

Draft Plan - Police Reform and Reinvention Collaborative / Executive Order 203

February 17, 2021

Introduction

In August 2020, the Governor issued Executive Order 203, Police Reform and Reinvention Collaborative (hereinafter “PRRC”). The PRRC requires, among other things, that the Town Governing Body (hereinafter “Governing Body”) in conjunction with stakeholders, 1) review the need of the community served by the police department; 2) establish policies that allow the police to effectively and safely perform their duties; 3) involve the entire community in the discussion; 4) develop policy recommendations from this review; 5) offer a plan for public comment; and 6) adopt the plan and present it to the State Budget Director by April 1, 2021.

The Town of Wallkill Police Department (hereinafter “TOWPD”) is located in the Town of Wallkill, downstate New York and covers 62.8 square miles, serving approximately 29,000 residents, made up of 59.5% White, 24.5% Hispanic, 19.3% African American, 3.7% Asian, and 1.1% American Indian with a median household of \$51,625 (8.4% below poverty line).¹ The commercial industry within the Town attracts an additional 25 million visitors annually. The TOWPD answers approximately 23,000 calls for service annually covering a broad spectrum of incidents traditionally seen in large cities as well as suburban and rural areas. The Police Department currently employs 45 full-time sworn officers, 17 part-time officers and is overseen by a Police Chief, Deputy Police Chief and Lieutenant. The TOWPD and its administration is overseen by a Police Commission consisting of an elected Town Supervisor and four-member ward-elected councilpersons.

The TOWPD has, and continues to conduct a substantial review of its policies and procedures and is revising, or has revised some polices based on the recommendations outlined in the PRRC. In some cases, the adopted policies were based on recommended best practices from the International Association of the Chiefs of Police (hereinafter “IACP”), the New York

¹ U.S. Census Bureau. (2019, July 1). *U.S. Census Bureau Quickfacts: Wallkill Town, Orange County, New York*. Washington, DC: Government Printing Office. Retrieved on February 10, 2021 from: <https://www.census.gov/quickfacts/fact/table/wallkilltownorangecountynewyork/POP060210>.

State Municipal Police Training Council (hereinafter “MPTC”), and The Police Executive Research Forum (hereinafter “PERF”).

Prior to Executive Order 203, the TOWPD has been dedicated to police reform, identifying issues within contemporary policing, addressing community concerns, analyzing police performance and conduct, and continual review of police department best practices and guidelines. For example, beginning in 2016, the Police Department adopted the six pillars, identified in The President’s Task Force on 21st Century Policing.² Some of the reforms adopted, included, among others, the Police Data Initiative (hereinafter “PDI”), Implicit Bias Training, and Integrating, Communications, Assessment, Communications and Tactics (hereinafter “ICAT”).

In 2006, the Police Chief identified a need to establish a citizen panel to work alongside the police department. Subsequently, the Town of Wallkill Police Community Council (hereinafter “PCC”) was established. The independent PCC consists of representatives from our community and brings the voices of our residents to the Police Department. The PCC meets with the Police Chief regularly, and holds monthly public meetings, with virtual access, to report to, and collaborate with the general public regarding issues that are of a concern to the police and community. The PCC, in conjunction with the Police Department supports The Town of Wallkill Police Youth Coalition (hereinafter “Youth Coalition”). Our Youth Coalition has been recognized by the State and adopted as a model in several other towns and villages.

The TOWPD maintains a Best Practices Guidelines Committee (hereinafter “BPG”) consisting of representatives of the various units within the police department and is overseen by the Chief of Police and a policy expert. The Committee is tasked with continual review of policies as well as the creation of new policies based on applicable laws and new empirical evidence leading towards better police practices.

² Office of Community Oriented Policing Services. (2015). *The President’s Task Force on 21st Century Policing Implementation Guide: Moving from Recommendations to Action*. Washington, DC: Office of Community Oriented Policing Services.

Reform and Reinvention Plan

Within the Executive Order, the Governor included several guidelines to promote public and stakeholder input, along with contemporary police issues that should be considered. These issues addressed national policing issues such as the excessive use of police force, community relations and highlighted the recent events such as the homicide of George Floyd and Breonna Taylor which brought national attention to policing and calls for police reform. The PRRC furthered Executive Order 203 to outline suggestions to accomplish this task by means of a suggested work plan. The Town of Wallkill Police Department adhered to these recommendations and guidelines by the following:

A Listening and Learning Phase was established during September and October 2020 during which we sought to hear from experts in the various components of the criminal justice system along with members of the general public. This was accomplished through several modalities. The first was the wide-spread advertising of the PRRC listening sessions through social media, local cable television, and an internet radio station. The listening sessions were also announced via an email campaign spearheaded by the PCC that included in excess of 100 recipients. Additionally, the listening sessions were advertised during monthly Town Board Meetings and on the Police Department's website. Lastly, the Department established a dedicated email address (PoliceReform@townofwallkill.com)³ that was advertised by the aforementioned means. The email address provided a conduit for citizens to provide comments. Additionally, an initial group of stakeholders was established, including:

The Town's Governing Body

Supervisor Frank Dendanto III
Councilman Eric Valentin
Councilman Mark Coyne
Councilman Eric Johnson
Councilman Neil Meyer

³ The email was established in September, 2020 as a direct contact for the public to address police reform comments and inquiries. The email is monitored by the Policy Coordinator and Chief of Police of the TOWPD and emails are addressed within 24 hours of being received.

TOWPD

Chief Robert C. Hertman
Lieutenant Robert McLymore
Police Officer John Vespucci
Administrative Assistant Lisa Costello

Town of Wallkill Patrolman's Benevolent Association

Sergeant Daniel Ward

Town of Wallkill Police Community Council

Brian Davis
Sal Lucido
Debra Brooks Edmonds
Gina Crawford
Robert Sol

Orange County District Attorney's Office

Darlene DeJesus, Esq.

Legal Services of the Hudson Valley

Michael Davis, Esq.

Orange County Human Rights Commission

Executive Director Inaudy Esposito

Boys & Girls Club of Town of Wallkill

Lori Rivenburgh

Hope Not Handcuffs

Annette Kahrs

Enlarged City of Middletown School District

Lenny Zapka

Transformation Church of Middletown

Pastor Joseph Nieves

Since we began adopting the PRRC we have, and will continue to solicit stakeholders. We welcome others to become stakeholders as we collectively work through the process of adopting policies recommended by the PRRC.

The Town, in collaboration with the PCC, held two listening sessions that were advertised on various Town websites and social media sites. These meetings were limited by COVID-19 restrictions; accordingly, a virtual component was also offered to allow participation via Facebook Live and Zoom. The first meeting was held on October 1, 2020, and the second on October 14, 2020. There were 33, and 9 participants, respectively, from the general public who attended the public meetings along with the primary stakeholders. Several community members attended the meetings virtually. Additionally, over 800 viewers subsequently viewed the meetings on social media. During both meetings, the PRRC and Executive Order 203 were explained to the stakeholders and the public. In advance of the meeting, an email containing a link to the PRRC was sent to all of the initial stakeholders. The action items/recommendations from the PRRC were shared with the public during these meetings, along with a brief explanation and how the TOWPD has, or will address each. With each recommendation, the stakeholders and public were given an opportunity to provide their input and/or suggestions. They were also given the opportunity to follow up after the meeting with break-out sessions as well as the option to email the department through PoliceReform@townofwallkill.com. *Comments/suggestions received during the meetings or by email are included later in this report, indicated in italics.*

Action Items Discussed During the First Listening Session

During the first public meeting, we discussed action item one, **the Role of the Police Department in the Community**. The primary role of the police department is to respond to calls for service. The role of the police department in our community is reflected in our Mission Statement. Among other principles, our mission statement expressly states that we will “work alongside our community to identify and respond to ongoing crime and quality of life issues,”

“work closely with all of our community leaders and public service partners to develop strategies that are responsive to the diverse and evolving needs of our community,” and lastly, the core value of “Pride: Maintaining the belief that ours is the most noble of professions as we go about serving the residents of our community.”

The active engagement with the community can help reduce and prevent violence in conjunction with police services. The TOWPD works collaboratively with the PCC, which is integral to community engagement, crime prevention strategies and the building of trust between the police department and the public. The PCC assists in the dissemination of information to the public through social media. This has been shown to be effective as both the PCC and the TOWPD operates and maintains Facebook and Twitter feeds that are updated with press releases, crime alerts, and public service announcements of real-time events affecting our Town. Furthermore, information regarding active shootings or crimes in which the public is in danger, is disseminated in real-time as an effective community outreach modality and means to mitigate the general public’s vicinity to violent or threatening situations.

Moreover, since 2016, the Department adopted a collaborative problem solving COMPSTAT model, which is in contrast to the traditional COMPSTAT model, that allocates resources based solely on data. Under our model, officers address community of life issues with a problem-solving approach. For example, when citizens report instances involving disorderly youths, officers may refer the youth to our Department’s Youth Coalition. Similarly, when citizens report speeding on the Town’s roadways, the Department works in conjunction with the Department of Public Works to install additional signage. The goal under this model is to proactively remedy quality of life issues by means other than taking traditional law enforcement action such as arrests.

During the first meeting, we considered the second action item, **Whether we Should Deploy Social Service Personnel Instead of, or in Addition to Police Officers, in Some Situations?** Our mission is to collaboratively work with the community and stakeholders to continually fulfill the needs of the community and the most efficient and effective means of addressing them. Consequently, the Department has several programs in place that utilize the

expertise of non-law enforcement personnel. Deploying social service personnel has been an objective of this Department through our Critical Incident Response Program. This program focuses on the specific needs from those who are experiencing a mental health crisis. Through this program, the TOWPD calls out mental health crisis counselors to assist police officers on scene with de-escalation techniques and assessment measures. Furthermore, when necessary and feasible, these counselors can remain on scene to assist the needs of an individual further, while freeing up police personnel. Additionally, beginning in 2018, this Department became the first agency in Orange County to partner with the Tri-County Community Partnership, to connect local residents afflicted with addiction with resources and treatment options through the Hope Not Handcuffs program. Under this program anyone seeking help with overcoming drug addiction can now come into our police station where an officer and a volunteer “angel” will find resources for the person.

This Department is committed to addressing these recommendations by adopting the following into the Department’s Best Practices Guidelines:

“Section 343.00 Hope Not Handcuffs, I. Purpose: To establish procedural guidelines for the establishment and operation of the Town of Wallkill Police Departments ‘Hope Not Handcuffs’ program which is a program designed to guide members of the public seeking detox/rehabilitation for substance abuse disorders in collaboration with Tri-County Community Partnership along with other County and State organizations.”

and

“Section 340.00 Crisis Intervention Policy, I. Purpose: To establish procedural guidelines in compliance with the laws of the State of New York, the Town of Wallkill, and the Town of Wallkill Police Departments Best Practice Guidelines, with consideration of guidelines set by partnering agencies, for the police response to individuals with mental health problems within the Town of Wallkill and the utilization of specially trained Officers (CIT) who will assist those in crises.”

During a subsequent meeting, these policies will be shared with stakeholders for input.

The following comments were made by the public during the listening session regarding action item 2:

The Denver Star Program (Support Team Assistance Response) deploys special services to aid an individual in crisis. However, the program has not been successful, thus we should not consider this model.

This is a systemic problem so more funding should be devoted to professional services within the community.

Social Services are needed but they should supplement the police, not replace the police.

We next discussed action item number three, **Community Based Outreach and Violence Interruption**. Community based outreach and violence interruption programs are derived from public health models of gun violence, that treat gun violence like a disease by identifying its causes and interrupting its transmission. The Department will continue to evaluate the need to implement this strategy. However, until further studies show positive results, we will not be adopting this proposal.

We went on to explore the fourth action item, **Parent Support**. Under a parental support program, among other things, support programs run by social workers help to mediate family conflict and may prevent the need for Law Enforcement. The Town does not have the financial resources to establish a similar program. Nonetheless, we invite Orange County entities, including, among others, a) Access Supports for Living, Circles of Wellness; b) Big Brothers Big Sisters of Orange County one-to-one mentoring, and c) Cornell Cooperative Extension: Education for Parenthood/RAPP to partner with us on this effort.

Action item five, **Youth Development**, was the next issue discussed. Youth development includes relying on mentors from the community to teach young people skills with the goal of helping young people find a stable career path. Here, the Department has addressed this through our Police Department Youth Coalition. In 2006, the Police Department, in conjunction with the PCC, established the Police Youth Coalition to among other things, provide structured opportunities for youth. Since its formation, mentors from the community have helped our youth develop computer skills, basic banking and career opportunities. Our program's success has been

recognized in scholarly journals⁴ and by America's Promise Alliance and ING when we were recognized in 2010 as one of the "100 Best Communities for Young People." The TOWPD is committed to addressing these recommendations by continuing its commitment to the Police Youth Coalition. Furthermore, the Town supports the Town of Wallkill Boys and Girls Club Project Triple Club and the Town of Crawford Leadership Academy, that provide mentoring services to our youth.

The sixth action item, **Addressing Trauma and Preventing Violence at Home** was also explored during the first meeting. The PRRC Resources & Guide for Public Official expresses that family counseling may help children avoid foster care and manage trauma caused by violence at home, giving a child better prospects for successful development. The TOWPD has a long-established relationship with the Mental Health Association of Orange County's Rape Crisis Services that provides referrals for sexual assault victims and their families. The Department remains committed to evaluating the potential to adopt this program in the future. In the interim, the Department will be sharing a proposed policy with stakeholders. The policy will establish formal guidelines establishing referral of cases to the County's Fearless program. Additionally, we invite HONOR's, A Friends House to partner with us on this endeavor.

We also discussed action item seven, **Design of Public Spaces**. Under this action item, some localities have sought to reduce crime by identifying features of the built environment that create opportunities for crime, such as lighting, landscaping or the design of public spaces, and modifying those features. Reforming and reinventing policing should address not just the relationship between the police and the community, but how to best provide protection for our communities, especially the youth. The Department will solicit members of our Police Youth Coalition to identify ways to enhance physical protection to enhance their safety along with other experts in the field to assess the design of our public spaces and how they can be improved.

⁴ Zeldin, S., Petrokubi, J., Collura, J., Camino, L. and Skolaski, J. (2009). *Strengthening Communities Through Youth Participation*. Act for Youth Center of Excellence, The University of Wisconsin Madison Center for NonProfits. Retrieved from: <https://ecommons.cornell.edu/bitstream/handle/1813/19326/Strengthen.pdf?sequence=2&isAllowed=y>

We next discussed action item eight, **What Function Should 911 Call Centers Play in Your Community?** The TOWPD receives emergency and non-emergency calls through our own direct seven-digit number and additional calls are received through the County's 911 Dispatch Center. Our dispatch center is staffed 24 hours a day, year-round by civilian staff. Our Dispatchers are highly trained in analyzing and prioritizing calls for service as well as addressing medical emergencies. Furthermore, our Dispatch center is equipped with extensive resources for inter-agency communication. Our dispatchers only dispatch law enforcement personnel; fire and emergency medical services are dispatched through the Orange County 911 Dispatch Center. One of the questions proposed under the PRRC is whether other social services should be more thoroughly integrated into our triage process? In some cases, our Dispatchers are authorized to provide referrals to various entities, including, among others, public utility companies and justice courts. However, we will explore training our staff to provide a triage process that allows them to refer callers to various social service agencies when appropriate. Additionally, the Department will consider adopting a policy that offers referrals to the Orange County's Crisis Call Center.

The ninth action item, **Should Law Enforcement Have a Presence in Schools** was discussed during the first listening session. The PRRC cites the concerns of organizations such as the Fair and Just Prosecution who argue that the presence of police in schools results in unnecessary contact between youth and the criminal justice system for what otherwise would be considered truancy or teenage behavior (Police Reform and Reinvention Collaborative, 2020, p.19). The PRRC suggests that we consider how our officers are deployed in schools and whether there are policies or agreements in place that address student discipline. Here, the TOWPD provides School Resource Officers (hereinafter "SROs") to six schools, three in the Enlarged City of Middletown School District and three in the Pine Bush School District. The SROs are provided under an annual contract between the TOWPD and the school districts. Among other aspects, the contract expressly holds that "Non-criminal disciplinary matters shall remain the province of the District and the SRO shall not be involved in any such matters except to the extent that the SRO's presence is needed to maintain a safe school environment." Furthermore, the contract expressly states in the event that an SRO witnesses a student violating school rules, but not to the level of a criminal offense, the SRO's primary responsibility shall be to inform a relevant school official of the violation. The SRO has no authority, and no

responsibility, to mete out discipline for violations of school rules. The TOWPD recently drafted a revised policy governing SROs. The policy includes, among other things, the aforementioned criteria. The policy will be shared with Stakeholders. Lastly, the Town and the School Districts annually renegotiate the contract that provides police services to the schools. During future negotiations, the Town is committed to considering input from stakeholders.

We next considered action item number ten, **What are the Staffing Needs of the Police Department the Community Wants?** The stakeholders and citizens considered whether the TOWPD staffing should be adjusted to include fewer uniformed officers and more civilians.

The following comments were made by the public during the listening session regarding action item ten:

As the Town's population grew, the police department didn't, the police department is understaffed and there is a need for more officers.

We need to fund, train and get good cops to stay.

Transformation Church has many free programs open to the public from grief and recovery to youth groups. Defunding is not the solution, strengthening community services is important.

Accordingly, the Governing Body has proposed a Business Improvement District (hereinafter "BID"). Under the BID a special tax district will enhance tax revenue, allowing the Town to increase the TOWPD staff.

The final item discussed during the first listening session was action item eleven, **a) How Should the Police Engage in Crowd Control, and b) Should the Police be "Demilitarized?"**

The PRRC suggested we consider how we conduct crowd control activities and whether we should limit the use water cannons, rubber pellets, acoustic weapons and tear gas for crowd control. The TOWPD currently works in collaboration with the Orange County Sheriff's Office and the New York State Police to plan for and respond to large scale crowd control incidents. Currently, in the event of an incident requiring crowd control, the TOWPD will act as the lead agency "Incident Command" and request support from the Orange County Sheriff's Office and

State Police. Under this design, our police chief does not allow the use water cannons, rubber pellets, and acoustic weapons for crowd control. Nonetheless, there is a lack of a formal written agreement between the law enforcement agencies to memorialize the Incident Command Protocol. Thus, the TOWPD will work with the State Police and Sheriff's Office to establish a written protocol that will be incorporated into the TOWPD policy. Subsequently, we will share this report with stakeholders.

The following comments were made by the public during the listening session regarding action item 11:

A soft approach is better. Officers may appear threatening while in riot gear.

Action Items Discussed During the Second Listening Session

Under the twelfth action item, **Procedural Justice and Community Policing**, the PRRC suggests that police departments adopt a community policing model. The U.S. Department of Justice's Office of Community Oriented Policing Services recommends, among other things, that the police: a) Create a comprehensive community policing strategic plan, b) train all personnel on community policing – including overcoming distrust, c) engage the community in a true partnership to address crime and disorder issues, and d) incorporate community policy measure into the performance evaluation process. (Police Reform and Reinvention Collaborative, 2020, p.23). Since 2004, the TOWPD adopted various components of the community policing model. However, the TOWPD has failed to incorporate a community policing strategic plan into its policies. Accordingly, the TOWPD BPG Committee will draft a policy to accomplish the foregoing. It is however important to note, as pointed out above, that in 2016 the TOWPD adopted the collaborative problem COMPSTAT model. Under this model, officers perform directed patrols based on community concerns. However, to date the TOWPD has not incorporated this community policing measure into officer performance evaluations. Accordingly, the TOWPD is committed to reforming its policy governing evaluations to include community policing measures into officer evaluations.

Next, we discussed action item thirteen, **Specific Policing Strategies That Have Raised Concerns Among the Public**. 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. There have been policing strategies that may affect the reputation of policing nationally. The TOWPD continually reviews the effectiveness of our policing strategies to promote lawful policing and the protection of the public with the goal of trust building. Consequently, if an accepted policing practice becomes unfavorable, we will amend it accordingly.

During the second listening session we discussed action item fourteen “**Broken Windows**” and “**Stop and Frisk.**” Broken windows is a strongly supported concept in policing as well as situation crime prevention and is used as a tool to address areas where police resources are needed the most. However, the TOWPD does not address quality of life offenses solely as means to reducing more serious crime. Here, the TOWPD addresses quality of life offenses based on community complaints. Stop and Frisk may contribute to racial disparities in policing due to the wide latitude officers have in stopping individuals for “reasonable suspicion” and its use as a primary enforcement tactic in communities with higher rates of crime. In some cases, the court has held that law enforcement agencies’ use of stop and frisk resulted in a pattern and practice of racial profiling. In contrast, here, the use of Stop and Frisk is based on the legal practice defined in *Terry v. Ohio* that is employed by this Department as an officer safety mechanism. Additionally, the use of stop and frisk and all stops are subjected to strict oversight through our policy on Stop Reports and the Early Warning System (hereinafter “EWS”), discussed below. Stop reporting provides an additional layer of oversight, in that, officers are required to complete a Stop Report form whenever, and the reasons why, an individual is stopped, and such reports are reviewed by a Supervisor. This also applies to vehicle stops where the operator issued a ‘warning,’ therefore requiring officers to identify the reasons behind every vehicle stopped, regardless of the disposition. Our strict oversight on the practice of Stop and Frisk enables us to prevent the disparities found within other departments.

Under action item fifteen, **Discriminatory or Bias-Based Stops, Searches and Arrests**, the PRRC holds that racial and ethnic profiling erodes trust in the police and unfairly targets minority communities. Bias based upon race, sex, national origin, gender identity and expression and sexual orientation, among others, is fundamentally unjust, and damages the targeted

individuals, their communities, and the relationship with law enforcement that is necessary to build trust and effective policing. The PRRC suggests that law enforcement agencies should consider analyzing the demographics of individuals stopped and/or ticketed in our community to determine if there is any evidence that law enforcement has engaged in biased-based stops, searches and arrests, even if unintentionally. The PRRC further suggests that if there is such evidence, the Town must determine what steps should be taken to eliminate bias and address such practices. In 2016, based on the Presidents Report on 21st Century Policing, the TOWPD adopted the PDI to increase transparency, build community trust and strengthen accountability. Under the PDI, the public can access, among other information, data on vehicle and pedestrian stops. Reporting data on vehicle and pedestrian stops will allow the public to see that this Department engages in constitutionally sound unbiased policing.

The following comments were made by the public during the listening session regarding action item fifteen:

A citizen inquired how often the data was released. That citizen was advised that the data is released quarterly and cumulatively.

We proceeded to discuss action item sixteen, **Chokeholds and Other Restrictions on Breathing**. New York State has criminalized the use of chokeholds by police in the immediate aftermath of George Floyd’s shocking death by asphyxiation. Accordingly, we modified our use of force policy to incorporate the new law.

The policy’s new provision expressly states “Section 215.00 Use of Force, IX. General Provisions and Restrictions: B. Use of a choke hold or other technique that causes pressure to the throat or windpipe which may prevent or hinder breathing or reduce the intake of air is strictly prohibited by law.” This policy will be shared with the stakeholders.

Next, we discussed action item seventeen, **Use of Force for Punitive or Retaliatory Reasons**. In several directives, the Department of Justice has required police departments to adopt formal policies prohibiting the use of force for retaliatory or punitive reasons. The TOWPD addresses this recommendation by adopting the following into the Department’s Best

Practices: “Section 215.00 Use of Force, IV. Use of Force: E. Force shall not be used for retaliatory or punitive reasons.”

Under action item eighteen, we considered **Pretextual Stops**. The PRRC identifies pretextual stops are stops where the officer uses a minor violation as a pretext to stop, question, and frisk someone suspected of involvement in, or having knowledge of, a more serious crime. The United States Supreme Court has held that pretextual stops are Constitutional. Nonetheless, the Leadership Conference on Civil Rights has stated that the wide latitude officers have to conduct a pretextual stop can contribute to distrust between the police and the community. Accordingly, the TOWPD is committed to monitoring all stops, including pretextual stops, under the EWS, as explained in action item forty-six.

We proceeded to discuss action item nineteen, **Informal Quotas for Summonses, Tickets or Arrests**. The PRRC points out that New York State has banned formal quotas for the issuance of tickets or summonses, stops of individuals suspected of criminal activity, and arrests. The TOWPD does not have formal or informal arrest or summons quotas, nor will we adopt such quotas in the future.

Next we discussed action item twenty, **Shooting at Moving Vehicles and High Speed Pursuits**. Experts have proposed either prohibiting shooting at a moving vehicle or permitting the tactic only when the driver or a passenger poses an imminent risk of lethal force against an officer or another individual.

Accordingly, The TOWPD addresses this recommendation by adopting the following into the Department’s Best Practices: “Section 215.00 Use of Force, VII. Use of Deadly Physical Force: A. Sworn members of the TOWPD are authorized under New York State law to discharge a firearm to prevent or terminate the unlawful use of force that may cause death or serious physical injury, however members of the TOWPD SHALL NOT: (6) Discharge a firearm at or from a moving vehicle unless the driver or passenger poses an imminent risk of lethal force against an officer or another individual.” We will share the policy with stakeholders.

The PRRC asked us to consider action item twenty-one, the **Use of SWAT Teams and No-Knock Warrants**. Historically, SWAT teams were designed to handle high risk situations, such as hostage rescues and terrorist attacks. Today, SWAT teams are increasingly used to execute routine search warrants. Although some search warrants are inherently high risk to the executing officers, others may not be, and the use of a SWAT team may not be necessary or prudent. The TOWPD is committed to reviewing this practice and intends to adopt a policy that specifies when SWAT teams are utilized. Note: The TOWPD does not have a SWAT team within the department and defers special situations traditionally needing SWAT to the Orange County Sheriff's Office, New York State Police and/or Federal Bureau of Investigation. Recently, the Governing Body approved the assignment of one TOWPD officer, on an as-needed basis to the Orange County Sheriff's Office SWAT team. One of the goals of this assignment is to have the TOWPD work in conjunction with Sheriff's Office to develop policies governing the use of SWAT teams in the Town so that they are congruent with the interests of Town residents.

We proceeded to discuss, action item twenty-two, **Less-Than-Lethal Weaponry, Such as Tasers and Pepper Spray**. According to the PRRC, increasingly, Tasers are being used by law enforcement as an alternative to firearms. The electric shock in Tasers induces muscle contraction which can sometimes result in serious injury or even death. The TOWPD, under the advice of the IACP, Department of Criminal Justice Services (hereinafter "DCJS") and use of force experts, train and support officers to use force based on a continuum that requires the officer to use the least amount of force necessary to affect custody. This training undergoes continual evaluation and every use of force incident where Tasers, pepper spray and firearms are used is documented and reviewed. The particulars of these incidents are also sent to the DCJS for oversight, evaluation and tabulation.

The TOWPD also addresses this recommendation by adopting the following into the Department's Best Practices: "Section 215.00 Use of Force, VIII. Use of Non-Lethal Physical Force." We will share this policy with stakeholders. Lastly, our EWS, action item forty-six below, is being modified to include monitoring of all cases where an officer uses force.

The PRRC suggests that we consider action item twenty-three, **Facial Recognition Technology**. Some law enforcement agencies have used facial recognition systems to assist with investigations. Civil libertarians have raised privacy concerns pertaining to the collection of images. The TOWPD does not use facial recognition systems or associated technologies, nor are there any plans to acquire such technology.

Next we discussed action item twenty-four, **Using Summonses Rather than Warrantless Arrests for Specified Offenses**. Police officers have broad discretion to choose between treating certain incidents as misdemeanor crimes and making on-scene warrantless arrests, or treating such incidents as civil infractions or violations and issuing appearance tickets or summonses. Given the recent Bail Reform laws, the use of Desk Appearance Tickets is largely dictated by law. The TOWPD has a distinct policy that gives limited discretion to officers, within the oversight of their supervisor, in housing a prisoner subsequent to an arrest. The TOWPD recognizes that jail overcrowding and associated issues arise with remanding an individual for court appearances and favors that individuals are often better left in the care of their families and community. An amended policy governing this issue is being drafted. Subsequently, we will share the policy with stakeholders.

We next considered action item twenty-five, **Diversion Programs**. Diversion programs may occur at various stages in the criminal justice process. Diversion programs recognize that incarceration or the establishment of a criminal record may not be the most appropriate mechanism to address certain conduct, and that education, or drug and mental health treatment may provide a better alternative for the individual and the community. The TOWPD works closely with the Orange County District Attorney's Office who offers Court supervised diversion programs such as the Orange County Drug Court. Locally, we are able to work directly with, and support the mission of Hope not Handcuffs, a program that specifically address the treatment of drug addiction rather than criminal prosecution.

The TOWPD addresses this recommendation by adopting the following into the Department's Best Practices:

“Section 343.00 Hope Not Handcuffs, I. Purpose: To establish procedural guidelines for the establishment and operation of the Town of Wallkill Police Departments ‘Hope Not Handcuffs’ program which is a program designed to guide members of the public seeking detoxification/rehabilitation for substance abuse disorders in collaboration with Tri-County Community Partnership along with other County and State organizations.”

During the second listening session we discussed action item twenty-six, **Restorative Justice Programs**. Restorative justice programs offer people a meaningful chance to respond to a conflict outside of the traditional courtroom process. Restorative justice brings the affected parties together, mediated by a trained community member, allowing the aggrieved parties to vocalize hurt and encouraging accountability. The TOWPD currently refers parties involved in some civil matters to the Orange County Dispute Resolution Center. Our BPG will be amended to identify expanded situations in which parties may receive a referral. Subsequently, the Department will share this policy with stakeholders.

We next discussed action item twenty-seven, **Hot-Spot Policing and Focused Deterrence**. Some departments have used data analysis to identify crime spikes or “hot spots” in specific neighborhoods or even in particular street blocks and increase the visible police presence in these areas, with the purpose of deterring crime. The PRRC exclaims that both models may be beneficial to public safety and community benefits. Nonetheless, law enforcement agencies employing these techniques must ensure that they are supported by the community and that the policies are implemented in a race-neutral fashion. Here, the TOWPD COMPSTAT collaborative model infrequently dictates the need for hot-spot policing and focused deterrence. Instead, under our collaborative model, an area is targeted for additional patrols based on citizen complaints. Nonetheless, the Department will develop a policy governing this issue. Subsequently, we will share this policy with stakeholders.

We next considered action item twenty-eight, **De-Escalation Strategies**. De-escalation tactics, including both verbal and non-verbal communication strategies, can mitigate an evolving situation and reduce the risk that a situation will become violent. The President’s Task Force on 21st Century Policing, in part, recommended that law enforcement agencies should provide

training on the use of force with the emphasis on de-escalation. Subsequently, in 2017, two TOWPD supervisors attended an intensive course, certifying them as instructors in ICAT. The ICAT course was sponsored by the PERF). These supervisors will develop an in-house training program for all officers in ICAT.

The underlying goal of ICAT is obtaining voluntary compliance. Furthermore, ICAT promotes public and officer safety by learning and integrating skills and strategies related to decision making, crisis negotiation, tactical communications and safety tactics. It provides officers with the skills, knowledge, and confidence they need to assess and manage threats, influence behavioral changes and gain voluntary compliance whenever possible in dynamic and dangerous situations. Lastly, ICAT provides officers with key communication skills needed to safely engage with and gain compliance from subjects who are in crisis. As the Department continues to update its Best Practices, we remain committed to ensuring that all officers are trained in ICAT.

The PRRC suggests that we next consider action item twenty-nine, **Can Your Community Effectively Identify, Investigate and Prosecute Hate Crimes?** Hate crimes against individuals in protected classes are an attack not only on the individual, but also on the whole community. The TOWPD addresses every hate crime as a serious crime that has a major overall impact on our society. The TOWPD's policy on hate crime is derived from the IACP and DCJS and contains specific directives when investigating a hate crime. Some of the finer points in the hate crime policy address the training in the recognition of hate crimes, and the specialized investigative techniques that are mandated in hate crimes. Regardless of the severity of a hate crime, it will be afforded a time-intensive investigation by a specialized detective in collaboration with the district attorney's office.

The TOWPD addresses this recommendation by adopting the following into the Department's Best Practices:

“Section 330.00 II – Hate Crimes Policy: Any acts or threats of violence, property damage, harassment, intimidation, or other crimes motivated by hate and bias and

designed to infringe upon the rights of individuals are viewed very seriously by this agency and will be given high priority. The TOWPD shall employ all necessary resources and vigorous law enforcement action to identify and arrest hate crime perpetrators. Also, recognizing the particular fears and distress typically suffered by victims, the potential for reprisal and escalation of violence, and the far-reaching negative consequences of these crimes on the community, the TOWPD shall be mindful of, and responsive to, the security concerns of victims and their families.

Additionally, the TOWPD shall develop a standard system for collecting, analyzing, and reporting incidents of crime that are, in whole or in part, directed against individuals because of race, religion, ethnicity, gender, sexual orientation, gender identity, or disability.”

During the listening session we discussed action item thirty, **Community Outreach Plans**. The PRRC holds that a number of law enforcement agencies have developed plans for institutionalizing community engagement, i.e.: appointing community liaison officers, fostering police community partnerships, holding regular community meetings, and tracking and rewarding positive interactions between officers and community groups. Community engagement is imperative to forming trust between officers and the citizens in the neighborhoods they police. Here, the TOWPD remains committed to forming bonds with the community to continually recognize and address the evolving community needs. Here, we rely on our PCC who meets monthly and more often when issues arise. The PCC represents different neighborhoods and brings varying insight of community needs. Annually, the TOWPD along with the PCC participates in the National Night Out which is sponsored by local businesses and gives the opportunity for community members to interact with our police officers on a personal level to open the lines of communication and ultimately establish trust and partnerships. Additionally, the PCC recognizes an officer each quarter for outstanding community performance. When the occasion exists, the TOWPD holds recognition ceremonies to highly notable interactions between members of the public and the department. Thus, the TOWPD has already adopted action item thirty.

The PRRC suggests that we consider action item thirty-one, **Citizen Advisory Boards and Committees**. A community advisory board/committee is a group that meets regularly to provide advice and perspectives to executive staff in law enforcement agencies. Membership should reflect and represent the different voices and needs within the community, specifically that a board should be as diverse as the community in which it functions. In addition to what has been discussed under action item thirty-two, below, the TOWPD, in conjunction with the PCC, holds special meetings with neighborhood groups or individuals as circumstances dictate. Overall, during both the Community Council Meetings and each special meeting, one of our goals is to identify stakeholders and diverse community concerns, then establish recommendations that can be adopted into the TOWPD's policies. Consequently, the TOWPD will continue to seek input from the community regarding police policies and community needs.

Next we discussed action item thirty-two, **Partnership with Community Organizations and Faith Communities**. The PRRC holds that it is important to work within the community in order to build trust and nurture legitimacy. Additionally, the PRRC cites how some communities have developed Police Athletic Leagues which provide an opportunity for the police to engage with the youth in the community and build enduring beneficial relationships. The TOWPD is committed to such partnerships with community groups as evidenced by our establishment of the Police Youth Coalition, referenced above under action item five. Additionally, we remain committed to maintaining our partnerships with Faith-based groups. For example, for years we have partnered with Transformation Reform Church on events, including, among others, "Trunk or Treat." Most recently, the TOWPD partnered with the Wallkill East Rotary on a coat drive that provided hundreds of coats to community members.

We next considered action item thirty-three, **Partnering with Students and Schools**. Adopt-a-school programs are designed to have students engage with officers in a relaxed, non-adversarial fashion, fostering positive connections that carry through the students' academic and personal lives, into adulthood.

The TOWPD addresses this recommendation by adopting the following into the Department's Best Practices:

“Section 425.00 School Resource Officer, II School Resources Officer Goals and Objectives, A: The Town of Wallkill Police Department's School Resource Officer Detail intends to provide law enforcement services and law-related education to the designated schools within the School District. The SRO officers also act as liaisons between the schools, the community and the Police Department, as well as various agencies such as Child Protective Services, Youth and Family Services, the Juvenile Probation Department, and other intervention and counseling resources. Some goals and objectives are: 1. To provide a police presence in the District in order to promote an atmosphere of enhanced school safety for faculty, staff, students and parents in the District, so that teachers can teach and students can learn; 2. Increase student awareness about crime prevention, internet safety, conflict resolution, violence prevention, restorative justice and peer mediation; 3. Interact with students in a setting that builds self-esteem and trust and reinforces the police as role models; 4. Interact with students, faculty, community, parents, and civic leaders to promote positive relations; 5. Serve as a resource for the students, teachers, and parents. Serve as a resource to students who are victims and suspects of unlawful or harmful activity in order to deter and protect them from further harm. Act as an intermediary between students and parents if necessary, or requested; 6. Partner with the faculty and administrative team to teach the importance of good safety practices, skill building, and educational/academic lessons through various models; 7. Increase school faculty and staff awareness about policies and procedures for preventing/responding to incidents of violence and other threats to school safety; 8. Provide an active law enforcement figure on campus to deal with law and safety/public order issues as required. Take appropriate enforcement action when necessary.”

During the second listening session we considered action item thirty-four, **Police-Community Reconciliation**. The goal is to strengthen and build a community belief that law enforcement is a trustworthy partner with which it can collaborate in achieving public safety. In addition to what has been presented, the TOWPD continues to have a policy where any member of the public can meet with the police administration regarding any issues, especially those affecting the trust in the police.

The PRRC next suggested that we consider action item thirty-five, **Attention to Marginalized Communities**. The PRRC recommends that law enforcement agencies may need to devote special training and management that is attentive to the needs of marginalized communities. The TOWPD is committed to this recommendation as evidenced by the following examples. The TOWPD works in conjunction with the Orange County Division of Emergency Communications to ensure that interpretation services are always available. Furthermore, the TOWPD pledges to work with experts and members of the disabilities community to create training programs that educate officers to identify and work with disabled community members. Prior to COVID-19, the TOWPD had arranged to have the Orange County Human Rights Executive Director, Inaudy Esposito, conduct workshops with police officers. The workshops included, among others, “Cultural Competence: Beyond the Buzzword,” and “Diversity and Inclusion: Creating Inclusive Spaces.” Those workshops will be held during 2021.

Lastly, to begin to bridge the gap between immigrant communities and law enforcement the TOWPD will adopt the following into the Department’s Best Practices:

“Section 350.00 Immigration, II Purpose: To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or New York State constitutions.”

and

“Section 350.00 Immigration, VII Information Sharing: The TOWPD is in compliance with the New York State Green Light Law which prohibits any member to share information received from the New York State Department of Motor Vehicles with Immigration and Customs Enforcement (ICE) or Customs and Border Protection (CBP).”

We next considered action item thirty-six, **Involving Youth in Discussions on the Role of Law Enforcement Agencies**. The PRRC holds that, creating avenues to reach youth, such as youth leadership councils, can assist law enforcement in building trust and forming relationships within the greater community. Accordingly, the Police Department Community Council and the Youth Coalition will explore the feasibility of having youth actively participate as a member of the Community Council.

The PRRC explores **Leadership and Culture** under action item thirty-seven. The PRRC states that the process of selecting Chief of Police, as well as other department leaders, should be based upon the characteristics and needs of the jurisdiction and should be structured in a manner that is legitimate and fair by including among other things, the consideration of a diverse group of candidates as well as the candidate's supportive views on police-community relations. The Town's Governing Body is committed to the foregoing. Additionally, the Governing Body values a residency requirement for its Police Chief. Accordingly, the Town is committed to having only a Town resident serve as Chief.

Action item thirty-eight, asks whether the **TOWPD Officer Evaluation Structure Helps Advance Our Policing Goals**. The PRRC suggests that jurisdictions may need to modify their COMPSTAT implementations and other incentive and promotion structures to ensure their officer evaluation metrics reduce crime and promote public safety while promoting larger reform goals including improved community relationships and police legitimacy. As pointed out above, under action item twelve, in 2016, the Department adopted a collaborative problem solving COMPSTAT model. Under this model, officers address community of life issues with a problem-solving approach. However, to date the TOWPD has not incorporated this community policing measure into officer performance evaluations. Accordingly, the TOWPD is committed to reforming its policy governing evaluations to include community policing measures into officer evaluations.

During the second listening session we considered, action item thirty-nine, **What Incentives Does Your Department Offer Officers to Advance Policing Goals?** Departments

may want to consider offering awards, prizes, or other recognition to officers who advance reform goals. As an example, the PRRC cites examples of departments that nominate officers for community policing awards. Here, the TOWPD and the PCC are committed to this recommendation as evidenced by the Community Council Officer of the Quarter Award indicated in action item thirty.

We next considered action item forty, **Does Your Hiring and Promotion Process Help Build an Effective and Diverse Leadership Team?** In addition to hiring based on diversity, promoting leaders within the department who reflect a broad range of diversity, including race, gender, sexual orientation, gender identity, language, life experiences, and cultural background, will improve understanding and effectiveness in policing and community relations. The TOWPD has strived for hiring diverse applicants. However, we have been constrained by New York State Civil Service Law. Under the law, except for specific cause, all new hires must be selected from the top three candidates on the civil service police officer list, based almost entirely by the grade they score. Historically, there are very few minority and woman candidates on the list. For years we have attempted, albeit unsuccessfully, to recruit more minorities to take the civil service exam. A stakeholder from one of our listening sessions committed to join our recruitment effort. We will remain committed to this effort.

Action item forty-one, asks **What is Your Strategy to Ensure That your Department's Cultural-norms and Informal Processes Reflect Your Formal Rules and Policies?** The PRRC holds that leadership must take an active role in demonstrating commitment to the values important to the department and the community. Here, the Chief regularly attends PCC meetings, Youth Coalition events and meetings, Town Board meetings and other public events to engage all segments of the community. Additionally, the Chief regularly engages with all Department staff to address the mission of the TOWPD. Furthermore, the TOWPD has been on the forefront of providing developmental training in progressive policies. For example, in 2016 Chief Hertman met Dr. Bryant Marks, a renowned expert on Implicit Bias Training, when both he and Dr. Marks were presenting the Final Report of The President's Task Force on 21st Century Policing to police chiefs at the White House. Consequently, in January of 2017, the Chief and the Governing Body entered into a contract for Dr. Marks to present Implicit Bias Training to the

entire Department. Furthermore, this training included members of the PCC. Nonetheless, the Department remains committed to adopting additional training in additional progressive policies.

During the second listening session we discussed action item forty-two, **When Should Officers be Required to Report Use of Force to Their Supervisor?** Governor Cuomo recently signed legislation requiring that law enforcement officers report all firearm discharges in circumstances where a person could have been injured, whether or not any injury occurred. Additionally, police departments should have clear policies regarding documenting the use of force.

The TOWPD addresses this recommendation by adopting the following into the Department's Best Practices:

“Section 215.00 Use of Force, XI. Reporting & Review The Use of Force:

A. For reporting purposes, Executive Law 837-t requires police to report any occurrence in which a police officer employs use of force as listed below: 1. 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. 2. When one of the following is initiated by an officer: (a) Brandishes, uses or discharges a firearm at or in the direction of another person; (b) Displays, uses or deploys a chemical agent, including, but not limited to, oleoresin capsicum, pepper spray or tear gas; (c) Brandishes, uses or deploys an impact weapon, including, but not limited to, a baton or billy; (d) Brandishes, uses or deploys an electronic control weapon, including, but not limited to, an electronic stun gun, flash bomb, or long range acoustic device, (e) Incidents that result in a complaint of pain from the suspect (except minor discomfort complaints from compliant handcuffing) or physical injury to the suspect.

C. Members involved in use of force incidents as described above shall notify their

supervisor as soon as practicable and shall complete a departmental Use of Force Report (App 1215.1).

D. When a Use of Force Report Form (App 1215.1) is completed, a copy must be placed in the case file and the original submitted to the Department Use of Force Instructor. An entry must be made in the Use of Force Log by the Supervising Officer and corresponding number shall be entered on the form.

E. It will be the responsibility of the Supervisor to review the Use of Force Report Form and forward the incident information to NYS DCJS in accordance with Executive Law 837-t.”

We will share this policy with stakeholders.

The PRRC suggests that we consider action item forty-three, **What Internal Review is Required After a Use of Force?** Multiple levels of supervisory review can ensure that all supervisors carefully review use of force reports because they will receive scrutiny from their own supervisors. According to a 2019 report “New Era of Public Safety,” (Police Reform and Reinvention Collaborative, 2020, p.57), all uses of force should be reviewed.

The TOWPD addresses this recommendation by adopting the following into the Department’s Best Practices:

“Section 215.00 Use of Force, XII. Procedures for Investigating Use of Force Incidents:

A. Where practicable, a supervisor should respond to the scene to begin the preliminary force investigation. (1) 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.

B. Photographs should be taken which sufficiently document any injuries or lack thereof

to officers or suspects, when practical.

C. A Supervisor must complete a Supervisor Use of Force (App 1215.3) and forward such form to the Chief of Police or Designee, if: (1) He/She believes the officer's force was used inconsistent with Department Policy, (2) Any injury is incurred by an officer(s), suspect(s) and/or bystander(s).

D. The Chief of Police or designee will review the supervisor's report and/or any Officer Use of Force Report Form and may conduct an investigation.”

We next considered action item forty-four, **Does Your Department Review Officers' Use of Force and/or Misconduct During Performance Reviews?** Regular attention by supervisors to officers' use of force may promote adherence to departmental policy. Currently, the TOWPD policy dictates that substantiated use of force complaints against officers are included in their performance evaluation. As the TOWPD continues to amend its policies, the practice of including substantiated complaints in performance evaluations will continue.

Action item forty-five asks, **Does Your Department Use External, Independent Reviewers to Examine Uses of Force or Misconduct?** Impartiality is one of the four pillars of procedural justice and could help instill confidence in determinations regarding potential abuse of force or other misconduct. Here, the Governing Body has oversight in reviewing excessive use of force by an officer and all misconduct by officers. Currently, the Chief and the Governing Body meet on a quarterly and cumulative basis to review the Early Warning System Report, discussed below under action item forty-six, which includes, among other things, all discipline and complaints. However, the EWS currently lacks the number of total cases where an officer used force, including justified cases. Consequently, going forward this statistic will be included in future EWS reports.

During the second listening session, we considered action item forty-six, **Does Your Department Leverage Early Intervention Systems (EIS) to prevent problematic behavior?**

An EIS is a system that electronically tracks officer performance in an attempt to identify abnormal patterns indicative of problematic behavior. In July of 2002, the Chief developed and adopted the EWS. The EWS report includes, among other things, officer complaints, disciplinary history, sick and emergency leave usage and below standard evaluations rankings. Here, in cases where officers meet a pre-determined threshold, the officer is referred to early intervention services, consisting of specified training and/or counseling. The Town is committed to its long-standing history of using the EWS to address issues. As mentioned in action item, forty-six, future EWS reports will include the number of cases that an officer has used force on a quarterly and cumulatively basis.

The PRRC suggests that under action item forty-seven, we **Consider Reviewing “Sentinel” or “Near-miss” Events. Does the Department Respond to Questionable Uses of Force with Non-punitive Measures Designed to Improve Officer Performance?** The Final Report of the President’s Task Force on 21st Century Policing recommended that law enforcement entities review “sentinel” or “near miss” events (Police Reform and Reinvention Collaborative, 2020, p.59). Sentinel review consists of non-punitive peer review of critical incidents that resulted in, or could have potentially resulted in undesirable outcomes. The TOWPD shall develop guidelines for sentinel and near-miss events. Subsequently, we will share the policy with stakeholders.

We next considered action item forty-eight, **What Does Your Department Expect of Officers Who Know of Misconduct by Another Officer?** Within some law enforcement agencies, such as the New York State Police, there is an obligation to report the misconduct of another trooper. The PRRC suggests that such a policy include an anti-retaliation policy. We are asked to consider whether the Department should accept anonymous complaints from personnel. The TOWPD is committed to adopting a policy that requires personnel to report misconduct. Clearly that policy should include an anti-retaliation provision. Currently, the TOWPD website accepts anonymous complaints against personnel. The TOWPD will share the policy with stakeholders.

Action item forty-nine asks, **Does the Department Have a Clear and Transparent Process for Investigating Reports of Misconduct?** Misconduct investigations must ensure both community trust in the department and fairness to officers. For the past eighteen years, the TOWPD has a robust system that accepts all complaints made against personnel. The TOWPD regularly informs the public how to file complaints during public meetings. Under our policy, citizens can report complaints against Department members in a number of ways. First, the Department maintains a well-advertised complaint hotline. Additionally, citizens can file complaints online through the Department's website. Furthermore, complaints can be reported to the shift supervisor, in person or by telephone. All options allow citizens to file complaints anonymously. Lastly, the Department has an appropriate timetable to complete the investigations and report the Results to the Governing Body.

During the second listening session we considered action item fifty, **Does Your Department Respond to Officer Misconduct with Appropriate Disciplinary Measures?** Under this action item the issue is whether officers in this department believe that misconduct will result in appropriate discipline, or do they believe that it will be overlooked? The TOWPD has and remains committed to doling out appropriate discipline when circumstances warrant.

We next contemplated action item fifty-one, **What Procedures Are in Place to Ensure That Substantiated Complaints of Misconduct and Settlements or Adverse Verdicts in Lawsuits are Used to Reduce the Risk of Future Misconduct?** Review of misconduct and adverse legal actions can be helpful in evaluating a department's policing activities. The Department's EWS, action item forty-six, above, allows the Chief and the Governing Body to review substantiated complaints of misconduct. The Department and the Governing Body will need to identify what constitutes an adverse verdict in a civil suit to determine if they should be included in the EWS.

Under action item fifty-two, the PRRC asks **What Controls Are in Place to Ensure Impartiality When Reviewing Potential Misconduct or Complaints? When Appropriate, Are Cases Referred to Either the District Attorney or Another Prosecutor?** In 2015, Governor Cuomo issued Executive Order 147 requiring a special prosecutor's office within the

Office of the Attorney General (hereinafter “Attorney General”) to investigate homicides of unarmed citizens and prosecute when appropriate. The PRRC states that in light of the permanent working relationship between police departments and local district attorneys, excluding cases that must be referred to the Attorney General, how do we establish a disciplinary process that ensures that misconduct will be fairly and impartially reviewed? Here, the TOWPD consults with the Orange County District Attorney’s Office when an allegation against a police officer includes a crime. Subsequently, if the Orange County District Attorney elects not to prosecute a case where the TOWPD finds misconduct, disciplinary action will be taken. As indicated in action items forty-five and forty-six above, the Governing Body reviews all disciplinary action on a quarterly and cumulative basis. Review of these cases by the independently elected Governing Body ensures that misconduct will be fairly and impartially reviewed.

The PRRC suggests, under action item fifty-three, that we ask **Whether Our Department Expects Leaders and Officers to Uphold the Department’s Values and Culture When Off-duty?** The PRRC holds that behavior of officers when they are off-duty can reinforce a lack of trust in police officers and the justice system as a whole. The PRRC acknowledges that we cannot control the behavior of officers while they are off-duty. Nonetheless, the TOWPD should consider measures that hold officers to certain standards of conduct even when they are out of uniform. Historically, in the few cases where it was warranted, the TOWPD has taken substantive disciplinary action against officers who had engaged in criminally activity while off-duty.

Action item fifty-four asks **If or Should Your Department Have Some Form of Civilian Oversight Over Misconduct Investigations or Policy Reform?** The PRRC holds that many larger law enforcement agencies, including New York City, Chicago, and Baltimore, have civilian oversight panels. In some municipalities the entities have, among other things, the power to review internal investigations and impose discipline. Here, the Governing Body serves the role of civilian overseer of the TOWPD.

During the second listening session, we explored action item fifty-five, **Is There an Easy, Accessible and Well-publicized Process for Members of the Public to Report Complaints About Police Misconduct?** The PRRC suggests that law enforcement agencies should consider various formats that allow the public the ability to file a complaint by, email, telephone, in-person and online. The PRRC goes on to suggest that law enforcement agencies should seek feedback on these processes through outreach to the public. As pointed out in action item forty-nine, above, the TOWPD publicly expresses its willingness to receive complaints through all of the suggested avenues. Nonetheless, the TOWPD will solicit feedback from stakeholders on ways to improve this process.

We next considered action item, fifty-six that asks, **Are Investigation Outcomes Reported to the Complainant? Are They Reported to the Public? Should the Department or the Citizen Complaint Review Entity, if any, Accept Anonymous Complaints?** Disclosing the outcome of investigations to complainants and the public increases transparency and can increase confidence in law enforcement. Here, the TOWPD sends complainants a letter advising them of the outcome when an investigation is conducted. During the monthly Police Department Community Council meetings, the Police Chief shares the number of complaints year-to-date and the number of complaints for previous years. The Chief also discusses trends observed in specific type of complaints. As previously indicated in action item forty-eight, above, the TOWPD accepts anonymous complaints.

Under action item fifty-seven the PRRC asks **If Our Local Legislature Engages in Formal Oversight of the Police Department? Should Any Changes be Made in the Legislature's Oversight Powers or Responsibilities?** This investigative authority allows legislatures to access more information regarding policing practices than the general public. Furthermore, if legislatures identify practices that pose concerns, they have the power to address those concerns through legislation. Here, the Governing Body has formal oversight of all hiring, discipline, and the adoption of all Department policies.

Action item fifty-eight asks: **Is the TOWPD Accredited by Any External Entity?**

Accreditation is a useful tool that enables external review of agency policies, procedures, and practices to improve the standards of a police department and quality of policing services. The DCJS administers the New York State Law Enforcement Accreditation Program, that provides stricter guidelines and guidance for police agencies to evaluate and improve overall performance in areas such as administration, training and operations standards. Subsequently, agencies must meet minimum standards that promote a high degree of professionalism and confidence. The TOWPD and the Governing Body will explore the accreditation process.

During the second listening session we contemplated action item fifty-nine, **Does Your Police Department Do an Annual Community Survey to Track Level of Trust?** An annual survey that measures the community's level of trust in the police department, the community's view on the effectiveness of certain policing strategies, as well as one that collects any negative feedback may be a helpful tool in gauging the community's satisfaction with the police department. Currently, the Department regularly solicits feedback from the community during PCC meetings. Nonetheless, the TOWPD is open to considering the use of community surveys.

We next considered action item sixty, **What Police Incident and Complaint Data Should be Collected? What Data Should be Available to the Public?** The PRRC holds that Local law enforcement data increases transparency by providing a snapshot of police conduct. Collection of police activity data can be useful to evaluate if policing practices are effective, ensure compliance with the law, and identify potential biases and disparities. Among other things, the PRRC cites examples of municipalities that have adopted laws that require the collection and dissemination of stop data regarding traffic and pedestrian stops. The PRRC goes on to state that the analysis of stop data can be an indicator as to the effectiveness of policing and/or identify potential biases or disparate impact. Here, the TOWPD agrees with this belief as evidenced by our adoption of the PDI, detailed under action item fifteen, above. Additionally, as outlined in action item fifty-six, above, during monthly Community Council meetings, the Police Chief regularly reports the number of civilian complaints against Department personnel. Lastly, the data is analyzed on a quarterly and cumulative basis by the Chief and the Governing Body, during their review of the EWS, discussed above in action item forty-six.

The PRRC asks us to consider action item sixty-one, **How Should Your Law Enforcement Agency Leverage Data to Drive Policing Strategies?** The PRRC posits that data collection and utilization can be enhanced by employing crime analysts to inform decision-making and support policing operations. As indicated under action item one, above, the TOWPD does not use data to shape decisions on resource allocation. Instead, under the TOWPD collaborative model, personnel deployment is based on public complaints. The PRRC also suggests that the TOWPD consider partnering with the Orange County Crime Analysis Center (hereinafter “CAC”) which can assist with data-driven and intelligence-led policing efforts, as well as providing specific investigatory support. The TOWPD supports this proposal as evidenced by ongoing relationship we have established over one year ago with the CAC. The TOWPD will draft a policy governing this relationship and share it with stakeholders.

Under action item sixty-two the PRRC suggests we contemplate, **How Can Your Police Department Make its Policies and Procedures More Transparent? Does Your Department Have Comprehensive Policies and Procedures in Place to Address Common and Controversial Forms of Police Activity?** We will continue to review and adopt policies that ensure transparency. Notwithstanding, the foregoing, the TOWPD will make all of its policies available online.

During the second listening session we considered action item sixty-three, **How Can Your Police Department Ensure Adequate Transparency in its Use of Automated Systems and “High-risk” Technologies?** The PRRC suggests that new technologies including biometric technologies, surveillance systems, unmanned aerial systems, data mining tools, geofencing tools, and resource allocation tools may provide significant value to police departments. The TOWPD does not currently use any of the aforementioned technologies. Nonetheless, if we adopt any of the aforementioned technologies, we will consider a special approach to establishing policies and procedures, including soliciting community input.

We next contemplated action item sixty-four, **Should Your Police Department Leverage Video Cameras to Ensure Law Enforcement Accountability and Increase Transparency?** The PRRC advances that in-car and body-worn cameras are frequently

recommended, and are mandated for some police forces, as monitoring mechanisms to ensure accountability. In 2001, the TOWPD adopted in-car video cameras. Subsequently, the Department has upgraded the system four times to the latest technology. The current cameras, installed two years ago, represent the latest technology available. Currently, video from the cameras is reviewed when there is an internal investigation. Additionally, each patrol sergeant is assigned to conduct an audit of randomly selected videos of different officers to review and evaluate performance.

The PRRC asks us to consider action item sixty-five, **Does Your Agency Reflect the Diversity of the Community it Serves?** President Obama’s Task Force on 21st Century Policing recognized that diverse law enforcement agencies foster trust in the community⁵. The TOWPD shares employee demographics with the public via the PDI. A review of the data reveals that our workforce of law-enforcement officers is 82% White, 13% Hispanic and 4% African American. In contrast, the demographics of the community are, 57.8% White, 22.5% Hispanic, 16% African American, and 3.7% Asian. Here, the percentage of White and Hispanic officers in the TOWPD is not aligned with the racial makeup of the community we serve. As indicated in action item forty above, the TOWPD’s efforts to recruit a more diversified workforce has been hampered by civil service law. Nonetheless, we are committed to unilaterally attempting to solicit more minority members of our community to participate in future police officer examinations.

Under action item sixty-six we considered **What are Ways in Which Your Agency Recruits Diverse Candidates that Better Represent the Demographics of the Communities You Serve?** Among other things, the PRRC suggests that we may attract a more diverse workforce by engaging in proactive and targeted community efforts. As pointed out in action item forty above, we remain committed to working alongside of stakeholders to recruit a more diverse workforce.

⁵ Office of Community Oriented Policing Services. (2015). *The President’s Task Force on 21st Century Policing Implementation Guide: Moving from Recommendations to Action*. Washington, DC: Office of Community Oriented Policing Services.

During the second listening session we considered action item sixty-seven, **What Are Ways in Which You Can Re-evaluate Hiring Practices and Testing to Remove Barriers in Hiring Underrepresented Communities?** The PRRC posits that screening tools, such as fitness and cognitive tests have been found to have disparate impacts on underrepresented communities. The PRRC further suggests that creating test preparation material and offering coaching or other assistance will be helpful in minority recruitment. Thus, in advance of the next police officer examination, the TOWPD will partner with Orange County Civil service to provide information sessions to underrepresented members of our community.

Next, we considered action item sixty-eight, **How Can You Encourage Youth in Your Community to Pursue Careers in Law Enforcement?** Police Cadet Programs offer law enforcement apprenticeships to young people, typically between the ages of 18 and 20 years old. They provide the opportunity for a young person to explore a career in law enforcement and obtain relevant training and skills. These programs are useful recruiting tools because they engage young community members who have not yet settled on a specific career. The TOWPD embraces this idea and will discuss this in future meetings with stakeholders. Additionally, it is noteworthy to point out that our Police Youth Coalition, discussed above under action item five, has thus far successfully led one person to a career in law enforcement.

We next considered action item sixty-nine, **What Actions Can Your Agency Take to Foster the Continued Development and Retention of Diverse Officers?** Officers belonging to historically under-represented groups often face obstacles to promotion, ranging from outright bias and discrimination to less insidious, but no less harmful factors such as a lack of transparency about the promotion process, or inadequate mentoring relationships and professional development opportunities. The PRRC suggests that the establishment of officer mentoring programs, for new officers from underrepresented communities, may provide necessary support. The TOWPD will avail itself to training opportunities offered by the DCJS on these programs. Subsequently, the TOWPD will consider adopting a mentoring program.

The PRRC suggests that we consider action item seventy, **How Can You Develop Officer Training Programs that Reflect Your Community Values and Build Trust Between**

Police Officers and the Communities they serve? The PRRC holds that it is important to engage both internal and external stakeholders in the development and implementation of your police department’s training materials and curricula. Incorporating members of the community in this process can strengthen the overall quality of your training program while reinforcing public trust and ensuring that your training and education programs reflect the values of your community. Historically, the TOWPD has incorporated members of the community in its training process. For example, as discussed above in action item forty-one, the Community Council attended Implicit Bias training along with TOWPD officers. Additionally, in 2017, the input of the Community was considered when the TOWPD adopted ICAT, referenced in action item twenty-eight, above. Lastly, prior to the COVID-19 pandemic, the TOWPD partnered with the Orange County Human Rights Commission Executive Director Inaudy Esposito, as outlined in action item thirty-five above, to conduct workshops with police officers. The workshops will include, among others, “Cultural Competence: Beyond the Buzzword,” and “Diversity and Inclusion: Creating Inclusive Spaces.” The TOWPD remains committed to incorporating members of the community into our training. Accordingly, members of the Community Council will be invited to join us during the above-referenced workshops.

Next we considered action item seventy-one, **What Training Policies Can You Adopt to Ensure that Police Officers Continuously Receive High-quality, Relevant In-service Training Sessions?** Continuing education or in-service training requirements help ensure that officers can refresh skills learned in the past, develop new skills, and remain abreast of new information on emerging topics and best practices. The PRRC states that we should consider our current in-service officer training standards and determine whether more rigorous requirements should be established, including requirements around the number of annual in-service training hours officers must receive. Currently, the New York State Law Enforcement Accreditation Program, for example, establishes a standard of at least 21 hours of in-service training per year. Here, under our current policy, officers receive 24 hours of in-service training annually. Nonetheless, the TOWPD is committed to working with our community to develop specific topics that should be included in our training. For example, the TOWPD in partnership with faith-based groups and Hope Not Handcuffs are currently discussing a proposed program and training curriculum that would partner all three groups to address the opioid epidemic.

Additionally, the TOWPD remains committed to seeking training models that are focused on experimental learning.

Under action item seventy-two, we considered, **How Can Leadership Training Improve Community Policing and Strengthen Relationships between Your Police Department and Members of the Public?** The PRRC suggests that Police departments should consider providing ongoing leadership training to officers throughout their careers. Different standards, programs, and learning goals may be established at each level of leadership within a department. Agencies may also consider encouraging officers to engage in cross-discipline leadership training programs. This can help expose officers to new and valuable knowledge and skills that can complement their own. Furthermore, the PRRC posits that we should consider developing leadership training standards in partnership with academics, non-profit groups, and other community members. The TOWPD is committed to this recommendation as evidenced by the fact that newly promoted executive personnel attend advanced leadership training. Recently attended or planned training includes The Southern Police Institute and PERF's Senior Management Institute for Police. The TOWPD will continue explore additional training programs with an emphasis towards exposing our staff to new and valuable knowledge and skills that can complement their own.

Action item seventy-three asks **How Can Your Police Department Use its Training Programs to Avoid Incidents Involving Unnecessary Use of Lethal or Nonlethal Force?** Police department training programs focused on elements of de-escalation can lead to actual outcomes that achieve police objectives while resolving potentially dangerous scenarios safely and peacefully. De-escalation training can include instruction focused on decision-making, effective verbal and non-verbal communication and social interaction skills, ethics and professionalization, use of force, defensive tactics, and crisis intervention skills. Here, the TOWPD is committed to this recommendation as evidenced by our adoption of ICAT, referenced above in action item twenty-eight. Additionally, in March 2021, two of our staff members will be attending the DCJS Municipal Police Training Council Defensive Tactics Instructor Course. Subsequently, we will evaluate how to incorporate the defensive tactics course into our in-service training.

Next we considered action item seventy-four, **How Can Your Police Department Use its Training Programs to Avoid Potential Bias Incidents and Build Stronger Connections with Communities of Color and Vulnerable Populations?** Awareness of and appreciation for cultural diversity are integral components of a professional police force. Police forces must understand and appreciate the cultural diversity within the communities they serve. This understanding can help officers to de-escalate specific situations, and also to build ongoing, effective dialogue with community members. Research suggests that biases, including implicit biases, can affect interactions between communities of color and law enforcement. The PRRC further suggests that law enforcement agencies consider implementing basic training and in-service training requirements that establish a set period of time that officers must spend interacting with individuals and groups within the community so they can engage in meaningful, non-enforcement activity. Here, in 2017 the TOWPD trained all of its officers in implicit bias training. Nonetheless, officers hired since then have not yet attended the training. Accordingly, the TOWPD is committed to having newly hired officers attend the training. Additionally, it is noteworthy to point out that historically officers from the TOWPD have regularly spent time interacting with members of the community to engage in meaningful non-law enforcement activity. Some examples are the Police Youth Coalition events including, police-youth softball and basketball games, chaperoned trips to professional sporting events and DJ events. Nonetheless, the TOWPD has neglected to mandate newly hired officers engage in these events as part of their field training. Accordingly, the TOWPD is committed to making this part of newly hired officers field training program. Thus, officers will develop stronger connections with the community at the onset of their career.

The PRRC suggests that we consider action item seventy-five, **How Can Your Training Program Help Officers Effectively and Safely Respond to Individuals Experiencing Mental Health Crises or Struggling with Substance Abuse?** The PRRC holds that police responding to situations involving a member of the public experiencing a mental health crisis should consider the following best practices: Police departments should consider making Crisis Intervention Team (CIT) training a standard component of their training program. Police departments can also ensure that their training programs equip officers to recognize the signs of

substance abuse and respond appropriately when interacting with individuals who may be impaired as a result of substance abuse. This may include training and equipping officers with overdose-reversal drugs like Naloxone.

The TOWPD addresses this recommendation by adopting the following into the Department's Best Practices:

“Section 340.00 Crisis Intervention Policy, A. Purpose: To establish procedural guidelines in compliance with the laws of the State of New York, the Town of Wallkill, and the Town of Wallkill Police Departments Best Practice Guidelines, with consideration of guidelines set by partnering agencies, for the police response to individuals with mental health problems within the Town of Wallkill and the utilization of specially trained Officers (CIT) who will assist those in crises.”

The TOWPD further addresses this recommendation by adopting the following into the Department's Best Practices:

“Section 840.00 Use of Naloxone, A. Purpose: The purpose of this policy is to establish broad guidelines and regulations governing the utilization of naloxone by trained law enforcement personnel within the Town of Wallkill Police Department. The objective is to treat and reduce injuries and fatalities due to opioid-involved overdoses when law enforcement is the first to arrive at the scene of a suspected overdose.”

Furthermore, the TOWPD has trained every police officer in the use of Naloxone and has issued each officer an Overdose Rescue Kit.

Under action item seventy-six, we considered, **What Practices and Procedures Can You Put in Place to Measure the Quality and Efficacy of Your Police Department's Training Programs?** The PRRC suggests that it is important to periodically review our police department's training programs to determine whether they remain up-to-date and whether they are yielding the desired results. Among other recommendations, the PRRC suggests that the

Department should consider adopting a policy requiring the maintenance of complete, accurate, and up-to-date records of training curricula, materials and attendance. The TOWPD is committed to ensuring that the foregoing is incorporated into its new training policy. Additionally, the new policy will incorporate a critical self-analysis approach to evaluate incidents involving use of force, searches and seizures, crisis response encounters, and other circumstances to be considered when establishing training goals and priorities.

Next we considered action item seventy-seven, **Are There Ways to Address Officer Wellness and Well-being Through Smarter Scheduling?** The PRRC suggests that each department should consider how to incorporate concern for wellness and wellbeing into everyday operations, including how shifts are arranged. Here, the maximum shift lengths are considered in the Collective Bargaining Agreement (hereinafter “CBA”). The TOWPD is committed to adhering to the limits addressed in the CBA as a way of ensuring officer wellness. Additionally, in furtherance of officer wellbeing, in 2013, the Governing Body and the Patrolman’s Benevolent Association (hereinafter “PBA”) entered into a steady tours agreement that assigns officers to steady tours. This agreement was reached after the PBA presented substantive evidence that permanent assignment to rotating shifts during a twenty-year career are detrimental to an officer’s wellness.

We next considered action item seventy-eight, **How Can You Effectively and Proactively Address the Mental Health Challenges Experienced by Many Police Officers Throughout Their Careers?** Rates of death by suicide among law enforcement officers appear to be higher than those within the general U.S. population, and deaths by suicide among officers may have outnumbered those caused by fatal line-of-duty incidents in recent years. The TOWPD Best Practices Committee is working collaboratively with the PBA to establish an Employee Assistance Program (hereinafter “EAP”) that can provide officers with personal and confidential support in many areas of their life. Currently, the TOWPD utilizes the New York State Police EAP. The TOWPD Chief has been engaged in an ongoing effort to minimize the stigma associated with members of the profession seeking help for mental health issues. Until this stigma is diminished, law enforcement officers will remain reluctant to voluntarily seeking help for mental health issues. Accordingly, the TOWPD remains committed to reducing this stigma.

Lastly, we considered action item seventy-nine, **How We Address the Well-being of an Officer After a Traumatic Event?** Following a crisis event, departments should consider making sure the personnel involved have the option to access crisis counseling. Supervisors and peers should monitor employees involved in potentially traumatic incidents for changes in their demeanor and behavior. The TOWPD recognizes the importance of ensuring that officers involved in traumatic events are offered crisis counseling. Currently, when crisis counselling is sought or the need is apparent, the New York State Police EAP provides the service.

Conclusion

The PRRC and Executive Order 203 required the Governing Body and the TOWPD to convene stakeholders for a fact-based and honest dialogue about the public safety needs of our community. In advance of two listening sessions with stakeholders, we identified seventy-nine action items in the PRRC that should be discussed. After the listening sessions we contend that 33 of the action items have previously been addressed or are currently being adopted by the TOWPD. Nonetheless, 44 of the action items, with some already being addressed, will need to be considered further. Two of the action items were irrelevant or not considered at this time as they did not apply to the TOWPD. As we move forward to review and consider adoption of these action items, we are committed to using a collaborative process. Our ongoing partnership with stakeholders is going to be the key to this process. We acknowledge that some of the changes are going to take time; in some cases, a substantial amount of time, to review and implement. Quarterly reports will be presented to update our community of our progress in implementing recommendations made by the PRRC. Nonetheless, we believe that our partnership with committed stakeholders will foster us to advance in continual policy creation and analysis with the goal of providing the best service for our community. Policing is an ever-evolving profession and identifying the dynamic needs of society and continual evaluation of police actions is paramount to the Town of Wallkill Police Department and we are committed to continue to evaluate, reform and work with and for our community.