alexandra Tonigan, B.A., Institute for Social Research, UNM, April 04, 2017, a copy of which is attached as **Exhibit “5”**.

Another scholarly article notes that many LEAD programs have three specifically defined stages:

“LEAD comprises three primary components: 1) an initial program entry process, which includes diversion from the criminal justice and legal systems; 2) harm reduction case management (i.e., low-barrier counseling and connection to social and clinical services that is offered with neither requirement or nor pressure towards substance-use treatment or abstinence); and 3) higher-level coordination of legal system involvement.

\* \* \*

People suspected of violations of the uniform controlled substances act (VUCSA) and/or prostitution offenses are arrested as usual and brought to the police precinct. There, they are screened for LEAD eligibility by an on-duty officer. Eligible individuals are offered the option of participating in LEAD instead of undergoing standard criminal booking and prosecution. Interested individuals are referred to an intake with a LEAD case manager.

\* \* \*

A harm reduction approach entails meeting individuals ‘where they are at’ in their communities and in their own motivation to change substance use, even if they are not yet ready, willing or able to stop using controlled substances. In this highly individualized, collaborative approach, the goals are to engage and retain individuals in services by listening attentively to clients’ needs and connecting them with appropriate community resources, such as housing placement, medical care, legal advocacy, job training, mental health counseling, and chemical dependency treatment.

\* \* \*

Legal advocacy, which features coordination with the legal system for cases that are not eligible for diversion, is a particularly important aspect of the LEAD program. Prosecutors make discretionary decisions about whether to file charges, recommend pretrial detention or release conditions, reduce charges, recommend incarceration after conviction, and/or dismiss charges for LEAD participants”.

*See*, “Seattle’s Law Enforcement Assisted Diversion (LEAD): Program effects on recidivism outcomes,” by Susan E. Collins, Heather S. Lonczak, Seema L. Clifasefi, 5.1.2017, a copy of which is attached as **Exhibit “6”**.

As LEAD programs have been adopted throughout the United States of America, Seattle is but one example of many municipal law enforcement agencies who have been able to successfully implement pre-booking programs with the objective of diverting low-level offenders from incarceration.

As will be set forth below, LEAD programs have been successful, are financially beneficial to the communities they are implemented and should be adopted in Putnam County.

## **B. What Results Have Law Enforcement Assisted Diversion Programs Obtained?**

A 2015 University of Washington study confirmed that those participating in LEAD programs were far less likely to engage in recidivism, that those who were not involved in LEAD programs:

“-Compared to the control group, the LEAD group had 58% lower odds of at least one arrest subsequent to evaluation entry. The LEAD effect on arrests over time was statistically significant ( $p = .001$ ).

-This finding reflected the fact that the proportion of control participants who were arrested at least once subsequent to evaluation entry increased by 4%, whereas the proportion of LEAD participants who were arrested subsequent to evaluation entry decreased by 30%.

-Analyses indicated that, compared to control participants, LEAD participants had 34% lower odds of being arrested at least once when warrant-related arrests were removed. This effect was marginally significant ( $p = .09$ ).

-Although there was no statistically significant effect for total charges, the LEAD group had 39% lower odds of being charged with a felony subsequent to evaluation entry compared to the control group. This effect was statistically significant ( $p = .03$ ).

-The proportion of LEAD participants charged with at least one felony decreased by 52% subsequent to evaluation entry. The proportion of control group participants receiving felony charges decreased by 18%”.

*See*, “LEAD Program Evaluation Recidivism Report,” by Susan E. Collins, Heather S. Lonczak, Seema L. Clifasefi, 5.27.2015, a copy of which is attached as **Exhibit “7”**.

In addition to a reduction in recidivism, participants in LEAD programs were also found to have housing, employment and legitimate income:

“Primary Analyses: Participants were significantly more likely to obtain housing, employment and legitimate income in any given month subsequent to their LEAD referral (i.e., during the 18-month follow-up) compared to the month prior to their referral (i.e., baseline).

Housing:

- LEAD participants were over twice as likely to be sheltered (e.g., permanent housing, temporary housing, emergency shelter, motel/hotel) versus unsheltered (e.g., sleeping on the streets, in abandoned buildings) during the follow-up. Further, each contact participants had with LEAD case managers was associated with a 2% increase in the likelihood of obtaining shelter during the follow-up.
- Participants were 89% more likely to obtain permanent housing during the follow-up, and each contact they had with their LEAD case manager translated to a 5% higher likelihood of being housed during follow-up.

Employment: LEAD participants were 46% more likely to be on the employment continuum (i.e., in vocational training, employed in the legitimate market, retired) at follow-up versus baseline.

Income/benefits: LEAD participants were 33% more likely to have income/benefits at follow-up versus baseline.”

See, “LEAD Program Evaluation: The Impact of LEAD on Housing, Employment and Income/Benefits,” by Susan E. Collins, Heather S. Lonczak, Seema L. Clifasefi, 5.27.2015, a copy of which is attached as **Exhibit “8”**.

Based upon the above empirical data, LEAD programs have been successful in both preventing individuals from returning to jail, and in improving their lives through enhanced opportunities for housing, employment and income.

### **C. What Are The Financial Considerations of Law Enforcement Assisted Diversion Programs?**

Although there are costs associated with the establishment and operation of a LEAD program, there were significant savings in use of public funds due to LEAD participants having a decreased rate of recidivism resulting in government funds used for law enforcement, prosecution and incarceration. One report had the following findings:

“The cost of the LEAD program averaged \$899 per person per month. However, these costs included program start-up and decreased to \$532 per month towards the end of the evaluation.

-Across nearly all outcomes, we observed statistically significant reductions for the LEAD group compared to the control group on average yearly criminal justice and legal system utilization and associated costs.

-Jail bookings: Compared to the control group, LEAD program participants had 1.4 fewer jail bookings on average per year subsequent to their evaluation entry.

-Jail days: Compared to the control group, the LEAD group spent 39 fewer days in jail per year subsequent to their evaluation entry.

-Prison incarceration: Compared to the control group, the LEAD group had 87% lower odds of at least one prison incarceration subsequent to evaluation entry.

-Misdemeanor and felony cases: There were no statistically significant LEAD effects on the average yearly number of misdemeanor cases. Compared to control participants, however, LEAD participants showed significant reductions in felony cases.

-Costs associated with criminal justice and legal system utilization: From pre- to post evaluation entry, LEAD participants showed substantial cost reductions (-\$2100), whereas control participants showed cost increases (+\$5961).”

*See, “LEAD Program Evaluation: Criminal Justice and Legal System Utilization and Associated Costs,”* by Susan E. Collins, Heather S. Lonczak, Seema L. Clifasefi, 6.24.2015, a copy of which is attached as **Exhibit “9”**.

#### **D. Recommendations For A Putnam County Law Enforcement Assisted Diversion Program.**

It is recommended that the Putnam County Sheriff’s Department adopt and implement a LEAD Program which shall take into consideration the Essential Principals for Successful Lead Implementation and Core Principles for Policing Role issued by the LEAD National Support Bureau, copies of which are attached collectively as **Exhibit “10”**. The suggested LEAD program would have the following components:

**1. Hiring of a LEAD Program Coordinator** – This coordinator would be a person with intimate knowledge of the criminal justice system and be tasked with the management of the LEAD program under the direct supervision of the Putnam County Sheriff, responsible for LEAD training for the Sheriff’s Deputies and staff, coordinating LEAD services with outside agencies and the Courts, and for assisting with securing and managing grants.

**2. Establishing a LEAD Advisory Panel** – This panel would consist of a representative from the Sheriff’s Department Management Staff, the LEAD Program Coordinator, a representative from the Court system, and representatives from each of the outside agencies working with the LEAD program (i.e.: housing, employment, mental health counseling, etc.) to meet no less than quarterly to offer advice and recommendations on how to further develop and enhance the efficiency of the LEAD Program.

### **3. Establishing Protocols for Implementation of the LEAD Program –**

[a] Determine what scope of offenses will be covered within the program so that individuals who are arrested may be eligible for the program. The suggestion is that these offenses include: a) prostitution, b) drug offenses, with the following additional criteria:

- The amount of drugs involved exceeded 3 grams, except where an individual was arrested for delivery of or possession with intent to deliver marijuana or possession, delivery or possession with intent to deliver prescription controlled substances (pills).
- The individual did not appear amenable to diversion.
- The suspected drug activity involved delivery or possession with intent to deliver (PWI), and there was reason to believe the suspect was dealing for profit above a subsistence income.
- The individual appeared to exploit minors or others in a drug dealing enterprise.
- The individual was suspected of promoting prostitution.
- The individual had a disqualifying criminal history as follows:
  - o Without time limitation: Any conviction for murder 1 or 2, arson 1 or 2, robbery 1, assault 1, kidnapping, Violation of the Uniform Firearms Act (VUFA) 1, any sex offense, or attempt of any of these crimes.
  - o Within the past 10 years: Any conviction for a domestic violence offense, robbery 2, assault 2 or 3, burglary 1 or 2, or VUFA 2.

[b] Determine the Harm Reduction Case Management to be offered including services such as housing assistance and location, employment assistance and job placement, mental health counseling, medical health assistance, etc. Then, locate not-for-profit groups, houses of worship and other community partners to participate in the LEAD program and join the membership of the LEAD Advisory Board.

[c] Develop Procedures and Forms to be used by the Putnam Sheriff's Department in implementing the LEAD Program.

[d] Communicate with the stakeholders in the legal system to obtain input and discuss the program, including: District Attorney, Legal Aid, Bar Association and Magistrates Association.

[e] Request that the Department of Finance work in concert with the Sheriff's Department to develop a budget for this program, allocate the funds for the first year and direct the county grant writer to research possible State and Federal grants to assist in the funding of the program.

Based upon the research conducted as noted herein and attached hereto, it is the position of this Subcommittee that adopting and implementing a LEAD Program in the Putnam County Sheriff's Office will both reduce the recidivism of participants and provide them with access to resources needed for them to become successful in their lives by gaining access to housing, employment and legitimate income. We further believe that while there is a cost to such a program, that the savings resulting from the Program being implemented would in the long-term save the taxpayers of Putnam significant funds.

## ***2. Purchase and Implementation of an Enhanced Records Management System by the Putnam Sheriff's Department.***

### **A. Background.**

Police records management systems (RMS) enable law enforcement agencies to store, retrieve, retain, archive, and view information, records, or files pertaining to law enforcement operations. These tools automate vital processes that enhance day-to-day operations.

Police RMS solutions manage the development of records from initial generation to completion, and include common documents such as investigation reports, 911/CAD reports, booking and arrest reports, criminal identification, detention records, and citations and tickets. These solutions may also provide functionality to manage personnel files and other administrative documentation for law enforcement employee operations. Law enforcement officials use these tools to document information that constitutes as evidence of suggested or proven criminal activity.

Robust police RMS tools may provide basic evidence management features, or integrate directly with devoted solutions that do so. Many of these solutions support agency-to-agency data sharing to share multi-jurisdictional information on persons, organizations, locations, and vehicle items, increasing the effectiveness of solving crimes. Modern police RMS solutions offer mobile record generation and storage, allowing officers to track activities while out in the field. It is also common for these tools to have access to public national registries for sex offenders, vehicle plate identification, and master person indices, and to have a public portal for citizens to access crime-related data that is populated from records.

Since 2006, the Putnam County Sheriff's Department currently uses the MobileTech RMS system. More information pertaining to this system is available at <https://www.mobiletec.net/en/product/in-motion-mobile>, and copies of select materials pertaining to this system are annexed hereto as **Exhibit "11"**.

The system has not been upgraded and is not useful in present day police practice.

Policing in the 21st century requires evidence-based and data-driven strategies. The current Reports Management System is antiquated and does not allow for data driven policing.



## **B. Recommendation for an updated CAD/RMS system for the Sheriff's Department.**

An updated CAD/RMS system will provide an invaluable resource to all of the stakeholders involved in law enforcement within Putnam County. The Sheriff's Department will be able to better gather and manage data to permit review of the department's needs, operations and possible changes required to meet the demands of the community. The County Executive and Legislature will have access to this information to engage in their mandated oversight of the Sheriff's Department and when evaluating issues pertaining to the budget of the Sheriff's Department. Finally, the community will have access as permitted by law which will provide further transparency of law enforcement activities within Putnam County which will likely foster enhanced trust between the community and the Sheriff's Department.

It is suggested that the Putnam Sheriff's Department obtain the assistance of a consultant with expertise in the field of law enforcement records keeping services to conduct a needs assessment of the Putnam County Sheriff's Department in this area, to evaluate the extent that the current CAD/RMS programs utilized by the Department are meeting the Department's needs and where they are falling short, and what new CAD/RMS programs available in the marketplace now may serve the Department's needs more effectively, submitting a written report outlining this analysis and recommendation to the Putnam County Sheriff's Department who may then make a determination as to how to proceed.

One such program that is available that appears to be a better alternative to the CAD/RMS program now utilized by the Putnam County Sheriff's Department is ARMS, more information for which may be accessed at <https://arms.com/>, and select information for which is attached as **Exhibit "12"**.

## **C. Financial Considerations of updated CAD/RMS.**

While there will likely be additional costs incurred by the county in order to acquire and implement a new CAD/RMS system, the benefits would significantly outweigh the costs. Moreover, even in the event this suggestion was not adopted, the recurring costs noted below would be incurred regardless weather a new CAD/RMS system is implemented or the old CAD/RMS system is merely maintained.

### ***Initial Costs -***

1. **Consultant** – An independent consultant will engage in an audit and needs assessment of the Department prior to making recommendations as to what, if any, new CAD/RMS system is needed to ensure that any purchase comports with the needs of the Department.
2. **Training and set up** - These services may be negotiated to be included in the price of the software package.
3. **Hardware** – Items such as mobile data computers for patrol cars and workstations will probably be necessary.

4. **Networking** – Before your RMS program is set up, determine if there are any information technology issues that will require extra funding. Aspects such as whether or not your jurisdiction uses commercially provided wireless networks are key.

*Recurring Costs –*

1. **Software Maintenance** – Once a new RMS software is installed, it must be maintained and updated, which will likely require continued information technology assistance.
2. **Software Upgrades Not Part of Your RMS Upgrades**
3. **Maintaining Hardware**
4. **Network Expense** – Factor in networking costs to connect law enforcement agency to its internal network to state crime information databases and to the National Crime Information Center (NCIC).

More information is available regarding the benefits of a new CAD/RMS system may be obtained at <https://www.lawofficer.com/the-benefits-costs-of-rms/>, and select information is annexed hereto as **Exhibit “13”**.

There are grant options available to help defray the cost of acquiring an RMS system.

<https://www.policegrantshelp.com/products/rms/> information is annexed hereto as **Exhibit “14”**

**3. Installation of Dashboard Cameras in All Law Enforcement Vehicles and Use of Body Cameras for All Law Enforcement Officers**

**A. Background.**

The use of dash cameras within law enforcement vehicles and body cameras on law enforcement officers have become an unquestionable asset to both law enforcement officials and the community as they afford the following benefits:

1. Enhance Police Officer Safety;
2. Reduce Police Department Liability;
3. Provide Transparency for the Community;
4. Improves Conviction Rates, and;
5. Offer a Training Tool for Officers.

“The Impact of Video Evidence on Modern Policing,” was a scholarly article prepared by the International Association of Chiefs of Police and provided the following information as to the value of dash cameras in law enforcement vehicles:

“A 2000 National Institute of Justice study on the police use of technology reported that only 3,400 (11%) of state police and highway patrol vehicles used for patrol were equipped with in-car cameras. Over the following three years the COPS office awarded over \$21 million to state agencies for the purchase and support of in-car cameras. The number of state police vehicles equipped with in-car cameras grew to 17,500, now representing 72% of total state patrol vehicles.

\* \* \*

Today, many police agencies in the United States and worldwide are applying this technology to patrol operations by equipping their vehicles with mobile video recording equipment. Although the early attempts to place cameras in patrol vehicles were plagued with technical and safety problems, miniaturization and advances in technology have made the use of the mobile video recorder practical and affordable. As technology in the field of audio/visual recordings evolves, equipping police vehicles with in-car cameras will be the norm and no longer the exception.”

A full copy of this report is accessible online at <https://bja.ojp.gov/sites/g/files/xyckuh186/files/bwc/pdfs/iacpin-carcamerareport.pdf> and a copy is annexed hereto as **Exhibit “15”**.

“Body-Worn Cameras: What the Evidence Tells Us,” published by The National Institute of Justice Journal, reported on the value of body cameras used by law enforcement officers:

“Body-worn cameras have been viewed as one way to address these challenges and improve law enforcement practice more generally. The technology, which can be mounted on an officer’s eyeglasses or chest area, offers real-time information when used by officers on patrol or other assignments that bring them into contact with members of the community. Another benefit of body-worn cameras is their ability to provide law enforcement with a surveillance tool to promote officer safety and efficiency and prevent crime.

\* \* \*

This technology has diffused rapidly across the United States. In 2013, approximately one-third of U.S. municipal police departments had implemented the use of body-worn cameras.”

The article is accessible online at <https://nij.ojp.gov/topics/articles/body-worn-cameras-what-evidence-tells-us>, and a copy is annexed hereto as **Exhibit “16”**.

Recognizing the value of body cameras worn by law enforcement officers, in June of 2020, Governor Andrew M. Cuomo signed legislation requiring all New York State Police officers to wear body cameras while on patrol (S.8493/A.8674); and creating the Law Enforcement Misconduct Investigative Office (S.3595-C/A.10002). A press release by the Governor’s Office noted the impact of this new law:

“This new law requires all New York State Police patrol officers to use body-worn cameras while on patrol to record immediately before an officer exits a patrol vehicle to interact with a person or situation; all uses of force; all arrests and summonses; all interactions with individuals suspected of criminal activity; all searches of persons and property; any call to a crime in progress; investigative actions involving interactions with members of the public; any interaction with an emotionally disturbed person; and any instances where an officer feels any imminent danger or the need to document their time on duty. The law also requires law enforcement to keep video records of all these interactions.”

A copy of this press release is available online at <https://www.governor.ny.gov/news/governor-cuomo-signs-legislation-requiring-new-york-state-police-officers-wear-body-cameras-and> and a copy is annexed hereto as **Exhibit “17”**.

While this law does not apply to municipal law enforcement agencies within the State of New York and only to New York State Patrol Officers, the benefit of both dash cams and body cams in law enforcement is without question as law enforcement agencies throughout the United States of America are acknowledging the benefits of these tools, implementing them and seeing the benefits of them.

However, the Putnam County Sheriff’s Department is not among the thousands of law enforcement agencies throughout the nation and world taking full advantage of body and dash cams. On the contrary, the Sheriff’s Department has no body cams and has only implemented dash cams in some of its vehicles. The Putnam County Sheriff’s Department has dashboard cameras for officers on patrol and narcotics officers, but investigators do not have dashboard cameras in their vehicles. While investigators are not typically involved in direct engagement with members of the public, investigators do perform follow up cases that may lead to physical encounters with subjects under investigation.

## **B. Recommendation For Purchase and Use of Body and Dash Cameras by Putnam Sheriff's Department.**

It is recommended that the Putnam County Sheriff's Department install dashboard cameras in all vehicles and require the use of body cameras on all law enforcement officials while on duty.

As noted above, the benefits afforded to both law enforcement and the community are unquestionable, including establishing a record-keeping system to reduce liability for litigation against the Putnam County Sheriff's Department.

## **C. Financial Considerations.**

Funding is and has been historically available for local law enforcement agencies to purchase and implement dash cameras and body cameras. A United States Department of Justice fact sheet noted the initial statistics pertaining to the 2015 Body-Worn Camera Pilot Implementation Program:

“As part of President Obama’s commitment to expand funding and training to law enforcement agencies through community policing initiatives, the Bureau of Justice Assistance (BJA), part of DOJ’s Office of Justice Programs (OJP), announced a \$20 million Body-Worn Camera (BWC) Pilot Implementation Program in May 2015 to respond to the immediate needs of local and tribal law enforcement organizations. OJP enhanced the funding to the BWC Pilot Implementation Program by adding over \$2.5 million, allowing BJA to exceed its target of 50 agencies by making 73 awards. BJA processed 285 applications from 42 states, the District of Columbia, and tribal governments. These applicants requested over \$56 million in federal funds and sought the purchase of over 55,000 cameras. The selected training and technical assistance provider, CNA, will assist BJA to provide oversight, training, and performance management.”

A copy of this fact sheet is available online at <https://www.justice.gov/usao-edca/file/777171/download> and a copy attached as **Exhibit “18”**.

While it is unknown if Putnam County has previously sought any of these grants available for body and/or dash cameras, it is clear that currently other funding sources are available that law enforcement agencies throughout the United States of America are benefiting from.

One possible funding source is the Edward Byrne Memorial Justice Assistance Grant (JAG) Program, which provides a description of its mission as follows:

“The JAG program is the leading source of federal justice funding to state and local jurisdictions. The JAG Program provides states, tribes, and local governments with critical funding necessary to support a range of program areas including law enforcement, prosecution, indigent defense, courts, crime prevention and education, corrections and community corrections, drug treatment and enforcement, planning, evaluation, technology improvement, and crime victim and witness initiatives and mental health programs and related law enforcement and corrections programs, including behavioral programs and crisis intervention teams.”

More information regarding this possible funding source is available online at <https://bja.ojp.gov/program/jag/overview>. A copy of which is attached as **Exhibit “19”**

Another possible source of funding is through the CAMS Program run by the The New York State Attorney General’s which has been successfully used by other law enforcement agencies throughout the state as noted in the article, “Three Upstate Police Departments Get Body Cameras,” a copy of which is available online at <https://www.govtech.com/public-safety/Three-Police-Departments-in-Upstate-NY-Get-New-Body-Cameras.html>, and a copy of which is attached as **Exhibit “20”**.

The New York State Attorney General’s website describes the program as follows:

“The CAMS (Capture an Account of a Material Situation) Program is an Office of the Attorney General grant funding program to support the creation or expansion of body-worn camera programs for eligible law enforcement agencies throughout New York State. CAMS dedicates \$2 million of funds seized as crime proceeds from joint federal and state criminal investigations to fund the purchase of body-worn cameras.”

More information regarding this possible funding source is available online at <https://ag.ny.gov/cams-program#:~:text=CAMS%20dedicates%20%242%20million%20of,eligible%E2%80%9D%20for%20the%20CAMS%20program%3F&text=The%20agency%20must%20be%20able,match%20to%20the%20CAMS%20grant>. A copy is attached as **Exhibit “21”**

Grant writing assistance is also available through Police 1 by Lexipol who notes on its website the following:

“Our grant writers are all active members of the public safety community with combined grant writing experience of 30+ years. Their success rate for grant approval is 60% higher than the national average and to date have been funded for over \$70M in funding for public safety.”

More information regarding this possible source of funding assistance is available online at <https://www.police1.com/police-grants/>. A copy is attached as **Exhibit “22”**

#### **4.) Training**

##### **A. Background.**

Anyone who has given any thought at all to the professionalization of law enforcement personnel, or to obtaining general recognition of law enforcement as a profession, will have to agree that one of the most important steps we must take in its accomplishment is the establishment of educational standards and training which are comparable to those which are found in many other "professions".

In 1923 by August Vollmer, famous chief of police (now deceased) of Berkeley, California. With reference to police recruiting he said: "The first step in any plan to make our police departments more competent to control crime is keeping out rather than the removal after they get in-of undesirable, incompetent, and mentally or physically unfit persons from the police force..., an unfit or incompetent policeman weakens the moral fiber of his associates and at the same time destroys the confidence of the public in the department. The protective organization suffers, and society always pays the bill when the 'policemen' of a community are dishonest, brutal, stupid, and physically or temperamentally unsuited to their work."

Vollmer, who at the time of this statement was Chief of Police of Los Angeles, made seven recommendations which he felt would raise the standards and vastly improve the police departments of virtually every city in the United States.

1. Establish and maintain higher standards of education, mental, moral and physical requirements for applicants.
2. Observation of all recruits by a medical psychologist during their training period.
3. Withhold police authority from the recruit until he has proved by his conduct and his knowledge that he is fit to discharge the duties of his position.
4. Establish preparatory and promotional courses for policemen in colleges and universities.
5. Establish crime prevention divisions and appoint a trained criminologist to conduct the activities of the division.
6. Establish a merit system in police departments.
7. Educate the public and secure its friendship and cooperation with the police department.

In light of recent events regarding Blacks in our country an entirely new set of expectations will allow police officers to develop new skills that focus on activities that improve the quality of life for everyone. Officers must be evaluated on their efforts to engage members of the community and the partnerships they build, their ability to work as problem solvers and make informed decisions. Making this part of the performance evaluation process increases the value of developing partnerships.

<https://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=5013&context=jclc>

A copy is attached to as **Exhibit “23”**

B.) Recommendations for additional training:

1. **Trauma-informed policing Training-** as a result of the pandemic police department leadership must recognize the need to fortify their officers with the proper training and support mentally, physically and emotionally as they continue to respond and serve those adjusting to their new normal, (homelessness, food insecurities, domestic violence, child abuse, illness, grief, mental distress, etc...) It will also allow police leadership to gauge how police are handling their own stress on the job. All **police officers** will need to develop new skills to better facilitate interactions with the various community members. [Trauma Training for Criminal Justice Professionals | SAMHSA](#) A copy is attached to as **Exhibit “24”**
2. **Emotional Intelligence Training** - to allow the police to be more accountable for their own self-care, which would have a positive impact on stress, sleep, and reduced feelings of burnout, anger, fatigue and more effective conflict resolution skills [Emotional Intelligence in Policing - Police Chief Magazine](#) A copy is attached to as **Exhibit “25”**
3. **Maintain Implicit bias /cultural competency** training- to increase fairness in officer decision-making and to enhance the outcomes of police-citizen encounters. We think of bias traditionally as animus and prejudice toward a certain group of people. That is explicit bias. We now have a better understanding of how prejudice manifests itself throughout our society. We now understand that bias is less explicit but more likely “implicit” <http://fipolicing.com/psychology-of-bias/> A copy is attached as **Exhibit “26”**
4. Apply **Critical Decision Making Model** for use by Sheriff and Sheriff Deputies in managing critical incidents, especially those involving subjects who are not armed with firearms and who may be experiencing a mental health or other crisis. [https://www.policeforum.org/assets/ICAT/module%202\\_cdm\\_dec16.pdf](https://www.policeforum.org/assets/ICAT/module%202_cdm_dec16.pdf) **Exhibit “27”**  
<https://samuelwalker.net/wp-content/uploads/2016/09/PERF-Critical-Decision-Making.pdf> **Exhibit “28”**



5. Mental Health: Currently Putnam County has a mental health division. Expanding that division to have a mental health professionals on staff in cases where law enforcement has to engage people with mental disabilities. <https://www.bloomberg.com/news/articles/2020-11-13/nyc-pilot-sends-health-workers-in-place-of-police> Exhibit “29”

**C. Financial Considerations Training.**

While there are Federal, State and County training practices in place today, the recent events around racism (killing of unarmed Black men) the additional training measured outlined above come with a cost. The benefit of implementing new training would significantly outweigh the costs.

*Costs –*

- **Consultant** – An independent consultant will engage in an audit and needs assessment of the Department prior to making recommendations as to what, if any, new Training is needed to ensure that any cost comports with the needs of the Department.
- **Grants** - There are grant opportunities for municipality police training <https://www.police1.com/police-grants/articles/pa-pd-gets-15k-grant-for-body-worn-cameras-kBdmbNHKrB32yTeK/> Exhibit “30”  
<https://www.police1.com/law-enforcement-policies/articles/ny-police-unit-that-pairs-cops-and-social-workers-to-begin-in-october-cJRcahOuanFVilxr/> Exhibit “31”

**5.) Expanding Patrol Officer Recruitment**

A.) Background

Los Angeles today is one of the most heterogeneous cities in the nation, with large Hispanic, African American, Asian, and non-Hispanic white populations (see Table 4.1).

Race	Population	Percentage
Non-Hispanic, Single Race White	1,099,188	29.7%
African American	401,986	10.9%
Asian or Pacific Islander	369,334	10.0%
Other	17,962	0.5%
Non-Hispanic, Multi-Racial	87,277	2.4%
All Hispanics	1,719,073	46.5%

General U.S. population trends reflect this diversity. American society is ever diversifying, most recently because of Hispanic population growth. Between 1980 and 2000, the non-Hispanic population grew 16 percent, and the Hispanic population grew 142 percent. In Los Angeles the non-Hispanic population declined 8 percent between 1980 and 2000, while the Hispanic population grew 111 percent, spurring total city population growth by 25 percent. Police work in Los Angeles cannot ignore the cultural diversity of the city or the speed with which its demographics are changing. The LAPD must train its officers to recognize cultural differences and barriers if it is to serve its people effectively. As noted in one analysis of law enforcement in multicultural communities, “The more professional a peace officer is, the more sophisticated he or she is in responding to people of all backgrounds and the more successful he or she is in cross-cultural contact.”<sup>18</sup> Cultural and diversity awareness must include an understanding of cultural issues not only related to

Race	Population	Percentage
Non-Hispanic, single race White	1,099,188	29.7
African American	401,986	10.9
Asian or Pacific Islander	369,334	10.0
Other	17,962	0.5
Non-Hispanic, multiracial	87,277	2.4
All Hispanics	1,719,073	46.5

Police professionalism today goes far beyond “just the facts ma’am.” It reinforces the fact that a police officer’s prime responsibility is to serve the community. It is impossible to adequately serve a community without first understanding the community’s needs and demands. It is therefore essential that law enforcement officials understand the cultures of the communities they serve.

[https://www.rand.org/content/dam/rand/pubs/monograph\\_reports/MR1745/MR1745.ch4.pdf](https://www.rand.org/content/dam/rand/pubs/monograph_reports/MR1745/MR1745.ch4.pdf)

**Exhibit “32”**

Although Putnam County is not as racially and ethnically diverse as major cities, we are seeing diversification trends in our county population. Just looking at population trends from 2000-2010, we see over 50% population growth for Asian Americans, Black / African Americans, and Latinx.

[CensusViewer maps, data and statistics pages for all states, counties and cities.](#)

Putnam County, New York - Overview	2010 Census		2000 Census		2000-2010 Change	
	Counts	Percentages	Counts	Percentages	Change	Percentages
<b>Total Population</b>	99,710	100.00%	95,745	100.00%	3,965	4.14%
<b>Population by Race</b>						
American Indian and Alaska native alone	175	0.18%	137	0.14%	38	27.74%
Asian alone	1,882	1.89%	1,190	1.24%	692	58.15%
Black or African American alone	2,350	2.36%	1,562	1.63%	788	50.45%
Native Hawaiian and Other Pacific native alone	35	0.04%	24	0.03%	11	45.83%
Some other race alone	2,833	2.84%	1,596	1.67%	1,237	77.51%
Two or more races	1,965	1.97%	1,360	1.42%	605	44.49%
White alone	90,470	90.73%	89,876	93.87%	594	0.66%
<b>Population by Hispanic or Latino Origin (of any race)</b>						
Persons Not of Hispanic or Latino Origin	88,049	88.31%	89,769	93.76%	-1,720	-1.92%
Persons of Hispanic or Latino Origin	11,661	11.69%	5,976	6.24%	5,685	95.13%
<b>Population by Gender</b>						
Female	49,921	50.07%	47,997	50.13%	1,924	4.01%
Male	49,789	49.93%	47,748	49.87%	2,041	4.27%
<b>Population by Age</b>						
Persons 0 to 4 years	5,108	5.12%	6,621	6.92%	-1,513	-22.85%
Persons 5 to 17 years	18,542	18.60%	18,753	19.59%	-211	-1.13%
Persons 18 to 64 years	63,643	63.83%	61,224	63.94%	2,419	3.95%
Persons 65 years and over	12,417	12.45%	9,147	9.55%	3,270	35.75%

<http://censusviewer.com/county/NY/Putnam> Exhibit “33”

The county sheriff’s officers should reflect the population they protect and serve.

B.) Recommendations to increase diversity on Putnam County Sheriff’s Department Patrol Officers:

1. Support changing the civil service exam scoring system to pass / fail to increase the qualified pool of applicants
2. Increase number of Spanish speaking officers by administering civil service exam in Spanish
3. Include additional demographic information on the application to capture LGBTQIA, People of Color (Asian, Latinx, or African American / Black) applicants
4. Actively promote lateral transfers by recruiting from larger municipalities with diverse, trained police forces. For example, the city of Danbury, CT, has recently hired police officers from New York City.
5. Create a sustained, recruitment outreach program to populations of color in Putnam County

C.) Financial Considerations for recruitment campaign

The recruitment campaign can be a part of the community outreach process. Having more opportunities to engage with the public also increases awareness of the career opportunities at the Sheriff’s Department.

Another form of recruitment can occur through social media posts such as sharing stories of fellow Deputies’ career paths or discussing aspects of their jobs that they find interesting and rewarding.

For recruitment through lateral transfers, the county may incur additional savings through not having to train the incoming officers through the police academy.

There are also grants the county can apply to get assistance on hiring new officers. Below is an example of grant opportunity:

<https://www.police1.com/police-grants/articles/ohio-city-hiring-additional-police-officers-using-grant-funding-PTcTDvCCEebaxUog/> **Exhibit “34”**

## **6.) Building Public Trust Through Transparency**

### **A.) Background**

Building trust and nurturing legitimacy on both sides of the police/citizen divide is the foundational principle underlying the nature of relations between law enforcement agencies and the communities they serve. Building trust requires community engagement skills that are effective. Existing research (<https://www.pnas.org/content/115/32/8057>) **Exhibit “35”** demonstrates that when people contact the police, the fairness with which police are perceived to act affects citizens' trust and confidence in the police and their sense that the police deserve to be obeyed.

### **B.) Recommendations on Building Public Trust Through Transparency**

1. Establish open public forums for the community to raise about concerns of safety and where to report complaints. Increase visibility and accessibility of FOIL request form.
2. Increase public access to police policy/policy changes by publishing Putnam County Sheriff's Department policies online.
3. Publish Putnam County Sheriff Department's Mission Statement online. Mission statement should pledge commitment to Procedural Justice and respect for all races and gender identity should be included in the Mission statement
4. Establish official Putnam County Sheriff Department social media accounts on Twitter and Facebook. Putnam County is a rural county with low population density and not many places to gather in public (notwithstanding current COVID restrictions). Currently, there is no easily accessible public forum for members of the community to engage with the County Sheriff's Department. Sheriff Langley has a Facebook page, but not everyone in the county knows the sheriff's by name. Public Social Media accounts announcing happenings and community engagement is an easy and low-cost way to inform the public about important matters and also provides a platform to connect and engage with the community in a non-enforcement manner.

### **C.) Financial Considerations**

The majority of recommendations require little additional funding for implementation. There may be a need for initial editing and compliance assistance to prepare policies and other documentation being published online.

## **7.) Engagement with Youth in Communities of Color**

### **A.) Background**

Youth civic engagement is worthy of investment. Youth are essential assets for their communities through helping others, improving community infrastructure and services, advocating for social justice, and identifying and enacting solutions to community problems. Youth have unequal opportunities for civic engagement. The civic potential of youth of color is underutilized. The media often present stereotyped views of youth, and youth of color especially, as rebellious, impulsive, and deviant. Youth initiatives should focus more on building assets and strengths.

This is a nationally accepted program involving the placement of a law enforcement officer within the educational environment dating back to the 1950's. The SRO program ( School Resource Officer) became a monumental success in Flint, Michigan became a model for school officer programs across the country. In 1973, what we know as SRO's were assigned to Junior and Senior High Schools to teach classes, counsel students, be a resource and enforce the law. The officer is involved in a variety of functions that enhance the relationship between the school community and law enforcement. The SRO takes action on law-related issues but becomes a resource for many more important areas such as violence diffusion, safety programs, alcohol and drug use prevention, and crime prevention. <http://www.fayar.net/sro/sroprogram.html>.

### **Exhibit “36”**

The SRO program is essential to cushioning County operational finances. The best way to maintain funding is to have a positive relationship between the school district and the law enforcement agencies that are providing service. SRO programs tend to take some of the burden away from patrol officers due to the convenience of being already present. Law enforcement agencies also can get involved with the SRO programs in order to help youth attitudes toward police officers and improve their image in the community. By fostering a positive relationship with Law enforcement, schools will have a better chance of maintaining their school resource fund therefore the County will not be impacted as much ( David C. May and Travis A. Hart- Eastern Kentucky University, Richmond, Kentucky. USA & Rick Ruddell -University of Regina, Regina, Saskatchewan Canada). The department of Justice provides grants for mentoring youth affected by the opioid crisis and drug addiction that correlates with incidents that SRO's may encounter OJJDP FY 2021 (<https://www.justice.gov/grants>). **Exhibit “37”** Additionally through the DOJ there are also grants for research and evaluation on school safety (<https://www.justice.gov/grants>). **Exhibit “38”** Due to the covid 19 pandemic there has also been a rise in Domestic Violence which can impact our students. The DOJ offers a grant labeled OJJDP FY 2021 Strategies To Support Children Exposed to Violence (<https://www.justice.gov/grants>). **Exhibit “39”**

B.) Recommendations on engagement with communities of color

1. The presence of the **School Resource Officer** in the Putnam County schools should serve as a positive role model for many students who are not exposed to such roles. The S.R.O. may have daily responsibilities and roles to fill. However, they are not: a hall monitor, school security guards, or the school disciplinarian. S.R.O.'s are prevention, intervention, planning, and emergency response. These roles are fulfilled through the triad approach, Law enforcement officer, law-related educator, and advisor. Our recommendation is to focus on planning, crime prevention, evaluation, and technology improvement programs. The SRO is a member of the faculty and administrative team working together to solve problems in the school community, who also takes a personal interest in students and their activities

[https://www.educationworld.com/a\\_issues/issues/issues214.shtml](https://www.educationworld.com/a_issues/issues/issues214.shtml) **Exhibit “40”**

2. Appoint Youth Officer position to check in with at risk youths through home visits and one-on-one mentorship.

<https://www1.nyc.gov/site/nypd/bureaus/administrative/youth-services.page>  
**Exhibit “41”**

Through COVID the SRO should be working daily to connect with students to maintain or build trusting relationships. This may mean house visits to those considered in need of continued contact or law related education conducted virtually.

3. Police Athletic League program is a positive thing in the community - add supporting documentation on its effectiveness

<https://www.palnyc.org/> **Exhibit “42”**

C.) Financial Considerations for Community Engagement

An independent consultant will engage in an audit and needs assessment of the Department prior to making recommendations as to what if any is needed.

1. Cost of employing an SRO varies, estimated salaries and benefits alone are often in the 50,000 to 80,000 range.
2. Grants - There are several grant opportunities available to police municipalities to either underwrite or help offset the cost of funding youth engagement programs.

3. New York State has established a New source of Safety Funding in attempt through a "Guardians for schools license plate through A. 6053 and S. 763 that would help pay for school resource officers and facility safety improvements in public schools, among other security measures see (<https://www.asralertsystems.com/school-safety-funding#newyork>).

**Exhibit “43”** National funding through the FY 2020 Edward Byrne Memorial Justice Assistance Grant (JAG) is also available. Funds awarded by JAG under FY 200 solicitation may be used to provide additional personnel, contractual support, equipment, supplies, contractual support, and training.

4. In the African American community arts and athletics has been supplementary to striving for a proper balanced educational experience. The Music Teachers National Association (MTNA) is offering grants to act as a conduit between local Law Enforcement and Youth of Color to foster trust and engagement ultimately creating a better harmonious community(<https://www.mtna.org>). **Exhibit “44”**

- i. In keeping with conservative budgets in our county research through the (DOJ) Department of Justice website has also indicated other particular grants such as " Keep Young Athletes Athletes Safe".

5. Additional grant opportunities:

- (<https://www.justice.gov/grants>) **Exhibit “45”**
- <https://www.policegrantshelp.com> **Exhibit “46”**
- (Community Policing Development (CPD) Microgrants Program) **Exhibit “47”**
- (<https://www.mtna.org>) **Exhibit “48”**
- (<https://www.justice.gov/grants>) **Exhibit “49”**
- (<https://www.asralertsystems.com/school-safety-funding#newyork>) **Exhibit “50”**
- <https://www.ojp.gov/funding/explore/current-funding-opportunities> **Exhibit “51”**

## 8.) *Engagement with Communities of Color*

### A.) Background

There is a documented lack of trust between communities of color and law enforcement.

<https://www.pnas.org/content/115/28/7190> **Exhibit “52”** In a poll conducted in June 2020, nearly half of African American / Black Americans have confidence that the police will treat them the same way. <https://www.pbs.org/newshour/politics/two-thirds-of-black-americans-dont-trust-the-police-to-treat-them-equally-most-white-americans-do> **Exhibit “53”** From the police’s perspective, a majority of officers said in 2016 that relations between the police in their department and black people in the community they serve were “excellent” (8%) or “good” (47%). However, far higher shares saw excellent or good community relations with whites (91%), Asians (88%) and Hispanics (70%). About a quarter of police officers (26%) said relations between police and black people in their community were “only fair,” while nearly one-in-five (18%) said they were “poor” – with black officers far more likely than others to say so. <https://www.pewresearch.org/fact-tank/2020/06/03/10-things-we-know-about-race-and-policing-in-the-u-s/> **Exhibit “54”** There is much room for improvement.

### B.) Recommendations on engagement with Communities of Color

1. Expand “Coffee with a Cop” outreach to events relatable to communities of color in Putnam County, i.e. Black History month events or Caribbean Day celebration.
2. Through the Dispute Resolution Center of Hudson Valley, create on-going, public dialogue sessions with members of the public and representatives from the Sheriff’s department to resolve misunderstandings and differences.

### C.) Financial Considerations

There are several grants available for police agencies to develop community outreach programs. One example is: <https://cops.usdoj.gov/cpdmicrogrants> **Exhibit “55”**

## 9.) *Hate Crime Prevention*

### A.) Background

What is a hate crime? According to New York State’s Anti Hate Crime Resource Guide, a hate crime is a traditional offense that is motivated by bias. A person commits a hate crime when one of a specified set of crimes is committed targeting a victim because of a perception or belief about their race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation, or when such an act is committed as a result of that type of perception or belief.



These crimes can target an individual, a group of individuals or public or private property. <https://www.ny.gov/we-are-all-immigrants/new-york-state-anti-hate-crime-resource-guide> **Exhibit “56”** Examples of crimes that fall under the Hate Crime Statute include (but not limited to) are: assault, stalking, criminal trespass, coercion, and harassment. <https://www.ny.gov/designated-hate-crimes> **Exhibit “57”** In 2019, there were over 7000 cases of hate crimes reported in the United States.

<https://www.justice.gov/hatecrimes/hate-crime-statistics> **Exhibit “58”**

In New York state, there were 619 cases of hate crime in 2019

<https://www.criminaljustice.ny.gov/crimnet/ojsa/hatecrimeincidents2019.pdf> **Exhibit “59”**

In 2019, hate crimes reported have risen by 64% in the Hudson Valley region. <https://www.theexaminernews.com/putnam-considers-human-rights-commission-to-combat-hate/> **Exhibit “60”** <https://hudsonvalleypost.com/hate-crimes-rapidly-rising-in-new-york-hudson-valley/> **Exhibit “61”**

In the same report on hate crime incidents in New York state, Putnam County had zero incidents of hate crimes reported. We emphasize the word “reported”. Hate crimes are severely under-reported. In 2015, the Bureau of Justice Statistics estimated that 207,880 hate crimes occurred in the United States. Less than 6,000 were reported to the FBI. <https://www.niot.org/cops/resources/hate-crime-reporting-gap-why-it-matters> **Exhibit “62”**

Residents in the county have experienced incidents of harassment. Many feel that Putnam County currently has no process to handle hate crimes. Currently, there is no human rights commission in the county. Law enforcement has a role in helping to educate and support children and adults about the problems resulting from bullying, teasing, and all forms of bias; ways to prevent and intervene in bullying situations; and how to break cycles of bullying and transform behavior.

B.) Recommendation:

Create a community-wide public awareness campaign that provides information, awareness, and resources for community members and victims of hate crimes. The awareness campaign can range from identifying intolerance to providing resources for potential victims. (“Preventing Hate Crimes in your community”)

<https://www.ojp.gov/feature/hate-crime/prevention-and-response> **Exhibit “63”**

Not In Our Town is a movement to stop hate, racism and bullying, and build safe, inclusive communities for all.

<https://www.niot.org/about-us> **Exhibit “64”** It offers case studies and guides for schools, communities and law enforcement on topics such as:

1. building cultural understanding <https://www.niot.org/sites/default/files/cops-p344-pub.pdf> Exhibit “65”
2. bullying prevention <https://www.niot.org/sites/default/files/cops-p334-pub.pdf> Exhibit “66”
3. course on transgender issues awareness <https://www.jpmaweb.com/product/awareness-of-transgender-issues-free/> Exhibit “67”

#### C.) Financial Considerations

The resources from the Office of Justice under the Department of Justice and Not In Our Town are available at no cost. The awareness campaign requires participation from members from the Sheriff’s Department to conduct regularly scheduled sessions with the public. The benefit to the community is having the added knowledge on what hate crimes are but also having reassurance that law enforcement cares about the wellbeing of the public. These awareness events will increase good will and trust from the public.

### 10.) *Civilian Oversight*

#### A.) Background

Currently, captains in the Sheriff’s department investigate any report or allegations of misconduct. They are placed in a challenging position to police their own staff and colleagues. The police cannot and should not police the police. Civilians need to have oversight of police misconduct allegations.

What are the benefits of a civilian oversight board?

Police oversight can benefit not only the individual complainant, but also the larger community, police and sheriff’s departments, and even elected or appointed officials. The actual benefits that occur depend on how well the involved groups work together and the type of model implemented. Some benefits are:

1. Complainants are given a place to voice concerns outside of the law enforcement agency.
2. Oversight can help hold the police or sheriff’s department accountable for officer’s actions.
3. Oversight agencies can help improve the quality of the department’s internal investigations of alleged misconduct.
4. The community at large can be reassured that discipline is being imposed when appropriate, while also increasing the transparency of the disciplinary process.
5. When the oversight agency confirms a complainant’s allegation(s), complainants may feel validated.
6. And similarly, when the oversight agency exonerates the officer, the officer may feel vindicated.

7. Oversight agencies can help improve community relations by fostering communication between the community and police agency.
8. Oversight agencies can help reduce public concern about high profile incidents.
9. Oversight agencies can help increase the public's understanding of law enforcement policies and procedures.
10. Oversight agencies can improve department policies and procedures. Policy recommendations can prevent issues by identifying areas of concern and subsequently offering options to improve policing.
11. Oversight agencies can assist a jurisdiction in liability management and reduce the likelihood of costly litigation by identifying problems and proposing corrective measures before a lawsuit is filed.
12. Mediation has multiple benefits to both citizens and police officers. If the oversight agency provides mediated solutions, it can help complainants feel satisfied through being able to express their concerns to the specific police officer in a neutral environment. Mediation can also help police officers better understand how their words, behaviors and attitudes can unknowingly affect public perceptions.
13. By establishing an oversight system, public officials are provided the opportunity to demonstrate their desire for increased police accountability and the need to eliminate misconduct. <https://www.nacole.org/benefits> **Exhibit "68"**

B.) The subcommittee recommends the formation of a Putnam County Civilian Complaint Review Board (CCRB) so that the public can have oversight of the misconduct investigation process of law enforcement. The Village of Ossining in Westchester County has a model for reference:

The Civilian Police Complaint Review Board ("CPCRB") was created to promote public confidence in the ability of the Village of Ossining to provide a governmental structure to fairly investigate, review and dispose of civilian complaints made against its police officers, giving due regard for the rights and interests of both the civilians and police officers involved.

The board consists of five civilian members, one civilian alternate member, one law enforcement supervisor, and one line officer (with respective alternates).

<https://www.villageofossining.org/civilian-police-complaint-review-board> **Exhibit “69”**

For Putnam County, the CCRB will promote public trust in the Putnam County Sheriff’s Department. The function of the CCRB includes but not limited to:

1. ability to bring in independent, outside investigator for serious allegations of police misconduct
2. perform background checks on potential new hires to the Sheriff’s Department
3. participate in police misconduct investigations

<https://scholarship.shu.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1572&context=shlr> **Exhibit “70”**

<https://midhudsonnews.com/2020/09/22/poughkeepsie-civilian-review-board-discussed/>  
**Exhibit “71”**

<https://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=3349&context=lcp> **Exhibit “72”**

### C.) Financial Considerations

The civilians serving on the board will be volunteers. The independent investigator will only be required on an as-needed basis.

Grant possibilities to fund administrative costs related to CCRB

<https://www.criminaljustice.ny.gov/ofpa/jagmain.htm> **Exhibit “73”**

### **III. Conclusion:**

This Memorandum including the report and recommendations of our Sub-Committee to the Panel are respectfully submitted along with the exhibits attached hereto, with the request that this Panel adopt not only the recommendations set forth herein, but the request that the County Executive seek a six-month extension from the New York State Governor’s Office and/or New York State Office of the Budget to afford this Panel and all of the sub-committees of the Panel ample opportunity to receive and review the additional information and documentation that was required by the Executive Order to be furnished to this Panel so that the directives contained within the Order could be effectuated.

It is respectfully again noted that without this Panel and each of its subcommittees being provided full disclosure of all of the information and documentation required by the Executive Order, we are unable to complete the review required and to then prepare comprehensive recommendations. As a point of illustration, although the Putnam County Sheriff's Department has hundreds of policies, the Panel was only provided a dozen. It is without question that this Panel cannot review and provide recommendations for revision pertaining to policies it has not seen. Nor can this panel make comprehensive recommendations on equipment utilized by the Sheriff's Department if it has not been provided an inventory of equipment now used. Nor can this panel make recommendations pertaining to funding without being provided with a budget currently in place for the Sheriff's Department.

Accordingly, the report and recommendations being provided herein are being offered in protest, as this sub-committee asserts that it and the greater Panel have not been afforded the opportunity to review all of the information and documents required to be provided by the Executive Order preventing a comprehensive review to take place and complete recommendations to be provided, thereby preventing the true intent of the Executive Order to be realized.

Lastly, a diverse and dynamic group of people of color contributed to the recommendations put forth to the Panel. We care deeply about what is going on in our communities right now, and we are invested in the future of our communities in Putnam County. As the fastest growing segment of the population in Putnam County, we represent the future of the county. The purpose of the executive order is to foster trust, fairness and legitimacy within communities throughout our State and to address any racial bias and disproportionate policing of communities of color. We have a rare opportunity to create equitable, fair, and transformative changes to improve Putnam County's police policies for this generation and our children's generation.

# **Report of the Panel on Homeless Outreach for Review of Police Procedures**

**December 10, 2020**

**Compiled by Fr. Richard Gill, Homeless Panel Chair, St. Lawrence O'Toole Church, Brewster NY**

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## **Background:**

Estimates for the number of homeless in Putnam County are based on a HUD study each year that takes into account people in women's shelters, hotels, and those living in the open. The number for this past year in the County was 54 homeless. Putnam County currently has no facility for homeless persons but the Department of Social Services under Michael Piazza is ready to respond under Code Blue laws when needed.

Since approximately 2005, a non-profit called Brewster Emergency Shelter Program provided winter overnight shelter at a collaborative of churches in the Village of Brewster, and between 5 and 15 men and women would sleep over. BEBP dissolved in the spring of 2020.

Brewster Cares, Inc. is a non-profit organization founded by St. Lawrence O'Toole Church in Brewster to help the poor, and upon the demise of BEBP, decided to offer overnight shelter and a daytime warming station in the Village. This effort opened in December 2020 and will run through the end of March.

## **Report Methodology**

Between October 2020 and mid-December of 2020, I conducted interviews and surveys of three dozen members of the Putnam County Community who are either homeless themselves or work with the homeless population in our area. Some are clergy and some are lay people.

Our questions were focused on the perceptions of the relationships between members of the homeless community and local police.

## Summary of Conclusions

1. Nearly *everyone was positive regarding the helpfulness and compassion of local police toward the homeless*. This includes both the Village Police and also the Sheriff's department.
2. Since the only shelter is in Brewster, the western part of the County refers homeless for help in Newburgh or Beacon where there are operating shelters.
3. If the police are not aware, *they perhaps would be helped by having a directory of area shelters* for occasions when they are called.
4. Workers at the Brewster shelter report that *local police have always been responsive, professional, and compassionate whenever they needed to be called because of an incident during the night*. These incidents usually have to do with drinking and belligerent conduct on the part of one or two homeless. Invariably, they know how to handle the situations and de-escalate in a professional way.
5. At the Brewster Cares shelter, we have heard reports that in bad weather, police have gone to the homeless encampments in the woods around the reservoirs to look for homeless people and bring them to motels in Code Blue situations.
6. *One recommendation several people had would be for the police to learn some basic Spanish*, as the homeless population in Putnam County is roughly half American and half Latin American immigrants.

# **PUTNAM COUNTY POLICE POLICY REVIEW PANEL VETERAN'S COMMITTEE RECOMMENDATION REPORT**

## **SUB-COMMITTEE VOLUNTEERS**

John Bourges-Program Coordinator PFC Joseph P. Dwyer Vet2Vet in Putnam

John Cinquemani-Putnam County Police Review Panel Volunteer

Dale Cusack-Chairman Putnam County Joint Veteran's Council

Arthur Hanley-Deputy Director Putnam County Veteran's Service Agency

Lou Liotti-Putnam County Police Review Panel Volunteer

Ricardo Lopez-Putnam County Police Review Panel Veteran's Representative

Karl Rhode-Director Putnam County Veteran's Service Agency

## **INTRODUCTION**

After being assigned the position to represent Veteran's concerns toward evaluating Police reform on a myriad of issues I was luckily enough to be directed to Karl Rhode and Arthur Hanley, listed above. Utilizing Karl and Arthur's resources I was able to contact the other sub-committee members with also have a wealth of experience in Veteran's concerns. The additional volunteers were given to me from the list of residents trying to help Putnam County as it evaluates Police procedures and makes recommendations regarding reform, if necessary.

Personally, I am a four-year Veteran of the United States Army (Honorably Discharged in 1988 as an 11B20) and a twenty-two-year veteran of the New York City Police Department (Retired in 2012 as a Lieutenant). I am honored to be the 'voice' of the Veteran's committee and express any concerns that Veterans may need addressed when considering Police reform in Putnam County. Lastly, in my personal experience any encounters I or my family have had with any Police Officer serving the Community in Putnam County has been positive.

The committee kept a narrow perspective on the analysis of Police reform by specifically looking through the lens of a Veteran. We did not make specific recommendations on Police Policies allowing experts in the field to decide what solution is best for each situation. We recognize that Police Departments serving Putnam County vary on their response, personnel, staffing, budgets, etc. due to their differences, an example is suburban versus urban area policing techniques.



## **RESOURCES**

The process to review the current police policies and procedures begins with reading the current policies and procedures. I have reviewed all the below resources and recognize all the questions raised by the reports to consider. The committee and I have stayed focused on the concerns of veterans and not get lost. The following resources are available for review:

1-‘Outline for Community Discussions on Reform and Reinvention of Policing in Putnam County’.

<https://www.putnamcountyny.com/wordpress/wp-content/uploads/2020/09/Putnam-County-Outline-for-Community-Discussions-on-Reform-and-Reinvention-of-Policing.pdf>

2-‘New York State Police Reform and Reinvention Collaborative’.

[https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police\\_Reform\\_Workbook81720.pdf](https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police_Reform_Workbook81720.pdf)

3-The ‘Putnam County Police Policy Review Panel’ where all the necessary information is provided to the volunteers. On this website are the links for the specific procedures utilized by the local Law Enforcement Agency.

<https://www.putnamcountyny.com/policereviewpanel/>

## **RECOMMENDATIONS**

The **first** recommendation that the Committee makes is that Putnam County should institute a Court or Judge to specifically address Veterans in the Criminal Justice system. Other Counties in the State of New York have proven that it is better for the Veteran and the County to address Veterans who have special concerns and part of the Criminal Justice system as early as possible. This idea was brought to light by recommendations from feedback received from the other committee members.

The ‘Directory of Veterans Resources for New York State Courts’, states on page #81, that the 9<sup>th</sup> Judicial District consists of the Counties of Dutchess, Orange, Putnam, Rockland and Westchester Counties. The Veterans Benefits Administration Regional Office is located in Buffalo. In the County of Putnam there is the Carmel Community Clinic located in Carmel, NY which treats veterans for various conditions. But at NYCourts.Gov it is stated that there are four courts already in use in the 9<sup>th</sup> Judicial District. They are located in the towns of Middletown, Newburgh, White Plains, and Yonkers. Presently there isnt a Veteran Court located in Putnam County but the successful implantation can be mirrored by the examples stated above.

<https://nysba.org/NYSBA/Committees/Committee%20on%20Veterans/Resources/DirectoryofVeteransResourcesforNYSCourts.pdf>

[BA/Committees/Committee%20on%20Veterans/Resources/DirectoryofVeteransResourcesforNYSCourts.pdf](https://nysba.org/NYSBA/Committees/Committee%20on%20Veterans/Resources/DirectoryofVeteransResourcesforNYSCourts.pdf)

[http://ww2.nycourts.gov/courts/problem\\_solving/vet/courts.shtml](http://ww2.nycourts.gov/courts/problem_solving/vet/courts.shtml)

When looking at the National Center for State Courts they identify the first New York State Veteran's Court opened in 2008 in the city of Buffalo. Its is based on a 'drug treatment and/or mental health treatment court'. The court offers the alternative to incarceration by offering treatment for specified issues. They also mention the use of Veteran Mentors to better assist with the subject succeeding in the program. The issue of acceptance into being treated by the Veteran court should be discussed and decided whether all crimes such as domestic violence and violent crimes allow acceptance into the program.

<https://www.ncsc.org/topics/alternative-dockets/problem-solving-courts/veterans-court/resource-guide>)

In the 'Veteran's Treatment Court Mentor Program Handbook' Honorable Judge Judy Harris Kluger states 'The goal of these courts is to address these underlying issues and link veterans to the services and support they need. The Veterans Treatment Courts strike a balance between upholding the rule of law and providing treatment services to these men and women to whom society owes a debt of gratitude.'

<https://nysba.org/NYSBA/Committees/Committee%20on%20Veterans/Resources/VeteransTreatmentCourtMentorProgramHandbook.pdf>

The **second** recommendation that the Committee makes is that Putnam County Officers should receive training in identifying actions that Veterans may suffer from such as PTSD (Post Traumatic Stress Disorder). Officers should receive specific training in identifying possible mental conditions related to Veterans. In theory, Officers would be able to identify Veteran related disorders and act accordingly with resources available to resolve the situation.

<https://www.putnamcountyny.com/wordpress/wp-content/uploads/2020/10/Policy-203-Training.pdf>

The **third** recommendation that the Committee makes is that Putnam County should be able to make a specific notification whenever a subject who is a Veteran is involved in a Police interaction, unrelated as to whether they are the victim or perpetrator. To clarify, this notification should be made at the scene if possible or after the individual enters the Criminal Justice system. The goal is to help Veteran receive the necessary and proper treatment or help. In review of Putnam County Sheriff's Office Policy 409-Crisis Intervention Incidents in step 409.5 Step (b) it states 'Request available backup deputies and *specialized resources* as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-

escalation techniques to stabilize the incident as appropriate.’ This procedure could easily ensure a representative of the Veteran or Mental Health Community with veteran needs training could be notified.

In addition, Policy 409 in step 409.5 states ‘Safety is a priority for first responders.’ The Committee wholeheartedly agrees that Officer Safety should never be in jeopardy and always a priority. This gives the Officer the discretion to make the notification at the appropriate time.

[https://www.putnamcountyny.com/wordpress/wp-content/uploads/2020/10/Policy-409-Crisis\\_Intervention\\_Incidents.pdf](https://www.putnamcountyny.com/wordpress/wp-content/uploads/2020/10/Policy-409-Crisis_Intervention_Incidents.pdf)

## CONCLUSION

The Veteran’s committee acknowledges the crossover of Veteran’s issues into the other subcommittees. Specifically, Veterans issues overlap into the Mental Health and Substance Use Disorder and Community Outreach/Homeless Committees. We did not make recommendations on what other subcommittees should do to address the issues.

In Putnam County Sheriff’s Office Policy 300-Use of Force in step 300.3.1 Alternative Tactics and De-Escalation are discussed. Specifically, it states ‘When circumstances reasonably permit, deputies should use non-violent strategies and techniques to decrease the intensity of a situation, improve decision-making, improve communication, reduce the need for force, to increase voluntary compliance.’ This procedure would be a perfect fit to support the utilization of a vet representative as a possible de-escalation option.

As a Committee we believe the interaction between the Veteran Community and Police can only be strengthened with the implementation of the above recommendations. It is staggering to recognize that our society contains a populace where ‘one in five Veterans has symptoms of a mental health disorder or cognitive impairment.’ This further supports the reasoning behind providing additional support for the **One Percent** of the United States population that volunteers to serve in the Armed Forces of this Country.

<https://justiceforvets.org/what-is-a-veterans-treatment-court/>

Sincerely

Ricardo Lopez-Putnam County Police Review Panel Veteran’s Representative

Putnam County Police Policy Review  
**Putnam Families Sub-Group Recommendations**  
**January 2021**

The Putnam Families sub-group, representing a patchwork of family types from Brewster to Cold Spring, is thankful for the opportunity to voice our perspective and recommendations for the Putnam County Police Policy Review.

This wasn't an easy process. Given the time constraints, we felt that it didn't reflect a good faith effort to look at policing in Putnam. To truly propose meaningful police reform in a department that spans an area with roughly 100,000 residents, it's essential to capture as many viewpoints as possible beyond our own neighborhoods. This really wasn't feasible given the breadth of data necessary to understand how the Putnam County Sheriff's Department operates within each different community.

We decided to focus on a community-based outreach angle. Specifically, since it's a major touchpoint for many Putnam County families and police, we looked at the PCSO's School Resource Officer (SRO) program. Most of our recommendations revolve around mandated training in diversity and inclusion as well as better publicization of the program—making sure families are aware not only that it exists, but that they're aware of the recent [amendment](#) to New York State Educational Law 2801-A that, for school districts that employ SROs, delegates the task of school discipline to school administration.

**Many Putnam County families are uninformed about the SRO program at their local schools.**

Being in the dark about the parameters in which a uniformed Deputy serves a school can foster distrust and confusion. According to a small [survey](#) we circulated in late fall of 2020—roughly three dozen families from the Brewster, Carmel and Haldane School Districts responded—some parents are unaware that a uniformed Deputy Sheriff is present all day at their kids' schools. Others reported being uncomfortable with armed SROs, citing [research](#) showing that police presence in schools can result in unnecessary contact between youth and the criminal justice system. Some families reported knowing nothing about SRO duties. When asked to identify a function or two of an SRO's daily role at their family's school(s), some said: "Drug searches," "monitoring who comes in and out," "sitting around and doing nothing," "just walking around," and "being generally awesome."

The majority of respondents to our survey called for more input from schools and families when selecting an SRO. They also asked for more public forums/community engagement with the SROs. We feel that ongoing community-based events with SROs, if architected the right way—less "Coffee with a Cop" and more drop-ins at local gatherings—could go a long way in establishing the type of synergistic rapport between local police and families that fosters trust on both sides.

Based on our panel's weekly discussions and data we gathered from the PCSO and community members—and in accordance with “The Workbook” from the New York State Police Reform and Reinvention Collaborative and the discussion guidelines from the PCSO/Putnam County—here are our recommendations for policy and procedures change.

Respectfully,

### **Team Members**

Maggie Overfelt Valentine

Dina Carreras

Peter Andrews

Ellie Gisler Murphy

Christine Powers

Zachary Goldfeder

Matt Monroe

Christine Powers

Anthony Zito

Scott Reing

### **Community Based Outreach and Conflict Resolution**

1. **Establish a task force to continue police policy reform.** The PCSO should establish a committee made up of Deputies, County personnel and community residents to continue the research necessary for meaningful police policy and procedures reform. Community members should represent all the different voices in Putnam County and will continue to gather data and collaborate with the PCSO on implementing solutions that produce consequential results for the community.
2. **Form a community advisory board.** If it doesn't have one already, the County should launch a committee made up of local citizens that meets regularly to provide advice and perspectives to the PCSO. Part of this group's job would be to assess the task force's work on continuing police policy reform and to hold Putnam County and the PCSO accountable in executing meaningful policing and policy reform.

### **School Resource Officers**

1. **Publicize the State-mandated memorandum of agreement between school districts and the PCSO that establishes SRO responsibilities.** Make sure families know the scope and limits of police involvement in their schools' student discipline plans. Many families believe that an SRO plays a role in school discipline; the State mandates that they don't. Clearly lay out the division of duties between a school's administration, social workers and SROs.

2. **Publicize the SRO program.** Many families, especially those new to a school, don't know that their school employs a uniformed Deputy. Working with schools, the PCSO should develop a publicity campaign—a social media and flyer operation that points to some type of in-person meeting for families—to introduce the SRO and the program. The PCSO should outline all training that SROs undertake, highlighting any courses that involve de-escalation, anti-bias and working with youth. List all SRO duties: how they're supposed to be mentoring students, what they're teaching, how they're working with school administration regarding social service situations. How many "calls" do they perform weekly in a school? What type of situations are they mostly dealing with?
3. **Require SROs to participate in Equity, Diversity and Inclusion training.** Given the diverse nature of a school's student body, SROs should take training courses on diversity and inclusion topics including unconscious bias and microaggressions. Anti-racist courses would also help Deputies be mindful of everyone they protect and would help them understand how discipline along racial lines contributes to the ["school to prison pipeline,"](#) in which trouble at school can lead certain students to their first contact with the criminal justice system.
4. **Require SROs to establish an ongoing presence via public forums and community events.** The PCSO should work with schools/PTAs/PTOs and other community groups to involve SROs in non-adversarial events where they can mingle and answer questions casually from families—committee meetings, cultural happenings, local library gatherings. Encourage SROs to coach athletic teams, serve as advisors to clubs and foster read-alouds to younger students. **Require that the SRO reach out to school inclusion and diversity groups.** Encourage the SRO to hold open office hours for families.
5. **Allow schools more choice in SRO selection.** An SRO should be an apt reflection of the student body they serve or better yet, represent a window into a more diverse world. The PCSO should work with schools and families to facilitate successful personality matches and curb SRO turnover. Share applicable job performance statistics of Deputies applying for SRO positions to the school hiring committee. Recruit and then place bilingual Deputies in schools with large numbers of ESL students to help foster trust and add resources.
6. **Establish metrics to evaluate SRO programs annually.** The PCSO should work with students, families, school personnel and other community members to develop meaningful metrics that outline and measure an SRO's performance each year. The report would capture what was done and where the program saw success. The report should also track positive interactions between officers and students/families and incorporate input and stories from students and families to help measure social cohesion. Community policing measures should be incorporated into an SRO's performance evaluation process.

7. **Provide a regular forum for family feedback on the SRO program.** Students and families should have an official and transparent way outside of a school to report concerns, complaints and any other feedback about their SRO to the PCSO. The PCSO should review the feedback regularly to notice where the complaints/concerns are coming from and what type of conduct or events are commonly being complained about.

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## Putnam County Police Policy Review Community Stakeholders

African American/People of Color, LGBTQIA+, Education Subcommittee Leaders

# Putnam County Police Policy Reform Plan: Addendum

3 February 2021

## OVERVIEW

This addendum details community stakeholders' concerns and recommends changes to the Putnam County Police Reform Report.

The subcommittees reviewed the first draft of the report. Stakeholders from the subcommittees feel the work they have done and the reform they are pushing may get lost in the official County report. Without asking for major revisions and causing further delays to the public release of the report, this addendum lists the questions we have and changes we would like to see in a direct and transparent manner. The addendum highlights key issues in the police reform report in simple and direct terms. We hope the public gets the opportunity to understand the police reform recommendations from the community stakeholders' perspective.

## KEY ISSUES

1. Formation of the Review Panel Non-Compliance to Executive Order No. 203
2. Lack of Transparency
3. Misrepresentation of the recommendation process
4. Clarity on specific reforms
5. Documentation on current compliance
6. Reform implementation
7. Timeline for adoption
8. Recommendations out of scope of Executive Order No. 203

## SUPPORTING DETAILS

### Non-Compliance to EO No.203 in Formation of Review Panel



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The County's Review Panel was created three months before the stakeholders were invited into the process and consists of no community stakeholders nor people of color.

County Executive is not involved in the review process with community stakeholders. At least four subcommittees have reached out for an audience with the County Executive throughout the recommendation and discovery process. All requests were un-answered.

The way the nine different subcommittees are classified is biased. While unintentional, the silo-ed grouping of community stakeholders made subcommittee members feel their scope on reform was limited. The walled off subcommittees created more division, and left groups wondering if there might be competing interests in reform recommendations. Furthermore, the many subcommittees meeting individually required duplication of effort especially during the information gathering phase.

### **Lack of Transparency**

No inventory of equipment, budget allocation, and patrol guide were offered for review. The stakeholders also had no data surrounding incident reports involving communities of color. The subcommittees had limited access to police policies and procedures.

Not all subcommittee groups were able obtain the same information in our information gathering and discovery process. The subcommittee leaders had no indication from the County Executive what type of access they had to police procedures.

NYS Public Officers Law 87(2)(E)(iv) was referenced as to why most police procedures and policies were not made available. However, NYS Public Officer Law 87(2)(E)(iv) should not apply to subcommittee members whose sole purpose in the police review process is to participate in a comprehensive review of police policies and procedures as mandated by Executive Order No.203. Furthermore, this law has not been an obstacle for other municipalities engaging in this process throughout the Hudson Valley; Rockland, Dutchess and Westchester municipalities have all been provided full or substantial access to their departments' policies and procedures, while in Putnam we have seen none.

### **Misrepresentation of the Recommendation Process**

The report states the recommendation process has been collaborative. The subcommittees of community stakeholders offer a different perspective. The process has been unduly complicated for community members. There has been lack of guidance from the County Executive on how to begin the process of reviewing police policies. The subcommittee leaders were not forewarned that our recommendations would be countered or disputed by the Review Panel before being put forth to the Legislature's Protective Services Committee.

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## Clarity on Specific Reforms

The department training section mentions more training in equity, diversity, bias, cultural sensitivity and emotional intelligence. There are no specific programs listed for further training in those areas. There is no timetable indicating when these trainings will begin. There are no indicators on outcomes for police officers who undergo such training programs.

## Documentation on Current Compliance

For current practices in place today such as reality-based training and use of force training, what programs are being used? What is the effectiveness of those programs? How is the officer's training evaluated?

In the Diversity section of the report, the panel recommends the Sheriff's Department continue its efforts to attract a bigger pool of candidates to create more diversity within the police force. What are the specific efforts being recommended to create a bigger, more diverse pool? How will those recommendations be effective?

## Reform Implementation

While all the recommendations from the nine different subcommittees representing community stakeholders are included in the overall report, the reform portion of the report does not specifically state which recommendations will actually be put forth for adoption. If certain recommendations are NOT adopted, there is also no explanation given as to why they were not to be part of the reform.

## Timeline for Adoption

Without a timeline for adoption of reform recommendations, it is difficult for the public as well as concerned stakeholders to understand when certain reform steps will be implemented or which recommendations have been considered or assessed.

## Recommendations Out of Scope of Executive Order No. 203

Administration section brings up LEXIPOL consultation as part of the accreditation process. While accreditation is crucial to demonstrating compliance to state laws and law enforcement excellence, having accreditation alone is not a reform measure to address over-policing or racial tensions with communities of color. Using LEXIPOL to update police procedures emphasizes policy updates that minimize legal exposure and liability - not to address better policing to the needs of communities of color.

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The Officer Wellness and Well-being section puts forth recommendations which are necessary and important for overall health and well-being of the police force. The specific recommendations do not address racial biases in policing or needs of communities of color.

Similarly, the recommendation for tuition reimbursement is a wonderful incentive for supporting higher education for police officers. That recommendation also does not address making reform changes to help improve policing issues in communities of color.

## **PROPOSED IMPLEMENTATION**

### **Address the Two-Tier Hierarchy in Review Panel and Subcommittees**

Clarify the difference between stakeholders and the review panel in the report. Promote collaboration and knowledge sharing between subcommittees and review panel members.

### **Create a Public Accountability Committee**

It is crucial that the County create an independent Public Accountability Committee whose purpose is to continue the police reform process by working with the sheriff's department, legislature, and County Executive's office on policy, budget, personnel levels.

Below is the proposed structure of the Public Accountability Committee:

- Committee of 11 volunteers with at least 7 members from BIPOC communities
- BIPOC chairperson
- Members of the committee have to represent at least 3 of the legislative districts - in order to have proper geographical and proportionate representation to population from each area in Putnam County
- Recommended 3 year term - with staggered expiry terms
- Initial cohort of committee volunteers to come from recommendations from current police policy review subcommittee leader with Scott Rhodes as first chairperson
- Candidates for committee membership may be recommended by community organizations and nonprofits such as the NAACP, educators, or clergy, as well as the County Executive, legislators, town supervisors, village mayors, or local municipal boards, however they will ultimately be appointed by majority approval by the other members of the committee.
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### **Update Reform Plan with Assessment, Timelines, Progress**

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The executive summary states that police reform efforts will be an ongoing process. We ask that this report be a living document of the process. Document the missteps that have been made, update with an implementation plan that will assess the feasibility of the recommendations, and truly address the need to improve law enforcement relationships with communities of color through transparency and accountability.

**TOWN OF CARMEL POLICE DEPARTMENT  
GENERAL ORDER A-1**

<b>TITLE:</b> Mission Statement	<b>ACCRED. STANDARD:</b> 1.1	<b>REVIEW DATES</b> _____
<b>EFFECTIVE DATE:</b> November 6, 2002	<b>DATE OF LAST REVISION</b>	<b>(Initials &amp; Date of Review)</b> _____

**MISSION STATEMENT**

The mission of the Carmel Police Department is to provide twenty-four hour police coverage to both the residents of Carmel and to those people who are traveling through our jurisdiction. We are dedicated to serving and protecting the people within our boundaries. The services that police officers provide involve many varied and, at times, complex duties and responsibilities. However, the basic mission of policing can best be met by creating and maintaining a feeling of security by the people in our community

The duties and responsibilities that the police officers of Carmel are charged with are numerous. However, most are targeted at reducing crime rates, reducing the opportunity to commit crimes, identifying and apprehending violators, prosecuting offenders, recovering and returning property and providing the public with services as necessary. These goals are accomplished by, but are not limited to, preserving the peace, enforcing all applicable laws, codes and ordinances, protecting the life, property, and personal safety of all persons, and assisting all citizens in times of need.

The oath of office administered to each member at the time of employment, is their personal commitment to serve all our citizens with impartiality and fairness. Each police officer in Carmel must carry out these duties without allowing personal feelings, animosities or prejudices to influence their actions. We are public servants and are expected to perform our duties diligently and as courteously as possible, even under extreme condition.



**TOWN OF CARMEL POLICE DEPARTMENT  
GENERAL ORDER A-10**

<b>TITLE:</b> Personnel, Recruitment and Selection	<b>ACCRED. STANDARD:</b> 11.1, 11.2, 11.3, 12.1, 12.2, 12.3, 12.4, 12.5, 12.6, 12.7, 12.8, 12.9	<b>REVIEW DATES</b> _____
<b>EFFECTIVE DATE:</b> November 6, 2002	<b>DATE OF LAST REVISION</b>	_____ (Initials & Date of Review)

**RECRUITMENT and SELECTION**

It is the policy of the Carmel Police Department to recruit and hire the best-qualified people to perform the duties of Police Officer. It is the policy of this department that local, state and federal laws and regulations shall be fully complied with.

**I. Job Announcements**

The Carmel Police Department is an equal opportunity employer. The Civil Service Office for Putnam County will provide a job announcement for the position of entry level police officer and advertise these tests in accordance with Civil Service standards. The Putnam County Personnel Department will place a notice in the local newspaper to give notice to the community of potential job openings for the position of entry level police officer. This General Order does not apply to interagency transfers when the applicant has already qualified under Civil Service, or is already certified through the Municipal Police Training Council. However, for any transfer applicants, only candidates from competitive civil service agencies shall be considered for appointment.

**II. Hiring Criteria**

Each applicant for the position of entry level Police Officer must pass a written Civil Service examination, which is designed by the Putnam County Civil Service Commission. This test will be standardized by the Civil Service Commission and will be job-related and non-discriminatory and appropriately documented. The Civil Service Office will supply the Chief of Police with Civil Service test results as soon as they are made available. The Police Chief will coordinate the hiring/selection activities for new police officer for the Police Department with the Department Training Officer and other appropriate command officers and will work in conjunction with elected officials of the Town of Carmel in making the final decision to appoint new officers.

Applicants for the position of entry-level police officer for the Carmel Police Department are required to successfully pass the following criteria:

1. Written test administered by Putnam County Civil Service Office
2. Medical and Fitness Test - this must meet or exceed the Medical and Physical Fitness

Standards and Procedures for Police Officer Candidates established by the Municipal Police Training Council;

3. The age span for entry level police office candidates must conform with Civil Service Law, Section 5b;
4. Physical examination administered by a licensed physician who uses valid, non-discriminatory procedures;
5. An emotional and psychological fitness-screening test conducted by a qualified professional;
6. A background investigation. The Chief of Police, or his/her designee, will obtain the following information, at a minimum, regarding applicants: driving and criminal record, record checks in communities where the applicant lived, employment references from current and past employers, NCIC/NYSPIN checks, interviews of neighbors of the applicants;
7. An oral interview that uses a set of uniform questions and a standardized form to record the results;

If an already-commissioned police officer is applying for a position with the Carmel Police Department, he/she must meet the following criteria:

1. Medical and Fitness Test - this must meet or exceed the Medical and Physical Fitness Standards and Procedures for Police Officer Candidates established by the Municipal Police Training Council;
2. Physical examination administered by a licensed physician who uses valid, non-discriminatory procedures;
3. Emotional and psychological fitness screening test conducted by a qualified professional;
4. A background investigation. The Chief of Police, or his/her designee, will obtain the following information, at a minimum, regarding applicants: driving and criminal record, record checks in communities where the applicant lived, employment references from current and past employers, NCIC/NYSPIN checks, interviews of neighbors of the applicants;
5. An oral interview that uses a set of uniform questions and a standardized form to record the results;

Based on the effective date of this General Order, records related to the hiring process for police officers that have been hired by the Carmel Police Department will be maintained for a minimum of six years beyond the duration of their employment.

If a candidate is determined to be acceptable, the candidate will be notified by the Police Chief that he/she will be recommended to the Supervisor and the Town Board for appointment. The Chief of Police will submit a memorandum to the Supervisor and the Members of the Board recommending that the candidate(s) be appointed as a police officer. The appointing authority for the Town of Carmel Police Department is the Town Board.

After an officer is hired by the Carmel Police Department, but prior to beginning their



official duties, each will be given an Oath of Office by the Town Clerk.

All appointees will be on probation for a period of one (1) year from date of hire. During this time, the Police Chief, or designee, will evaluate the probationary officer's behavior and progress at least three times. These reports will be shared with the individual officer and will become part of his/her permanent personnel file.



**TOWN OF CARMEL POLICE DEPARTMENT  
GENERAL ORDER A-14**

<b>TITLE:</b> Promotions	<b>ACCRED. STANDARD:</b> 15.1, 15.2, 15.3, 15.4, 15.5	<b>REVIEW DATES</b> _____
<b>EFFECTIVE DATE:</b> November 6, 2002	<b>DATE OF LAST REVISION</b>	_____ <b>(Initials &amp; Date of Review)</b>

**PROMOTIONS**

Promotions within the Town of Carmel Police Department will be made under the guidelines established by Civil Service Law. The Civil Service Commission shall make appropriate announcements when promotional examinations are scheduled.

Promotion to civil service rank will be job related and non-discriminatory as outlined in New York State Civil Service Law. The Civil Service Commission will establish an eligibility list for promotion based on civil service examinations. These lists will be maintained by the Civil Service Commission, and are subject to the requirements of New York State Civil Service law.

**I. Process**

The Chief of Police is responsible for the administration of the promotion selection process. Upon being advised of a tentative opening for promotion within the ranks of the Carmel Police Department, the Putnam County Office of Personnel will announce a test for such position. Test announcements will be posted conspicuously for not less than thirty (30) days prior to the time of the test.

Announcements will advise all qualified candidates of the duties of the job and the qualifications necessary to meet the requirements of the position. Announcements will advise all qualified candidates that the agency is an equal opportunity employer.

Each qualified candidate will submit to the Putnam County Office of Personnel a completed application form showing that the applicant meets all of the necessary qualifications for the position, along with any necessary processing fee. Each qualified candidate will receive a notification of the date, time and location of the promotional examination as well as any needed materials. Each candidate will be notified by mail as to his/her results of the promotional examination.

**II. Eligibility Lists**

Based on the results of the promotional examination, a list of eligibles will be established and maintained by the Putnam County Office of Personnel. The list shall be maintained for a period of not less than one (1) nor more than four (4) years.

The Chief of Police shall have the authority to review the list of eligibles for prospective promotional appointments. The Chief of Police will ask all candidates for promotion five (5) standardized questions relating to police supervision or command that are appropriate for the position. These questions will be relevant to the promotional position being considered.

Additional questions may be asked at the discretion of the Chief of Police.

He/She will confer with command level officers within the department to select the most qualified candidate for promotion from the list of eligibles. The name of the candidate selected for promotion will then be submitted to the Town Board for final approval.

An officer promoted to a higher rank shall serve a probationary period of twelve (12) weeks and will be evaluated at least twice during that time.

### **III. Appointed Positions**

If there are any job titles within the Carmel Police Department that are considered appointed positions, the Chief of Police is responsible for the administration of the appointment process. A written notice for any appointed position must be posted conspicuously for not less than thirty (30) days prior to the time of making such appointment. Announcements will advise all qualified candidates of the duties of the job, the qualifications necessary to meet the requirements of the position and the criteria to be used in the selection process. Announcements will advise all qualified candidates that the agency is an equal opportunity employer.

The Chief of Police shall have the authority to review the list of eligible candidates for the appointed positions. In addition to any other criteria established by the Chief of Police, an oral interview will be conducted for all candidates eligible for an appointed position. Five (5)-standardized questions appropriate for the appointed position will be asked, and additional questions may be asked at the discretion of the Chief of Police.

He/She will confer with command level officers within the department to select the most qualified candidate for an appointment from the list of eligible candidates. The name of the candidate selected for the appointment will be submitted to the Town Board for final approval.

An officer appointed to a position shall serve a probationary period of twelve (12) weeks and will be evaluated at least twice during that time.

**TOWN OF CARMEL POLICE DEPARTMENT  
GENERAL ORDER A-15**

<b>TITLE:</b> Use of Force	<b>ACCRED. STANDARD:</b> 20.1, 20.2, 20.3, 20.6, 20.7	<b>REVIEW DATES</b> _____
<b>EFFECTIVE DATE:</b> November 6, 2002	<b>DATE OF LAST REVISION</b> 08/15/2019	_____ <b>(Initials &amp; Date of Review)</b>

**USE OF FORCE**

Officers of the Carmel Police Department are expected to use only such force as is reasonable and necessary in making an arrest. They may only use the level of physical force necessary to effect lawful objectives in the performance of their duties within the limits established in Article 35 of the New York State Penal Law and consistent with training received by each officer in this Department. It is the responsibility of each member to be aware of the requirements of Article 35 and to guide his/her actions based upon law.

The use of indiscriminate force is prohibited. Unnecessary force occurs when unjustified physical abuse of a person has occurred or when it is apparent that the type or degree of force employed was neither necessary or appropriate, or when any degree of force is utilized as summary punishment or vengeance

**I. Use of Force**

Generally, officers may use force in the performance of their duty in the following circumstances:

- A. To prevent the commission of a crime;
- B. To prevent a person from injuring him/herself;
- C. To effect the lawful arrest of persons resisting arrest or attempting to flee from custody;
- D. In self-defense or in the defense of another person.

**Only issued and approved equipment will be carried on duty, and used only when applying physical force, except in an emergency when the officer may use other resources at his/her disposal.**

**II. Levels of Force**

When the use of force is necessary and appropriate, officers shall, to the extent possible, utilize an escalating scale of options and will not use more forceful measures unless it is determined that a lower level of force is inadequate. The scale of options in increasing severity is as follows:

- A. Verbal Persuasion: The practice of courtesy in all public contacts encourages

understanding and cooperation. Lack of courtesy arouses resentment and often physical resistance. Simple directions which are complied with while you accompany the subject are by far the most desirable method of dealing with an arrest situation. Control may be achieved through advice, persuasion, and warnings before resorting to actual physical force.

This should not be construed to suggest that officers should ever relax and lose control of a situation, thus endangering personal safety or the safety of others.

- B. Physical Strength: Frequently, subjects are reluctant to be taken into custody and offer some degree of physical resistance. Normally, all that is required to overcome this resistance is physical strength and skill in defensive tactics.
- C. Nonlethal Weapons: The police baton, expandable baton and Mag Light may be used in accordance with training and Departmental General Orders, ONLY TO THE DEGREE NEEDED TO GAIN CONTROL OF THE RESISTING SUBJECT.

Whenever chemical agents (department issued Oleoresin Capsicum (OC) spray, are used (except for training purposes), they should be used in accordance with the established policy ONLY TO THE DEGREE NEEDED TO GAIN CONTROL OF THE RESISTING SUBJECT.

- D. Lethal Force - refer to General Order A-16

After physical force is used, the officer shall immediately evaluate the need for medical assistance and, if necessary, arrange for such attention. Notification must be made without delay to the highest-ranking officer on the shift. The officer must complete the "Use of Force" report or "Firearms Discharge Report" and submit this report within 48 hours of the incident. In the case number section of the "Use of Force Report", reference shall be made to the arrest number, offense sheet number and/or blotter number.

Any incident in which an officer uses physical force in which an object is utilized other than physical strength, a "Use of Force Report" will be prepared by that officer. The officer will immediately verbally notify the supervisor on duty. If no supervisor is on duty, the Patrol Division Commander will be notified.

The supervisor on duty will conduct an investigation and interview potential witnesses and assess whether the use of force was warranted under the circumstances. These reports will be forwarded to the Patrol Division Commander for his/her review and assessment if further action or investigation is warranted.

### **III. Use of Force Data Collection**

Executive Law 837-t requires that officers complete a USE OF FORCE REPORT in any occurrence in which a police officer employs use of force as listed below:

- A. When an officer engages in conduct which results in the death or serious bodily injury of another person.

Serious bodily injury is defined as bodily injury that involves a substantial risk of death, unconsciousness, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

B. When one of the following is initiated by an officer:

1. Brandishes, uses or discharges a firearm at or in the direction of another person;
2. Uses a chokehold or similar restraint that applies pressure to the throat or windpipe of a person in a manner that may hinder breathing or reduce intake of air;
3. Displays, uses or deploys a chemical agent, including, but not limited to, oleoresin capsicum, pepper spray or tear gas;
4. Brandishes, uses or deploys an impact weapon, including, but not limited to, a baton or billy;
5. Brandishes uses or deploys an electronic control weapon, including, but not limited to, an electronic stun gun, flash bomb, or long range acoustic device.

The department is required to submit details of the incident to DCJS, including, but not limited to date of incident, agency involved, county, town/city, description of circumstances, and demographics of all persons engaging in the use of force or suffering such injury.

#### IV. Use of OC Spray

OC spray is a nonlethal device that is designed to subdue a person by projecting a specially formulated liquid onto a combative individual. It thus provides the officer with another alternative level of force, short of the use of the baton or firearm. It is a safe and humane means of controlling a violent person compared to the alternatives of the baton or firearm. OC Spray should only be used in circumstances when it is necessary to overcome violent physical force, or, resistance likely to result in injury to the suspect, the officer, or another person.

A. OC spray shall never be used:

1. As a threat to make a person comply with an officer's verbal order.
2. Against any person in retaliation for their verbal or other abuse of an officer.
3. To elicit information from any person.
4. Only OC spray purchased by the Department and issued to officers is authorized for use by officers of the Department.

B. Instructions for use

1. The effective range of OC spray is 12 to 15 feet. It is most effective from 3 or more feet. This distance allows the stream to develop a spray pattern.
2. The most effective use of OC spray is a well-aimed, one-second burst, aimed into the face of the aggressor from three or more feet. It is not

necessary to spray directly into the aggressor's eyes.

3. The officer shall insure that water is made available to the person to flush the affected areas as soon as practical after being sprayed.
4. The person shall also be informed that medical attention is available. If the person desires medical attention, or otherwise appears in need of same, it is the responsibility of the officer discharging the OC spray to ensure that the person is transported to the nearest hospital for treatment.

C. Reporting the Use of OC Spray:

In all cases when OC Spray is used the officer using it shall file a USE OF FORCE REPORT.

V. Use of Pepper Ball

Pepper Ball projectiles are spheres that are filled with powdered or liquid Oleoresin Capsicum (OC). The projectiles, when delivered by an air-powered launching device, burst on impact and release the OC. Pepper Ball projectiles are a non-lethal force which will subdue suspects by strongly irritating their nose, lungs, and breathing. Some individuals experience eye irritation as well. The Pepper Ball System can deliver the projectiles with enough kinetic energy to produce temporary abrasions, bruises, and/or welts.

The Town of Carmel Police Department authorizes only those personnel who are trained and certified in the use of the Pepper Ball System to deploy and use the OC Pepper Ball launcher. OC Pepper Ball may be used in the following situations:

- A. When a suspect exhibits violent or potentially violent behavior that threatens the safety of others and attempts to subdue the subject by conventional means of persuasion, escort control, self-defense techniques and/or pain compliance measures have not been or reasonably appear unlikely to be effective, or;
- B. When it is unsafe for a member of this department to approach a suspect within contact range, or;
- C. When higher use of force options may be justified, but an opportunity exists for use of OC Pepper Ball before these other options are employed, or
- D. To defend one's self or another from an aggressive and/or attacking animal, or;
- E. To disperse unruly or rioting crowds threatening unlawful property damage or physical force, or;
- F. Inside the detention cells, OC Pepper Ball may be used after ample verbal warning if a prisoner refuses to comply with a lawful order, and the prisoner takes an aggressive posture (i.e., clenched fists, fighting stance, etc.), or makes aggressive movements



toward officers, or;

- G. Although classified as a less-than-lethal device, the potential exists for Pepper Ball Projectiles to inflict injury when they strike the face, eyes, neck and groin. Therefore, personnel deploying the Pepper Ball System shall avoid intentionally striking those body areas unless a life-threatening situation exists.
- H. Officers encountering a situation, which requires the use of the Pepper Ball System, when feasible, shall immediately notify the Tour Supervisor. The system can be used before the arrival of the Tour Supervisor when the situation dictates such use. The Tour Supervisor shall respond to all Pepper Ball deployments where the suspect has been hit.
- I. The Tour Supervisor shall see to it that all notifications are made and reports required as per department policy. The USE OF OLEORESIN CAOSICUM (OC) FORM will be filed by the officer using the OC Pepper Ball. The Supervisor will review this form, and complete the Reporting Supervisor portion.
- J. One Pepper Ball Launcher will be stored in the trunk of the vehicle assigned to the Patrol Supervisor. The second Pepper Ball Launcher will be utilized by any trained and certified officer who wants to take the equipment on patrol with them. The Pepper Ball Launcher should be stored in the trunk of the patrol vehicle, and should be returned to the squad room at the culmination of the officers' tour of duty.
- K. The need for any maintenance, repairs and/or the refilling of the air tank shall be made via TFR to the Department Firearms Instructor and/or Firearms Supervisor.
- L. The Pepper Ball System is to be left in the case provided whenever transporting to and from headquarters or inside the police vehicle. Located in the bag are extra RED pepper projectiles, GREEN marker rounds, WHITE glass breaking rounds, masks, goggles and directions on how to utilize the system.
- M. Members will render appropriate medical aid after the use of the Pepper Ball System.



**TOWN OF CARMEL POLICE DEPARTMENT  
GENERAL ORDER A-16**

<b>TITLE:</b> Use of Deadly Force and Use of Firearms	<b>ACCRED. STANDARD:</b> 20.4, 20.5, 21.1, 21.2	<b>REVIEW DATES</b> _____
<b>EFFECTIVE DATE:</b> November 6, 2002	<b>DATE OF LAST REVISION</b> 6/19/19	_____ (Initials & Date of Review)

**USE OF DEADLY FORCE AND  
USE OF FIREARMS**

**I. PURPOSE**

Law enforcement officers around the country and here in New York State are authorized to use reasonable and legitimate force in specific circumstances. Federal constitutional and state statutory standards dictate when and how much force can be used. This policy is founded in these standards, but is not intended to be an exhaustive recitation of state and/or federal legal framework governing use of force. The policy is designed to provide guidance to individual agencies as they develop their own use of force policies in accordance with Executive Law §840 (4) (d) (3).

This policy is not intended to endorse or prohibit any particular tactic, technique, or method of employing force. Separate policy guidance and training should be provided for each of the available force instrumentalities made available to officers. See **GO A-15 Use of Force** and **GO O-46 Electronic Energy Device (Taser)**.

**II. POLICY**

The federal and state standards by which use of force is measured are both founded in the basic premise of objective reasonableness.<sup>1</sup> The amount of force that is used by the officers shall be the amount of force that is objectively reasonable under the circumstances for the officer involved to effect an arrest, prevent an escape, or in defense of themselves or others. The standard of objective reasonableness, established by the United States Supreme Court in *Graham v. Connor*, is used in this policy and is intended to provide officers with guidelines for the use of force, including deadly physical force.

As the Supreme Court has recognized, this reasonableness inquiry embodies “allowance for the fact that police officers are often forced to make split-second judgments — in circumstances that are tense, uncertain, and rapidly evolving — about the amount of force that is necessary in a particular situation.”<sup>2</sup>

This policy is written in recognition of the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires a careful balancing of all interests.

<sup>1</sup> Force which is objectively reasonable is insulated from criminal liability through Article 35 of the NYS Penal Law and civil liability by the 4th Amendment standard of objective reasonableness.

<sup>2</sup> *Graham v. Connor*, 490 U.S. 386 at 396 (1989).

### III. DEFINITIONS

- A. **Objectively Reasonable** – An objective standard used to judge an officer’s actions. Under this standard, a particular application of force must be judged through the perspective of a reasonable officer facing the same set of circumstances, without the benefit of 20/20 hindsight, and be based on the totality of the facts that are known to that officer at the time that the force was used.<sup>3</sup>
- B. **Deadly Physical Force** - Physical force which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury.<sup>4</sup>
- C. **Physical Injury** – Impairment of physical condition or substantial pain.<sup>5</sup>
- D. **Serious Physical Injury** – Physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ.<sup>6</sup>

### IV. USE OF FORCE

- A. In general terms, force is authorized to be used when reasonably believed to be necessary to effect a lawful arrest or detention, prevent the escape of a person from custody, or in defense of one’s self or another.<sup>7</sup>
- B. Under the 4th Amendment, a police officer may use only such force as is “objectively reasonable” under the circumstances. The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene.<sup>8</sup>

### V. DETERMINING THE OBJECTIVE REASONABLENESS OF FORCE

- A. When used, force should be only that which is objectively reasonable given the circumstances perceived by the officer at the time of the event.
- B. Factors that may be used in determining the reasonableness of force include, but are not limited to:
  - 1. The severity of the crime or circumstance;<sup>9</sup>
  - 2. The level and immediacy of threat or resistance posed by the suspect;<sup>10</sup>
  - 3. The potential for injury to citizens, officers, and suspects;<sup>11</sup>
  - 4. The risk or attempt of the suspect to escape;<sup>12</sup>
  - 5. The knowledge, training, and experience of the officer;<sup>13</sup>

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<sup>3</sup> *Graham*, 490 U.S. 396 (1989)

<sup>4</sup> NY Penal Law § 10 (11) (McKinney 2013)

<sup>5</sup> NY Penal Law § 10 (9) (McKinney 2013)

<sup>6</sup> NY Penal Law § 10 (10) (McKinney 2013)

<sup>7</sup> NY Penal Law and § 35.30(1) (McKinney 2013)

<sup>8</sup> *Graham*, 490 U.S. at 396 (1989)

<sup>9</sup> *Ibid.*

<sup>10</sup> *Ibid.*

<sup>11</sup> *Scott v. Harris*, 550 U.S. 372 (2007)

<sup>12</sup> *Graham*, 490 U.S. at 396 (1989)

6. Officer/subject considerations such as age, size, relative strength, skill level, injury or exhaustion, and the number of officers or subjects;<sup>14</sup>
7. Other environmental conditions or exigent circumstances.<sup>15</sup>

## VI. DUTY TO INTERVENE

- A. Any officer present and observing another officer using force that he/she reasonably believes to be clearly beyond that which is objectively reasonable under the circumstances shall intercede to prevent the use of unreasonable force, if and when the officer has a realistic opportunity to prevent harm.
- B. An officer who observes another officer use force that exceeds the degree of force as described in subdivision A of this section should promptly report these observations to a supervisor.

## VII. USE OF DEADLY PHYSICAL FORCE

- A. Deadly physical force may be used by an officer to protect themselves or another person from what the officer reasonably believes is an imminent threat of serious physical injury or death.<sup>16</sup>
- B. Deadly physical force may be used to stop a fleeing suspect where:
  1. The officer has probable cause to believe the suspect has committed a felony involving the infliction or threat of serious physical injury or death; and,
  2. The officer reasonably believes that the suspect poses an imminent threat of serious physical injury to the officer or to others.
  3. Where feasible, some warning should be given prior to the use of deadly physical force.<sup>17</sup>

## VIII. PROHIBITED USES OF FORCE

- A. Force shall not be used by an officer for the following reasons:
  1. To extract an item from the anus or vagina of a subject without a warrant, except where exigent circumstances are present;
  2. To coerce a confession from a subject in custody;

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<sup>13</sup> Analyses of cases under the 4th Amendment require the focus to be on the perspective of a reasonable officer on the scene which includes the training and experience of the officer. *Graham v. Connor*, 490 U.S. 386 (1989), *Terry v. Ohio*, 392 U.S. 1 (1968)

<sup>14</sup> *Sharrar v. Felsing*, 128 F. 3d 810 (3rd Cir. 1997) (numbers of officers or subjects)

<sup>15</sup> Courts have repeatedly declined to provide an exhaustive listing of factors. *Chew v. Gates*, 27 F. 3d 1432, 1475 n.5 9th Cir. (1994)

<sup>16</sup> NY Penal Law and § 35.30(1)(c)(McKinney 2013)

<sup>17</sup> NY Penal Law and § 35.30(1), as restricted by *Tennessee v. Garner*, 471 U.S. 1 (1985) (restricting the use of deadly physical force as it relates to fleeing felons) In *Garner*, the Supreme Court uses "significant threat of serious physical harm, either to the officer or others" in describing the limited circumstances under which deadly force can be used to prevent the escape of a felon.

3. To obtain blood, saliva, urine, or other bodily fluid or cells, from an individual for the purposes of scientific testing in lieu of a court order where required;
4. Against persons who are handcuffed or restrained unless it is used to prevent injury, escape, or otherwise overcome active or passive resistance posed by the subject.

#### **IX. REPORTING & REVIEWING THE USE OF FORCE**

- A. Any injuries resulting from a use of force incident shall result in the appropriate and timely medical attention being provided to the injured party.
- B. Members involved in use of force incidents as described below shall notify their supervisor as soon as practicable and shall complete a departmental use of force report.
  1. Use of force that results in a physical injury.
  2. Use of force incidents that a reasonable person would believe is likely to cause an injury.
  3. Incidents that result in a complaint of pain from the suspect except complaints of minor discomfort from compliant handcuffing.
  4. Incidents where a conducted energy device (CED) was intentionally discharged or accidentally discharged after being displayed. See **GO O-46 Electronic Energy Device (Taser)**.
  5. Incidents where a firearm was discharged at a subject.
- C. A standardized use of force form should be used to document any reportable use of force incident.<sup>18</sup>

#### **X. PROCEDURES FOR INVESTIGATING USE OF FORCE INCIDENTS**

- A. Where practicable, a supervisor should respond to the scene to begin the preliminary use of force investigation.
- B. A supervisor that is made aware of a force incident shall ensure the completion of a use of force report by all officers engaging in reportable use of force and, to the extent practical, make a record of all officers present.
- C. Photographs should be taken which sufficiently document any injuries or lack thereof to officers or suspects.
- D. The supervisor will then forward his/her investigation to the Patrol Division Commander or in his/her absence the Detective Division Commander who will conduct their investigation.
- E. All incidents of a firearm being discharged by an officer of this department will be reported and thoroughly investigated.
- F. If the firearm discharged struck or was aimed towards a human being the initial investigation into the circumstances surrounding the firearm discharge will be conducted in conjunction with the supervising sergeant, Patrol Division Commander or in his/her absence, the Detective Division Commander. The Chief of Police will be immediately notified of any such incident.

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<sup>18</sup> Chiefs of police departments, County Sheriffs, and the Superintendent of State Police should consider utilizing these forms to ensure compliance with the administrative reporting requirement of EXC §837-t.

1. If the firearm was discharged to destroy an animal the investigation will be conducted by the supervising sergeant. In either case the report and investigation will be initiated on the "Firearm's Discharge Report".
  2. The initial portion of the "Firearm's Discharge Report" will be completed by the officer who discharged the weapon: the report will then be forwarded to the officer's immediate supervisor who will then complete the Supervisor's portion of the investigation. The supervisor will then forward his/her investigation to the Patrol Division Commander, or in his/her absence the Detective Division Commander. An initial blotter entry will be completed when a firearm is discharged.
- G. Any departmental member found in violation of this section of the manual shall be subject to the disciplinary process consistent with any state law and applicable provision of the bargaining agreement between the Town of Carmel and the bargaining union.<sup>19</sup>

## **XI. DISCHARGING A FIREARM**

- A. CONFRONTATION SITUATIONS - To defend the officer or another from what the officer reasonably perceives as an imminent threat of death or serious physical injury when there is no apparent practical alternative.
- B. APPREHENSION AND PURSUIT SITUATIONS - When an officer has reasonable cause to believe that an armed and dangerous subject has committed a felony which involves the use of deadly physical force against a person AND there is substantial risk that the fleeing subject will cause death or serious bodily harm if not immediately apprehended AND there is no other reasonable means to effect the arrest AND the discharge creates no foreseeable risk to innocent bystanders.
- C. ANIMALS - To kill a dangerous animal or an animal so badly sick or injured that it should be destroyed to prevent further suffering. All other options should be exhausted, however and before shooting the animal, all other department procedures governing same must be adhered to. Officers are referred to and must conform to the Agricultural and Market Law of the State of New York that addresses humane destruction and other disposition of animals.
- D. FIREARMS PRACTICE - For target practice at an approved range.

## **XII. CONSIDERATIONS AND PROHIBITIONS**

- A. JUVENILES - The provisions of this procedure are based on "DANGER" and are not intended to distinguish between adults and juveniles. This is only to the extent when age, and the related factors of size and strength, influence the capacity to inflict deadly physical force or serious harm, are to be considered.

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<sup>19</sup> EXC §840(4)(d)(2)(vi)

- B. MOVING VEHICLES - Officers are prohibited from discharging firearms from a moving vehicle or at a moving vehicle unless the occupant(s) of that vehicle are using deadly physical force against the officer, or another.
- C. WARNING SHOTS - No officer shall fire "warning shots".
- D. DRAWING OR DISPLAYING FIREARMS - An officer shall unholster or display a firearm only if directed by competent authority or if there is reason to believe such may be necessary for the safety of the officer or others.
- E. DRY FIRING - "Dry Firing" or snapping the action of a firearm is forbidden except when authorized during firearms training programs.
- F. FIRING SHOTS FOR ALARM - Firearms shall not be discharged to summon assistance except where the officer's safety or that of another is endangered and there is no other reasonable alternative. Extreme care must be exercised in such situations to prevent injury to another person.
- G. USE OF WEAPON LIGHTS – Officers are NEVER to unholster or unsecure their weapons for the sole purpose of utilizing their weapon lights as flashlights.

### **XIII. LEGAL DISCLAIMER**

This directive regarding the use of force and firearms is for Departmental administrative use only and, to the extent that it constrains conduct otherwise permissible under law, shall not apply in any criminal or civil proceeding. The Carmel Police Department's rules regarding the use of deadly force should not be construed as creating a higher standard of safety or care, in an evidentiary sense, with these rules will only be used as the basis for Departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in recognized judicial settings.

- A. SANCTIONS - In all cases where an officer's action is determined to be a violation of these rules but not a violation of law, this distinction shall be made clear in all public discussion of such incidents and in any disciplinary action which may result. An officer found to have acted in violation of this order shall be subject to internal discipline ranging from reprimand up to and including dismissal, in addition to any criminal sanctions which may be imposed in the courts.
- B. RESPONSIBILITY - The responsibility for the unholstering and/or use of a firearm shall be borne by the officer who unholsters or fires the weapon.

### **XIV. USE OF SHOTGUNS / PATROL RIFLES**

Because of the unusually dangerous potential of a shotgun/patrol rifles, the carrying and use of such weapons must be carefully controlled and monitored at all levels. Shotguns/patrol rifles will be carried and used only by personnel who have qualified in their use by a state-certified Firearms Instructor. Only Department issued ammunition will be used therein, and all issued ammunition will be kept with the weapon, or turned in. All policies governing the use of force and the discharge of firearms apply to the use of shotguns/patrol rifles.



A. Situations where the deployment of a shotgun/patrol rifle might be appropriate are:

1. Felony situations where a suspect is believed to be on the scene and is possibly armed.
2. When dispatched to the scene of a crime where it is known that a firearm is involved in the commission thereof.
3. In searches for suspects reported to be armed.
4. To destroy a dangerous animal.
5. Civil disorders under strict discipline.

B. Situations where the deployment of a shotgun/patrol rifle would NOT be appropriate are:

1. Routine Calls.
2. Disturbance calls, except when the caller indicates that a weapon is present and being used in the disturbance.
3. As a show of force.

C. SECURITY

1. SHOTGUNS shall be kept secured while in vehicles. The weapon shall be locked in the appropriate rack. NO ROUND SHALL BE IN THE CHAMBER, AND THE ACTION SHALL BE CLOSED. WHEN A SHOTGUN IS REMOVED FROM THE GUN LOCK FOR POSSIBLE USE, A ROUND SHOULD BE CHAMBERED AND THE SAFETY APPLIED. As soon as the shotgun is no longer needed, the chamber should be carefully emptied and the weapons secured in the vehicle or returned to police headquarters.
2. PATROL RIFLES shall be kept secured while in the vehicles. The weapon shall be locked in the appropriate rack, NO ROUND SHALL BE IN THE CHAMBER, BOLT FORWARD, SELECTOR SWITCH ON "SAFE", THE EJECTION PORT DUST COVER CLOSED AND A LOADED MAGAZINE LOCKED IN THE MAGAZINE WELL. As soon as the patrol rifle is no longer needed, the chamber should be carefully emptied and the weapons secured in the vehicle or returned to police headquarters.

D. SAFETY

Extreme caution will be used when handling a shotgun/patrol rifles. Each shift supervisor and command officer and Weapons Officer shall be alert to and correct any careless handling of such weapons. The following safety precautions will be strictly adhered to:

1. While inside a police building, the shotgun will not be loaded; it shall be carried with the action open and the safety in the "on" position. The patrol rifles will not be loaded; it shall be carried with the bolt locked back, and the selector switch on "safe".
2. Except when in the act of using the weapon, the shotgun/patrol rifles shall be carried with the muzzle pointing downward.
3. Officers should routinely inspect the weapon to be certain that it is in good working order. If there appears to be any problem with the weapon, such will immediately be brought to the attention of the shift supervisor or Weapons Officer.

**E. RESPONSIBILITY**

Responsibility for the security and/or the use of a shotgun/patrol rifles will be borne by the officer assigned the weapon. No officer shall accept the assignment of a shotgun/patrol rifles unless they have been determined to be qualified to use said shotgun/patrol rifles by a state certified police firearms instructor.

**XV. EQUIPMENT GUIDELINES**

- F. Other than police officers assigned to desk or station house duty, only department issued or approved service weapons will be carried by uniform officers. Officers assigned to desk or station house duty may carry a weapon approved by the Chief of Police, and that the officer has displayed annual proficiency in its use as per stipulated in the next paragraph.
- G. If a member opts to carry a back-up weapon while on duty, or a weapon other than his/her service weapon while off-duty, this type of weapon has to be approved by the Chief of Police. The officer shall demonstrate proficiency for such use of the weapon with the department's firearm instructor annually. The firearm instructor will submit a memo to the Chief of Police indicating that the officer has demonstrated proficiency with that particular handgun. A copy of the memo will be made part of the police officer's personnel file.
- H. Police officers assigned to duty in civilian clothes are usually restricted to use the duty department issued weapon. If a particular investigation necessitates that a different weapon should be used it will be an approved off-duty weapon.
- I. All ammunition used in service weapons and approved off-duty weapons are subject to approval by the Chief of Police. Only major brand ammunition will be used.
- J. Newly purchased firearms for off duty use shall be test fired at the range prior to use.
- K. It is the officer's responsibilities to safe guard their weapons at all times.
- L. Weapons may not be modified without prior permission from the Chief of Police, NO OFFICER WILL CHANGE THE SIGHTS OF A DEPARTMENT RIFLE. Only a department firearm instructor shall zero in a department rifle.

**XVI. PISTOL OPTION**

The Carmel Police Department recognizes the law enforcement nationwide trend in which many police entities are gradually transitioning to the utilization of .45 caliber pistols as the standard sidearm weapon. Members of the Putnam County Emergency Response Team, of which officers of the Town of Carmel Police Department are assigned to, utilize the .45 caliber as their standard side arm in training and at major incidents as team members. The police department has decided to allow all officers in the police department the option to carry their own personal .45 caliber weapon on duty as of 5/1/08. The following guidelines are to be followed:

- A. The approved .45 caliber weapon for patrol will be the 1911 platform .45 caliber ACP with a 5 inch barrel, and a factory trigger pull or a Glock Model 21 .45 caliber with an 8 pound trigger pull, with fixed sights, and be of a black matte finish with black hand grips.

- B. The weapon and the following accessory equipment: a Type II basket weave black holster; a basket weave black magazine pouch capable of holding two magazines and two additional magazines will be purchased by the individual officer who wishes to avail himself/herself of this option.
- C. The weapon may be equipped with a department approved weapon-mounted flashlight as long as the officer voluntarily becomes certified in its use and maintains such certification yearly by taking a low light weapon course at a minimum of every year. Members of the ERT Team who normally train with weapon-mounted flashlights, must train in lowlight conditions and be certified annually by the ERT firearms instructor. The Administrative Lieutenant will certify annually a list of officers who are permitted to have their weapons equipped with a weapon light. The weapon flashlight will be only utilized in possible deadly physical force confrontational situations, and is not to take the place of the department issued flashlight used in normal patrol situations.
- D. Only department certified ammunition will be utilized in the weapon.
- E. Upon being certified in the use and proficiency of the .45 caliber weapon for on-duty use, the officer will return the department issued .40 caliber Glock pistol to the Administrative Lieutenant.
- F. The departments firearms instructors annually will recommend, certify, and submit a written report to the Administrative Lieutenant, who will record the serial numbers and names of the officers, who are certified to be proficient with their personal .45 caliber pistol for patrol use. The Chief of Police will have final approval and authorization for the officers' who are interested in availing themselves of this option.
- G. All rules and regulations regarding department firearms and procedures will be followed regarding optional duty weapons.
- H. The department may seize an optional firearm for investigative purposes, when used in the course of investigation in a police work incident or investigation.
- I. Any damage to the weapon and accessory equipment will be the responsibility of the officer. Any major repair work or upgrades to the weapon must be done by a certified armorer or licensed gunsmith.
- J. The department will supply the duty ammunition and ammunition necessary for the annual firearms re-qualification.
- K. Each individual weapon will be inspected and certified annually by the department's firearms instructor and/or armorers.

**XVII. TRAINING**

- A. All officers should receive training and demonstrate their understanding on the proper application of force.
- B. Training topics will include use of force, conflict prevention, conflict resolution and negotiation, and de-escalation techniques and strategies, including, but not limited to, interacting with persons presenting in an agitated condition as well as duty to intervene and prohibited conduct.<sup>20</sup>
- C. This policy is not intended to be a substitute for proper training in the use of force. Comprehensive training is the key to the real-world application of the concepts discussed within this policy.

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<sup>20</sup> EXC §840(4)(d)(2)(vii)

**TOWN OF CARMEL POLICE DEPARTMENT  
GENERAL ORDER O-10**

<b>TITLE:</b> Constitutional Requirements	<b>ACCRED. STANDARD:</b> 50.2	<b>REVIEW DATES</b> _____
<b>EFFECTIVE DATE:</b> November 6, 2002	<b>DATE OF LAST REVISION</b>	_____ (Initials & Date of Review)

**CONSTITUTIONAL REQUIREMENTS**

All officers shall remain alert to gather information from witnesses, suspects or arrestees that may help in the solution of a crime. However, it is equally important to ensure that searches, seizures, interviews and interrogations conform to legal standards. All officers shall interview, interrogate or otherwise question persons in accordance with State and Federal Laws.

**I. Interviews/Interrogations - definitions**

- A. The purpose of an interview is to gather information from a person of his/her knowledge of an incident, its circumstances, and if appropriate, to document the knowledge in a written statement or supporting deposition.
- B. The purpose of an interrogation is to get information through questioning a suspect or defendant about their participation in an offense, to seek their oral admission/omissions of the act, and if possible get those admissions documented in a written statement.
- C. Custodial interrogation is questioning initiated by law enforcement officers after a person has been taken into custody or otherwise deprived of his/her freedom of action in any significant way (would a reasonably subjective person feel he was in custody)

**II. Procedures for Interviewing and Interrogation**

When a victim, witness or complainant is interviewed by any member of the Police Department, Miranda Warnings (his/her constitutional rights) are not required. When an officer has not arrested an individual or otherwise taken him into custody in a manner which restricts the individuals freedom of action in any significant way, Miranda Warnings are not necessary.

If a person is in a custodial situation prior to the custodial interrogation the suspect shall be advised of his/her Miranda Warnings and the suspect must advise the interrogator that he understands each of the following rights:

- 1. You have the right to remain silent.
- 2. Anything you say can and will be used against you in a court of law.
- 3. You have a right to talk to a lawyer and have him present with you while you are being questioned.

4. If you cannot afford to hire a lawyer, one will be appointed to represent you before any questioning, if you wish.
5. You can decide at any time to stop the questioning and not answer any questions or make any statements.
6. Do you understand each of these rights I've explained to you?
7. Do you wish to talk to us now?

Each of those warnings shall be read from an authorized Miranda Warning Card or form and the suspect must acknowledge he/she understands each of those rights after each has been read. His/her silence cannot be regarded as a waiver of his/her rights. If the suspect waives his/her rights to silence, and to have an attorney present during the questioning and a statement is made, it must be fundamentally fair and voluntary and taken in writing and signed by the suspect in each case that he/she agrees too.

If at anytime, prior to, during or after being advised of his/her Miranda Warnings the suspect states that he/she does not wish to answer any questions, or make any statements, and/or advises that he/she wishes an attorney prior to questioning, all questioning must cease.

If after speaking to his/her attorney the suspect is willing to answer questions and/or make a statement, the suspect shall be interrogated, without that attorney being present.

If an accusatory instrument has been filed with the court against a suspect he/she cannot be interrogated unless his/her attorney is present at time of the interrogation.

If the interrogating officer is unaware of pending charges, or that the suspect has an attorney retained, and is not advised of that situation by the suspect he/she shall be interrogated.

A suspect shall be advised of his/her constitutional rights (Miranda Warnings) when:

1. An interview of a victim, witness or complainant is being conducted and at a point during that interview the interviewee becomes a suspect and the interviewer, now an interrogator, believes the suspect may make a statement which may be incriminating.
2. When the suspect is in a custodial situation.
3. When the suspect is placed under arrest and he shall be interrogated.

When Miranda Warnings need not be given:

1. When an officer interrogates a motorist during a vehicle stop for a traffic infraction.
2. When temporarily detained due to reasonable suspicion in a "Stop and Frisk" situation an officer conducts a brief interview.
3. When the person interviewed is a victim, witness or complainant and there is no

indication that is any involvement in the incident.

4. If the intent and purpose of the interrogation is for the safety of the public. i.e.: In an extortion attempt and suspect has a bomb hidden; kidnapping and the hostage is secreted or buried; fleeing felon apprehended in hot pursuit and a holster is located on suspect, he/she may be interrogated regarding recovering the weapon without Miranda.

### III. Searches Without a Warrant

There are several situations where officers do not need a search warrant to execute a legal search and seizure.

- A. Plain View Observation - This is not a search, but observations made through your senses. This can be used to develop probable cause to believe that a crime was committed, has been committed, or is about to be committed and your observation was spontaneous. If on a plain view observation you observe the fruits of a crime, evidence concerning the commission of a crime, any instrumentality used in the commission of a crime or any contraband, and you have reason to believe that you do not have time to apply for a search warrant before such items could be removed, or destroyed you shall seize such items. The entire area or vehicle may be secured to preserve evidence and prevent alternation of the arrest area. A warrantless search shall not be conducted of a motorist or his/her vehicle incidental to an arrest for a traffic infraction.
- B. Search by Consent - This must be done only if you have written consent from the person. (Oral consent is acceptable only if written consent is unavailable.) This consent is given only by the person who has legal right of possession and control over that property. The person being asked to consent to this search shall be advised that he does not have to consent to the search. Consent must be knowingly, fairly and voluntarily given. Silence is not consent.
- C. Emergency Searches (Exigent Circumstances) - These types of searches are done in extraordinary circumstances. Examples would include, but not be limited to:
  1. Probable cause that a crime was committed.
  2. No opportunity to obtain a warrant
  3. If suspect is armed
  4. To protect public safety and life. In this situation reasonable suspicion may be allowed.
  5. If even with a warrant the emergency situation would not be eliminated.
- D. Motor Vehicle Searches - Searches of a motor vehicle are legal and authorized under the following types of conditions:
  1. Incident to arrest.
  2. With Consent
  3. Search Warrant

The scope of search includes:

1. Full search of person.
2. Accessible areas within immediate control of person.
3. Limited to passenger compartment.

4. If probable cause to search the vehicle is present and evidence of a crime is recovered than probable cause to search trunk and locked containers exist (*Colorado vs. Bertine*)

E. Vehicle Inventory Search - Incident to Arrest - The officer must have lawful custody of vehicle. The search must be conducted by established routine inventory procedures of the Police Department. A search of a vehicle can be conducted after the initial inventory search as long as probable cause exists and the vehicle custody has been maintained (*California vs. Carney*).

#### **IV. Searches With a Warrant**

A search with a warrant is limited to only the areas designated and items sought as requested in search warrant application. Also a search of all persons at the premises when the warrant is executed should be performed if such language is included in the warrant.

A search warrant executed within the Town can only be authorized by a town justice, the county court judge, New York State Supreme Court judge or a federal judge. Application and completion of the search warrant form will be with the assistance of a supervisor and approval of the county district attorneys office.

The execution of a search warrant is usually done under the direct control of an officer who made application, a member of the detective division assigned to the case or a supervisor. If a member of the detective division is present, he will assume the responsibility of the execution of the search warrant only and the operation of the uniformed division will be the responsibility of the uniformed shift supervisor. In the absence of a detective, the execution of the search warrant and all personnel involved is the responsibility of the shift supervisory officer.

A copy of the search warrant will be given to the owner of the property upon execution of the search warrant. If he is not present, it shall be left at the property. Upon the completion of the execution of a search warrant, a detailed inventory of property confiscated shall be completed. A copy of the inventory will be given to the owner of the property searched, or his/her attorney.

A search warrant return will be completed and filed with the issuing judge within 24 hours of its execution.

#### **V. Administrative Searches**

Administrative searches are conducted on businesses, and persons on parole or probation. The search is not for evidence to be used in a criminal prosecution but to assure that specific regulations are followed. Evidence seized as a result of an administrative search may be admissible in criminal prosecution.

If assistance is requested in an administrative search and evidence is confiscated, items confiscated shall be inventoried in detail and a receipt given to the person or business on which the administrative search was executed.



## VI. Pre-trial identification of suspects by witnesses.

There are several means of identifying suspects that may invoke certain constitutional rights on the part of the suspect. These means may include:

1. Photographic array.
2. Line-up identification.
3. One-on-one confrontation.

1. Photographic Array - This procedure should generally be used when the suspect is not in custody.

A minimum of six (6) like photos shall be displayed on a backer each numbered one through six. Only one photo display shall be viewed by any one witness, victim, complainant, regarding any one suspect. Only one photo of the suspect may be used per display, and only one suspect may be present in any one display. Witness attention should never be directed to a particular person or photograph.

Multiple witness should never view the identification procedure together. If an identification is made, a supporting deposition will be taken from the victim, witness, complainant, regarding that identification. A second supporting deposition shall be completed by the officer who developed the photo display and reference made to the location or position of the suspect photo, the arrangement of the photographs, and an identifying feature of those photos used in the display.

2. Line-up Identification - Line-up procedures will be conducted with the assistance of the County District Attorney's Office. Any court orders or consents by the suspect will be handled by that office, as will the place, date, and time of the line-up. The number of stand-ins, and stand-ins used will be decided on with the assistance of district attorney's office.
3. One-on-one Confrontations (Show-ups) - A one on one confrontation shall be used only when it is held within a reasonable period of time, of the commission of the crime, preferably at or as close to the crime scene as possible. It may also be used when an emergency situation exists such as if the witness or suspect is in danger of dying.

If possible, avoid physical restraining or handcuffing of suspect during procedure. It should not be conducted at police station, and the witnesses participate in procedure, individually, not together.

4. In all applicable cases, the investigating officer must insure that the provisions of Section 710.30 off the CPL are adhered to with regards to this section.

## VII. Stop and Frisk

A stop is a seizure, and it is authorized if the officer has reasonable suspicion that a crime has occurred or is about to occur. A stop occurs when a reasonable person feels his/her movement is restricted. It is usually a physical restraint, although words or actions may be enough to invoke this condition.

A frisk is a search, and must be limited to be as least intrusive as possible. A frisk is reasonable if probable cause is met that criminal activity is committed or person is armed and dangerous.

A 'stop and frisk' requires less than probable cause. It should be done in a public place and inquiring the person's name, address and explanation of his/her conduct when he/she is a reasonable suspicion that he/she is committing, has committed or is about to commit a felony or misdemeanor. A 'stop and frisk' can also be performed when an officer reasonably suspects a person to be in possession of a dangerous instrument or deadly weapon and that the officer's in danger or physical injury because of that possession.

### A. Stopping a Person - the officer should:

1. Identify himself/herself.
2. Only detain the person for a reasonable time for questioning.
3. Order a person to stop - If he/she refuses, use no more force than is necessary to stop and detain him.

### B. Frisking a Person - the officer should:

1. Stop and frisk a person only if he/she has justification to conduct the stop and the officer is in imminent danger of physical injury by a dangerous instrument or deadly weapon.
2. A frisk is a careful pat down of persons' outer clothing to feel for concealed weapons. It is not a search for evidence or contraband.
3. If the officer is unsure if a frisk should be conducted, in the interest of safety, he/she should always resolve it in favor of conducting the frisk.
4. If a frisk is conducted and property discovered is contraband, the fruits or instrumentality's of a crime that the officer has probable cause to believe was committed or was about to be committed, he/she may arrest the person and seize the property as evidence
5. The officer can only enter a person's pocket to remove an object when he/she reasonably suspects that object to be a deadly weapon or dangerous instrument.
6. If a person is carrying anything capable of concealing a deadly weapon or dangerous instrument, the officer may search whatever is in his/her possession in accordance with the above prescribed principals of reasonableness, assuming that the subject's access to said container continues to be a risk.
7. The officer must use no more force than is necessary to frisk the person.
8. Incident to an arrest, the officer can go beyond a frisk to a full search, for evidence, identification, etc.

C. Frisking a Motorist

1. Vehicle stop for a traffic infraction - if the officer has reasonable suspicion that occupant is armed and that you are in physical danger, he/she may only frisk for deadly weapon or dangerous instrument.
2. Prior to a persons re-entry into the vehicle, the officer may search any area in the interior of that vehicle that could be reached by that person when re-entered.
3. If after the 'stop and frisk', evidence of a crime is discovered and confiscated, the officer should articulate in the police reports all facts, circumstances and statements leading to probable cause.



**TOWN OF CARMEL POLICE DEPARTMENT  
GENERAL ORDER O-50**

<b>Handling of Mentally Ill or Emotionally Disturbed Persons</b>			<b>ORDER # O-50</b>
<b>DATE ISSUED</b> 05/03/10	<b>EFFECTIVE DATE</b> 05/03/10	<b>REVISION #00</b>	<b>PAGE</b> 1 of 8

- I. Purpose:** To provide procedures detailing this agency's response in handling mentally ill and/or emotionally disturbed persons.
- II. Policy:** Mentally ill and/or emotionally disturbed persons can pose a significant challenge to law enforcement personnel. Persons in these conditions can behave in an erratic and unpredictable manner and can often pose a serious threat to safety. The Town of Carmel Police Department will strive to deal with these types of persons in a compassionate yet safe manner to protect the individual, the public, family members and his/herself. If there is any indication that the person may be violent, personnel must consult with a supervisor and take any necessary precautions that may include several officers, help from the family or mental health professionals and possibly use of the Emergency Response Team.
- III. When Dealing with Mentally Ill Persons Employees Should:**
- Maintain his/her safety at all times;
  - Protect the public and family members from harm;
  - Protect the disturbed person from harm that he/she may cause;
  - Attempt to stabilize the situation by calming the person, removing the person from the situation, and/or restraining the person as needed;
  - Aid in acquiring proper medical attention for the person.
- IV. Definitions:**
- A. **Mental Illness** - Art. 1, Sect. 1.03, sub. 20 Mental Hygiene Law - means an affliction with a mental disease or mental condition which is manifested by a disorder or disturbance in behavior, feeling, thinking, or judgment to such an extent that the person afflicted requires care, treatment and rehabilitation.
- B. **Voluntary Admissions** - Art. 9, Sect. 9.13, sub. (a) Mental Hygiene Law - The director of any hospital may receive as a voluntary patient any suitable person in need of care and treatment, who voluntarily makes written application therefore. If the person is under sixteen years of age, the person may be received as a voluntary patient only on the application of the parent, legal guardian, or next-of-kin of such person, or, subject to the terms of any court order or any instrument executed pursuant to section three hundred eighty-four-a of the social services law, a social

services official or authorized agency with care and custody of such person pursuant to the social services law, the director of the division for youth, acting in accordance with section five hundred nine of the executive law, or a person or entity having custody of the person pursuant to an order issued pursuant to section seven hundred fifty-six or one thousand fifty-five of the family court act. If the person is over sixteen and under eighteen years of age, the director may, in his discretion, admit such person either as a voluntary patient on his own application or on the application of the person's parent, legal guardian, next-of-kin, or, subject to the terms of any court order or any instrument executed pursuant to section three hundred eighty-four-a of the social services law, a social services official or authorized agency with care and custody of such person pursuant to the social services law, the director of the division for youth, acting in accordance with section five hundred nine of the executive law, provided that such person knowingly and voluntarily consented to such application in accordance with such section, or a person or entity having custody of the person pursuant to an order issued pursuant to section seven hundred fifty-six or one thousand fifty-five of the family court act.

- C. **Emergency Admissions - Powers of Police Officers** - Art. 9, Sect. 9.41 Mental Hygiene Law- Any peace officer, when acting pursuant to his or her special duties, or police officer who is a member of the state police or of an authorized police department or force or of a sheriff's department may take into custody any person who appears to be mentally ill and is conducting himself or herself in a manner which is likely to result in serious harm to the person or others. Such officer may direct the removal of such person or remove him or her to any hospital specified in subdivision (a) of section 9.39 or any comprehensive psychiatric emergency program specified in subdivision (a) of section 9.40, or, pending his or her examination or admission to any such hospital or program, temporarily detain any such person in another safe and comfortable place, in which event, such officer shall immediately notify the director of community services or, if there be none, the health officer of the city or county of such action.
- D. **Emergency Admissions - Powers of Directors of Community Services**- Art. 9, Sect. 9.45 - Mental Hygiene Law- The director of community services or the director's designee shall have the power to direct the removal of any person, within his or her jurisdiction, to a hospital approved by the commissioner pursuant to subdivision (a) of section 9.39 of this article, or to a comprehensive psychiatric emergency program pursuant to subdivision (a) of section 9.40 of this article, if the parent, adult sibling, spouse or child of the person, the committee or legal guardian of the person, a licensed psychologist, registered professional nurse or certified social worker currently responsible for providing treatment services to the person, a supportive or intensive case manager currently assigned to the person by a case management program which

program is approved by the office of mental health for the purpose of reporting under this section, a licensed physician, health officer, peace officer or police officer reports to him or her that such person has a mental illness for which immediate care and treatment in a hospital is appropriate and which is likely to result in serious harm to himself or herself or others. It shall be the duty of peace officers, when acting pursuant to their special duties, or police officers, who are members of an authorized police department or force or of a sheriff's department to assist representatives of such director to take into custody and transport any such person.

Upon the request of a director of community services or the director's designee an ambulance service, as defined in subdivision two of section three thousand one of the public health law, is authorized to transport any such person. Such person may then be retained in a hospital pursuant to the provisions of section 9.39 of this article or in a comprehensive psychiatric emergency program pursuant to the provisions of section 9.40 of this article.

- V. **Recognizing Abnormal Behavior:** Mental illness is often difficult for even the trained professional to define in a given individual. Public Safety members are not expected to make judgments of mental or emotional disturbance but rather to recognize behavior that is potentially destructive and/or dangerous to the individual or others. The following are general signs and symptoms of behavior that may suggest mental illness or emotional disturbance. Members should not rule out other potential causes such as reactions to narcotics or alcohol, reactions to medication, or temporary emotional disturbances that are situational motivated. Members should evaluate the following and related symptomatic behavior in the total context of the situation when making judgments about an individual's mental state and need for intervention if a crime has not been committed.
- A. **Degree of Reactions:** Mentally ill persons may show signs of a fear of persons, places or things. There may be signs of confused thought processes, exaggerated reactions to sight, sound, touch, or other sensory data. These reactions may make the individual extremely reclusive or aggressive without apparent provocation. Authority figures, especially the uniformed police officer, may cause a particularly strong reaction of fear, suspicion or violent behavior.
  - B. **Appropriateness of Behavior:** An individual who demonstrates extremely inappropriate behavior for a given context may be emotionally or mentally ill or under the influence of drugs.
  - C. **Extreme Rigidity or Inflexibility:** Mentally or emotionally ill persons may be easily frustrated in new or unforeseen circumstances and may demonstrate inappropriate or aggressive behavior in dealing with the situation.
  - D. In addition to the above, a mentally ill person may exhibit one or more of the following characteristics:

1. Abnormal memory loss related to such common facts as name, home address, date, etc. (Memory loss may also be a result of physical ailments such as Alzheimer's disease.)
2. Delusions, such as the belief in thoughts or ideas that are clearly false, or paranoid delusions such as feelings that "Everyone is out to get me."
3. Hallucinations of any of the five senses such as hearing voices commanding the person to act, feeling one's skin crawl, smelling strange odors, etc..
4. The belief that one that one suffers from extraordinary physical maladies that are not possible, such as persons who believe that their heart has stopped beating for an extended period of time.
5. Extreme fright or depression.

**VI. Determining Danger:** Not all mentally or emotionally ill persons are dangerous while some may represent danger only under certain circumstances or conditions. The following indicators may indicate that the mentally or emotionally ill person represents an immediate or potential danger to him/herself or others:

- A. Availability of weapons to the subject;
- B. Statements by the subject that suggest that the person is prepared to commit a violent or dangerous act. Such comments may range from subtle innuendos to direct threat that, when taken in conjunction with other information; paint a more complete picture of the potential for violence.
- C. A personal history that reflects prior violence under similar or related circumstances.
- D. Lack of control of emotions such as rage, anger, fright or agitation. Signs of lack of control include extreme agitation, wide eyes and rambling thoughts or speech. Clutching one self or other objects to maintain control, begging to be left alone, or offering frantic assurances that one is all right may also suggest that the individual is close to losing control.
- E. The volatility of the environment is a particularly relevant factor that members must evaluate. Agitators that may affect the person or a particularly combustible environment that may incite violence should be taken into account.

**VII. Dealing With The Mentally Ill:** Should an officer determine that an individual is mentally or emotionally ill and a potential threat to him/herself or others, or may otherwise require police intervention for humanitarian purposes, the following responses should be taken:

- A. Inform the Tour Supervisor of the situation as soon as practical.
- B. Request a backup officer, and always do so in cases where the individual will be taken into custody.
- C. Take steps to calm the situation. Where possible, eliminate emergency lights and sirens, disperse crowds, and assume a quiet non-threatening manner when approaching or conversing with the individual. Where



- violence or destructive acts have not occurred, avoid physical contact, and take time to assess the situation.
- D. Move slowly and do not excite the disturbed person. Provide reassurance that the police are there to help and that he will be provided with appropriate care.
  - E. Communicate with the individual in an attempt to determine what is bothering him. Relate your concern for his feelings and allow him to ventilate his feelings. Where possible, gather information on the subject from acquaintances or family members and/or request professional assistance if available and appropriate to assist in communicating with and calming the person.
  - F. Do not threaten the individual with arrest or in any other manner, as this will create additional fright, stress, and potential aggression.
  - G. Avoid topics that may agitate the person and guide the conversation toward subjects that help bring the individual back to reality.
  - H. Always attempt to be truthful with a mentally ill individual. If the subject becomes aware of a deception, he may withdraw from the contact in distrust and may become hypersensitive or retaliate in anger.
  - I. In dealing with such individuals do be respectful; maintain a calm approach; use paraphrasing and restatement; use non-threatening posture whenever appropriate; set firm limits; repeat directions/questions as often as needed to be sure the person hears you; allow the person to save face—if possible; and take your time to allow the individual to calm down.
  - J. Care should be taken when dealing with mentally ill persons during all interviews. Mentally ill persons should never be left alone and if there is any indication of unpredictable or violent, behavior two officers should be with the person at all times. The person should be restrained as necessary and searched for weapons.

#### **VIII. Community Resources:**

- **Putnam County Crisis Intervention Hotline (845) 225-1222**
- Putnam Hospital Center, Behavioral Health Services Unit  
670 Stoneleigh Ave, Carmel, NY 10512 (845) 279-5711
- Putnam Family and Community Services  
47 Brewster Ave (Route 6), Carmel, NY 10512 (845) 225-2700
- Putnam County Office of the Aging  
Donald B. Smith Building,  
100 Old Route 6, Carmel, NY 10512 (845) 225-1034
- Putnam Community Services Clinic,  
1620 Route 22, Brewster NY 10509 (845) 278-2500
- Putnam County Social Services/Mental Health  
Donald B. Smith Building,  
100 Old Route 6, Carmel, NY 10512 (845) 225-7040

- Putnam County Mental Health Association  
1620 Route 22, Brewster NY 10509 (845) 278-7600
- Crisis Residence/Alliance House  
Hudson River Psychiatric Center  
316 Violet Ave, Poughkeepsie, NY 12601 (845) 452-3964

**IX. Taking Custody Of The Mentally Ill:** The authority of an officer to take an individual into custody because the individual is a threat to himself or others is inherent to the role of the police officer. Officers may take mentally or emotionally ill persons into custody to prevent harm to the individual and/or others.

- A. Emergency Admissions for Observation: Any police officer may take into custody any person who appears to be mentally ill and is conducting himself or herself in a manner which is likely to result in serious harm to the person or others.
- B. Reasons for taking a person into Emergency Protective Custody include, but are not limited to:
  1. Statements by the subject indicating suicidal intentions or death threats;
  2. Past history of mental illness or treatment;
  3. Past history of threats to self or others;
  4. Observations indicating suicidal or homicidal intentions such as suicide note, 911 calls, and comments to officers or others;
  5. Evidence of excessive alcohol or drug use;
  6. Statements by family members.
  7. Statements and/or behavior that indicate the subject is not rational and may be a danger to himself or others.
- C. Officers must fully document their reasons for believing that Emergency Protective Custody is necessary in the narrative of their case report.
- D. Without a Detention Order officers should use reasonable force to enter a dwelling to take a subject into custody.
- E. The subject should be taken to the Putnam Hospital Center Emergency Room. The Emergency Room physician will determine what action is appropriate.
- F. Under most circumstances an ambulance should transport the subject. Only under exigent circumstances should an officer transport the subject. One or more officers may be needed to go to the Emergency Room and/or ride in the ambulance if the subject is combative or uncooperative.
- G. Appropriate restraining devices should be used if applicable.

**X. Transport At The Request Of Others**

A police officer can be requested for involuntary admissions by other community personnel under (MHL 9.27) or directed (MHL 9.37) to transport a person to a

hospital. Below are listed the different scenarios in which a police officer would transport a mentally ill subject at the request of others.

**NOTE: In Putnam County as of 2010 there is no Mobile Crisis Team and Putnam Hospital Center does have an in-facility psychiatric unit. The sections that members of our department would encounter are mainly 9.45 orders and to a lesser degree 9.43 orders; 9.55 orders; and 9.60 orders. There are approximately five or six people countywide designated by the Commissioner of Mental Health that can issue these orders.**

### **Involuntary Admission**

MHL 9.27 (2PC)—two physicians authorize transport. Police **MAY** transport.

MHL 9.37 (DCS)---Director of Community Services (Commissioner of Mental Health) or designee authorizes transport; police **MUST** transport.

MHL 9.58---Mobile Crisis Team authorizes transport; police **MUST** transport.

MHL 9.60---Director of AOT (Assisted Outpatient Treatment) Program, designee of director, or physician pursuant to MHL 9.37 authorizes transport; Police **MUST** transport.

### **Emergency Admission (MHL 9.39)**

MHL 9.45 Director of Community Services or designee authorizes transport. Designee is a physician selected by the Director of Community Services, or in some counties a licensed psychologist or certified social worker selected by Director of Community Services. Police **MUST** transport.

MHL 9.43 Court authorizes transport (warrant): Police **MUST** transport.

MHL 9.55 Psychiatrist supervising or providing treatment in an outpatient facility without a psychiatric in-patient unit authorizes transport. Police **MUST** transport.

MHL 9.57 Emergency room physician in a general hospital without a psychiatric inpatient unit authorizes transport; police **MUST** transport.

MHL 9.58 Physician or qualified mental health professional (licensed psychologist, certified social worker or registered nurse) who is a member of approved mobile crisis outreach team may remove or direct removal of person the 9.39 hospital or CPEP for evaluation; police **MUST** transport.

## **XI. Guidelines when to arrest and process an individual who has committed a violation or crime, and the officer determines that the individual is deemed mentally ill as per MHL 9.41.**

- A. When an individual commits a crime as defined by the NYS Penal Law and there are no apparent mental health issues, the best course of action is an arrest.
- B. When an individual acts in manner that meets the criteria for an officer to take that person into custody pursuant to the NYS Mental Hygiene Law, and no criminal act is involved, the best course of action is a mental hygiene transport for evaluation.
- C. When both the legal criteria for a mental hygiene transport and a violation of criminal law are met, the officer should consider action that represents the best practice for the situation. The officer and supervisor (if no supervisor is working—the Patrol Lieutenant; Administrative Lieutenant; or Chief will be contacted) should take into account the seriousness of the crime (ie. felony, misdemeanor, violation); the lethality risk of the person; to what extent the person poses a substantial risk to self or to others; the person’s mental health history; and the wishes and concerns that the victim expressed to the officer. In situations involving defendants that also would fall under the NYS MHL 9.41 the arrest processing can be completed at the police station; the emergency room; or charges can be pressed at a later date.
- D. In most cases of violent felonies or domestic violence arrests, the arrest should be made immediately so that orders of protection can be obtained for the victims and/or family members.

## **XII. Department Paperwork Procedures**

In all cases in which the police department responds to reports of an emotionally disturbed person and that person goes voluntarily or involuntarily as per NYS MHL 9.41, a case report will be completed by the officer assigned to the call.

The officer will also fill out the department duplicate form – “Request for Mental Health Evaluation of an Emotionally Disturbed Person”. A member of the Emergency Room Staff will be required to sign the form and the yellow copy of the completed form will be given to that person. The white copy is to be reviewed by the tour supervisor if one is working (or reviewed by the next oncoming supervisor, when no supervisor is working) and forwarded to the Records Department.

EXCERPT



# Westchester County Police Academy Overview

LT NICHOLAS ALONGI – ACADEMY COMMANDING OFFICER AND  
TRAINING DIRECTOR

SGT MICHAEL BRANCAMP – ACADEMY EXECUTIVE OFFICER AND  
RECRUIT TRAINING COORDINATOR



# Agenda



- Background
- Recruit Training
- In-Service
- Other Training Programs



# Background



Westchester County Police Academy – Zone 3:

- Trains all police recruits, new supervisors, and instructors for New York State Zone 3\*
- Provide additional course offerings including DCJS classes, private vendor and other relevant classes
- Offers a Unified In-Service Program to all departments within the County
- Current staffing – LT, SGT, (6) Police Officers / Detectives; 3 Class Counselors
- Various agencies send instructors to assist with teaching recruits and other classes

◦ \* Zone 3 = Westchester and Putnam Counties



# Recruit Training



- Primary mission for the Police Academy is to train new recruits\* for all police agencies within Zone 3.

\* Police Officers transferring from other police agencies within NYS do not need to attend; current class has 27 recruits

- Recruit training conducted in conjunction with Westchester Community College
- New York State Department of Criminal Justice Services provides the curriculum and approves the schedule of each class
- Currently the NYS requires 699 hours of recruit training including 160 hours of field training
- WCPA offers 787.5 hours of training exclusive of the 160 hours of field training
- WCPA proactively reviews the curriculum and expands on critical areas or develops additional practical exercises to reinforce the current training





# Recruit Training



## Cultural Diversity / Bias Related Incidents / Sexual Harassment

- Block develops awareness about cultural diversity, prejudice, discrimination, sexual harassment, biased policing and bias related incidents
- Identify strategies to effectively deal with people from various cultural backgrounds
- Neighbors Link representatives assist in teaching a portion of the class
- A member of the LGBTQ community instructs another portion of the class.



# Recruit Training

## Procedural Justice

- Course is inline with New York State's 3-part Principle Policing Program.
- DCJS requires only 2 hours focused on maintaining a positive relationship with the community, police legitimacy, and understanding procedural justice.
- WCPA provides an additional 3 hours to deal with tactical perception or implicit bias.
- Challenges students to critically think and discuss reasons for biases
- Identifies traps, how they interfere with procedural justice and ways to overcome interference.

Note: Tactical Perception is also called Implicit Bias. In this context, "tactical" does not refer to military type action.



# Recruit Training



## Crisis Intervention Training

- Team taught by a Department of Mental Health Counselor and a Police Detective who is also a counselor.
- DCJS requires 20 hours of instruction; WCPA provides 37.5 hours of instruction
- Focuses on de-escalation of incidents and obtaining professional mental health assistance for an individual in crisis
- Teaches communication skills for communicating with people in crisis
- Topics covered include PTSD, suicide, military issues, police officers with PTSD, autism and people with special needs



# Recruit Training



## Defensive Tactics and Principles of Control

- Provide different techniques to control a situation including physical control
- Discusses constitutional limitations, levels of compliance and resistance, response options ranging from presence, dialogue, compliance techniques, defensive alternatives, and deadly physical force
- Course demonstrates and practices appropriate physical control techniques
- The course does not teach nor condone chokeholds, carotid artery holds or other moves that restrict blood flow or breathing.
- Stresses importance of returning detained person to recovery, sitting or standing position
- There are limited techniques with shin on hips to control movement
- DCJS requires 40 hours of instruction; WCPA trains more than 100 hours
- Training includes more than a week of scenario training where recruits use communication skills, crisis intervention skills and physical skills to control situations



# Recruit Training



## Use of Force and Deadly Physical Force

- WCPA schedules 11.5 hours for this lecture.
- Follows NYS DCJS approved curriculum and requires approved, trained instructors
- Focuses on Article 35, the Defense of Justification; Physical Force and Deadly Physical Force
- Provides officers with the knowledge to discern level of force needed
- Instructs on the duty to intervene if the see another officer regardless of rank not following rules, regulations or laws of regarding the use of force
- In addition to the classroom portion, the topics of use of force and duty to intervene are reinforced during other blocks of instruction including firearms, defensive tactics, scenario based training and reality based training.



# Recruit Training



## Reality Based Training

- State requires RBT, but no set number of hours. WCPA provides 7.5 hours
- RBT places recruits in stressful scenarios where they must use communication and proper tactics to deal with realistic situations
- Scenarios include suicidal subjects, officer shot, person with a weapon, emotionally disturbed individual with a weapon, and a non-threat scenario. Duty to Intervene scenario is being added to the current class' RBT scenarios.
- This is in addition to the of practical exercises provided throughout the class including domestic violence, car stops, off-duty encounters, plain clothes encounters, building clearing etc.



# Recruit Training



## **Ethics and Professionalism**

- 8 hour block of instruction
- Topics include values and ethics, ethical decision-making, and the effects of positive and negative ethical behavior

## **Officer Wellness and Stress Management**

- 19.5 hours of instruction vs 16 hours required
- Provides officers resources to manage stress and wellness
- Officer well-being is critical to positive interactions with the public



# Recruit Training



## Community Policing and Contemporary Police Problems

- DCJS removed this as a requirement in 2019
- WC/PA still includes 2 hours for this topic
- Commissioner Chong from the White Plains Police Department teaches the block

## Professional Communications

- Covers stages of conflict, maxims of communication, professional communication skills and barriers to communication
- Class concludes with scenarios





# Recruit Training



## Key Concepts nested across the course

- Individual topics cannot be viewed or applied in a vacuum
- Article 35 carries into firearms, defensive tactics and other weapons systems
- Scenario training provides practice and evaluation on multiple topics into a scenario
- De-escalation is stressed, trained and evaluated in many areas of instruction
- More than 100 hours of scenario and reality based training challenging the recruits collectively in several areas including de-escalation, crisis intervention, cultural diversity, disability awareness, procedural justice, ethics and professional communication



# In-Service Training



- Accredited agencies require 3 days or 21 hours of in-service training annually
- WCPA offers an annual in-service program that WC DPS officers attend and other agencies through the county attend; WCPA cannot mandate attendance
- Annual topics include firearms, Article 35, EMS, defensive tactics, OSHA mandated classes, Taser, O/C, legal updates
  - Additional topics include Procedural Justice, Disorder Control, Incident Command System on rotational basis
- Due to COVID-19, some classes are offered in a virtual environment

## 2020 Carmel Police Department

### FBI – Uniform Crime Report (UCR) Arrestee Statistics

Jan '20	U18 = 1 w/m	O18 = 14 wh, 2 bk, 7 hsp – 18 males/5 females
Feb '20	U18 = 1 w/f	O18 = 10 wh, 2 bk, 5 hsp – 13 males/4 females
Mar '20	U18 = 0	O18 = 5 wh, 2 bk, 1 hsp – 4 males/4 females
Apr '20	U18 = 1b/f	O18 = 8 wh, 0 bk, 0 hsp – 4 males/4 females
May '20	U18 = 0	O18 = 6 wh, 0 bk, 2 hsp – 8 males/0 females
Jun '20	U18 = 0	O18 = 18 wh, 3 bk, 5 hsp – 20 males/6 females
Jul '20	U18 = 0	O18 = 12 wh, 1 bk, 3 hsp – 13 males/3 females
Aug '20	U18 = 0	O18 = 6 wh, 1 bk, 1 asian, 4 hsp – 7males/5 female
Sep '20	U18 = 1 w/m	O18 = 16 wh, 1 bk, 1 asian, 5 hsp – 18 males/5 fem
Oct '20	U18 = 0	O18 = 14 wh, 2bk, 3 hsp – 14 males/5 females
Nov '20	U18 = 0	O18 = 12 wh, 1 bk, 2asian, 2hsp – 11 male/6 fems
Dec '20	U18 = 0	O18 = 9 wh, 7hsp – 11 males/5 females

**2020 Over 18 adult arrests = 193 total reportable arrests. 141 males/52 females.**

130 white arrests = 68%

44 Hispanic arrests = 22%

15 black arrests = 8%

4 Asian arrests = 2%

2020 Under 18 youth arrests = 4

2 white males, 1 white female, 1 black female

\*Note – Mixed race, unknown race, or refused race identifiers not reported.

## 2019 Carmel Police Department

### FBI – Uniform Crime Report (UCR) Arrestee Statistics

Jan '19	U18 = 0	O18 = 7 wh, 2 bk, 2 hsp – 9 male/2 female
Feb '19	U18 = 0	O18 = 6 wh, 0 bk, 2 hsp – 6 male/2 female
Mar '19	U18 = 0	O18 = 7 wh, 2 bk, 5 hsp – 9 male/5 female
Apr '19	U18 = 0	O18 = 5 wh, 0 bk, 2 hsp – 6 male/1 female
May '19	U18 = 0	O18 = 13 wh, 0 bk, 1 hsp – 11 male/3 female
Jun '19	U18 = 0	O18 = 6 wh, 1 bk, 2 hsp – 7 male/2 female
Jul '19	U18 = 0	O18 = 6 wh, 4 bk, 4 hsp – 12 male/2 female
Aug '19	U18 = 0	O18 = 13 wh, 1 bk, 2 hsp – 12 male/4 female
Sep '19	U18 = 0	O18 = 12 wh, 3 bk, 1 hsp – 15 male/1 female
Oct '19	U18 = 0	O18 = 8 wh, 1 bk, 4 hsp – 8 male/5 female
Nov '19	U18 = 2 w/m	O18 = 12 wh, 1 bk, 6 hsp – 9 male/10 female
Dec '19	U18 = 0	O18 = 8 wh, 0 bk, 1 hsp – 7 male/2 female

**2019 Over 18 Adult Arrests = 150 total reportable arrests. 111 male/39 female**

103 white arrests = 69%

32 Hispanic arrests = 21%

15 black arrests = 10%

0 Asian arrests

2019 Under 18 arrests = 2

2 white males

\*Note – Mixed race, unknown race, or refused race identifiers not reported.