



## VILLAGE OF MAYBROOK

# POLICE REFORM & REINVENTION PLAN

ADOPTED: \_\_\_\_\_

**-DRAFT-**

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## Acknowledgements

This Village of Maybrook, New York State Police Reform and Reinvention Collaborative was made possible through the efforts of the following:

### **Comprehensive Plan Advisory Committee**

Dennis K. Leahy, Mayor, Village of Maybrook  
Daryl Capozzoli, Trustee, Village of Maybrook  
Valentina Johnson, Clerk, Village of Maybrook  
Michael Maresca, Sergeant  
Matthew Hughes, Officer

Rev. Thomas E. Jackson, Sr., People's Regular Baptist Church

Linda Kasbarian, Resident

Robert Conflitti, Orange County District Attorney's Office

Gary Abramson, Orange County Legal Aid

### **Village of Maybrook Board of Trustees**

Dennis K. Leahy, Mayor

James Barnett

Daryl Capozzoli

Kevin Greany

Robert Pritchard

## Introduction

The Village of Maybrook developed this Police Reform Plan in response to Governor Andrew Cuomo's Executive Order 203. The Village and its police department spent considerable time self-assessing and seeking public inputs on how the department could best serve the community. This plan documents the process, analysis and conclusions we arrived at over the course of the effort. Our Police Department was found to be serving the need of the community well overall, but there were several areas where the community and our own officers thought we could do better.

On June 12, 2020, Governor Cuomo signed an Executive Order requiring each local government in the State to adopt a policing reform plan by April 1, 2021. To ensure the plans are developed through an inclusive process, Governor Cuomo called for the New York State Police Reform and Reinvention Collaborative. The Collaborative process needed to include the following steps:

- Review the needs of the community served by its police agency, and evaluate the department's current policies and practices.
- Establish policies that allow police to effectively and safely perform their duties.
- Involve the entire community in the discussion.
- Develop policy recommendations resulting from this review.
- Offer a plan for public comment.
- Present the plan to the local legislative body to ratify or adopt it.
- Certify adoption of the plan to the State Budget Director on or before April 1, 2021.

The New York State Police Reform and Reinvention Collaborative Resources & Guide for Public Officials and Citizens recommended the following discussion points throughout the collaborative:

- I. What Functions Should the Police Perform?
  1. Determining the Role of the Police
  2. Staffing, Budgeting, and Equipping Your Police Department
- II. Employing Smart and Effective Policing Standards and Strategies
  1. Procedural Justice and Community Policing
  2. Law Enforcement Strategies to Reduce Racial Disparities and Build Trust
  3. Community Engagement
- III. Fostering Community-Oriented Leadership, Culture, and Accountability
  1. Leadership and Culture
  2. Tracking and Reviewing Use of Force and Identifying Misconduct
  3. Internal Accountability for Misconduct
  4. Citizen Oversight and Other External Accountability
  5. Data, Technology and Transparency
- IV. Recruiting and Supporting Excellent Personnel
  1. Recruiting a Diverse Workforce
  2. Training and Continuing Education
  3. Support Officer Wellness and Well-being



## Goals

The primary goal of the New York State Reform and Reinvention Collaborative is to bring the community and the Police Department together to solve issues and overcome obstacles reinforcing a sense of trust between the two.

## Plan Summary

To meet the requirements of Executive Order 203, the Village of Maybrook has developed the following plan, which is based upon input from the community to further expand the public's expectations of the Police Department. The Department will also continue its education and training programs, which include, but are not limited to: Use of Force, De-Escalation, Reporting Requirements, Implicit Bias Awareness and Hate Crimes. This plan encourages transparency and ongoing dialogue with the community that this Department serves.



## A Brief History of Policing in Maybrook

The Village of Maybrook was incorporated as a Village in 1926. ***The Village of Maybrook appointed its first police officer on \_\_\_\_\_. The first documented Village of Maybrook Officer-in-Charge was \_\_\_\_\_, who was appointed on\_\_\_\_\_.***

***The Village of Maybrook Board of Trustees officially established the Village of Maybrook Police Department on \_\_\_\_\_. Police headquarters was housed in the Village Hall on Main Street. In 2011, Village Hall was relocated from Main Street to Schipps Lane, and the Department moved in to the larger facility at the new Government Center.***

Prior to 1976, Officer-in-Charge Allen Abrahams and Sergeant Charlie Shields ran an all part-time Police Department with approximately 14 to 16 officers. The Village continued with an Officer-in-Charge running a Department made up of primarily part-time police officers until 2010, when then Officer-in-Charge James Barnett retired, having served in that role for four years. In 2010, the Village hired four full-time police officers and the first Village Police Chief, Arnold Amthor.

The Village of Maybrook Police Department serves the 1.3-square-mile area of the Village that is located within the Town of Montgomery and Town of Hamptonburgh boundaries. The Police Department is the primary patrol and investigative authority for the Village and provides protection and services to Village citizens. The Department also performs various public safety programs, including Stop DWI to ensure motorist travel safety. It also offers a House Watch program in which an officer will routinely stop by a resident's vacant home while they are away to check doors and locks.

The Police Department is guided by a Protect and Serve philosophy. Our police officers are not here to generate revenue and their success is not measured by quotas. They are here to protect and serve our communities and to do so fairly and justly without bias or prejudice.



## Mission Statement

*The Mission of the Village of Maybrook Police Department is to enforce the law and promote a feeling of safety and security for all members of the community. The Village of Maybrook Police Department will work in cooperation with the community to preserve, improve and maintain the quality of life, making the Village a safer, more pleasant place to live, work and visit.*

## Core Values

*Implemented into our Core Values is the C.H.A.R.M. standard which every Maybrook Police Officer is being held responsible to:*

**COURAGE** – *Having the courage and conviction to see every mission through with integrity even when or if it may not be the popular thing to do.*

**HONOR** – *Having pride in everything we do from our appearance right down to our paperwork.*

**ACCOUNTABILITY** – *Seeking the highest levels of ethical and moral conduct on and off duty; holding ever officer responsible for their conduct.*

**RESPECT** – *Having respect for all citizens both inside and outside of the organization with special emphasis in preserving the trust of the public by performing all duties impartially while respecting the dignity of all citizens and fellow employees.*

**MOTIVATION** – *Our officers are required to handle every task with drive and enthusiasm in order to property “Serve and Protect” the public as we were sworn to do.*

**“The Village of Maybrook Police Department shall provide fair and equitable services to everyone, with no regard to color, creed, national origin, sexual orientation or religion. All members of the Department are expected to act honestly, and with a sense of pride while carrying out their duties and responsibilities.”**

**“We value innovation and proactive approaches in meeting our goals or reducing crime, maintaining public order and enforcing laws.”**



## The Police Reform and Reinvention Collaborative Process

Upon learning of Governor Cuomo's Executive Order No. 203 mandating police reform, the Mayor Dennis K. Leahy, Sergeant Michael Maresca, Village Clerk Valentina Johnson and Attorney Kelly Naughton had meetings about the Executive Order Requirements and the path forward. The Maybrook Board of Trustees, as the legislative body with responsibility for the Maybrook Village Police Department, has the responsibility for conducting this review. Following these meetings, Mayor Dennis K. Leahy discussed with the Board of Trustees at a public meeting the formation of the Police Reform & Reinvention Collaborative Action Committee, and requesting participation from members from the community, as the review process was intended to involve the entire community. It was facilitated by the Mayor and the Police Sergeant aided by the Police Reform & Reinvention Collaborative Action Committee. This team developed a work plan in accordance with the suggested flow starting in early October.



- **Planning** – in October, November and December, we reviewed our current policies, gathered relevant data, established the calendar for developing the plan, and began outreach to ensure diverse community participation. Announcements were made on the Village of Maybrook social media pages, on the Village website, and posted on the door of Village Hall. We used online means to the maximum extent in order to safely solicit inputs from all our residents whether they could be physically present or not.
- **Listening and Learning** – Mid-November through the end of January we gathered community inputs through various means.
  - An online survey was open from November 18, 2020 through December 9, 2020
  - Public Listening Sessions were conducted on December 17, 2020 at 4:30pm via WebEx and on January 20, 2021 at 5:00pm via WebEx
  - Comments could be sent to the Mayor, Police Department, or Village Hall via letter
- **Draft Initial Proposals** – The framework for the plan document was started in October as we gathered the input data. The Plan work started in earnest in mid-December after the majority of the public inputs had been received. The draft plan was presented to the Village Board at their normal monthly meeting on February 22, 2021.





- Public Comment – Following the Board of Trustees’ review of the Draft Proposal, the plan was posted on the Village website and a public meeting held on March 8, 2021 to review the plan.
- ***Revise and Ratify – After the public comment period, the plan was updated and presented for Board of Trustees Ratification at the March 22, 2021 regular monthly Board of Trustees meeting to ensure completion by the April 1, 2021 deadline.***



## Public Input – Online Survey

The online survey responses are shown below. There were 15 responses received. To minimize the possibility of attributing a specific response to any individual, the comments are grouped by question and portions of responses containing potentially personally identifiable information have been edited out. Responses were not otherwise edited. A complete copy of the survey will be kept by the Village for later reference.

### Community Involvement

**Question #1:** To what extent does the Village of Maybrook Police Department develop relationships with community members (e.g., residents, organizations and groups)?

Not at all	5
A little	1
Somewhat	4
A lot	3
To a great extent	2
Left Blank	0

**Question #2:** To what extent does the Village of Maybrook Police Department regularly communicate with community members (e.g., websites, e-mails, or public meetings)?

Not at all	3
A little	6
Somewhat	3
A lot	1
To a great extent	1
Left Blank	1

**Question #3:** To what extent does the Village of Maybrook Police Department make it easy for community members to provide input (e.g., comments, suggestions, and concerns)?

Not at all	5
A little	3
Somewhat	5
A lot	0
To a great extent	2
Left Blank	0

**Question #4:** To what extent does the Village of Maybrook Police Department work together with community members to solve local problems?

Not at all	8
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A little	0
Somewhat	3
A lot	2
To a great extent	2
Left Blank	0

**Question #5:** Community policing involves officers in the Village of Maybrook Police Department working with the community to address the causes of crime in an effort to reduce the problems themselves through a wide range of activities. Based on this definition, to what extent do you think the Village of Maybrook Police Department practices community policing?

Not at all	8
A little	2
Somewhat	1
A lot	2
To a great extent	2
Left Blank	0

### Safety

**Question #6:** Please select the three (3) issues you think are the greatest problems within the Village of Maybrook:

Burglaries/thefts (auto)	2
Burglaries/thefts (residential)	1
Child abuse	0
Child sexual predators/Internet safety	0
Disorderly conduct/public intoxication/noise violations	3
Disorderly youth (e.g., cruising or gathering)	7
Domestic violence (adult)	3
Driving under the influence (i.e., alcohol or drugs)	0
Drug abuse (e.g., manufacture, sale, or use of illegal/prescription drugs)	9
Fraud/identity theft	0
Gang activity	0
Gun violence	0
Hate crimes	0
Mugging	0
Physical Assault	0
School safety (e.g., bullying, fighting or weapons)	0
Sexual assault/rape (adult)	0
Traffic issues/residential speeding	10
Underage drinking	1
Vandalism/graffiti	1
Other	Left blank



**Question #7:** To what extent do you feel safe in your community when you are outside alone during the day?

Not at all	0
A little	5
Somewhat	4
A lot	1
To a great extent	5
Left Blank	0

**Question #8:** To what extent do you feel safe in your community when you are outside along at night?

Not at all	2
A little	7
Somewhat	2
A lot	0
To a great extent	4
Left Blank	0

**Question #9:** Over the last 12 months, to what extent have your feelings of safety in your community increased, decreased or stayed the same?

Decreased a lot	1
Decreased some	0
Stayed the same	12
Increased some	0
Increased a lot	2

**Question #10:** To what extent do officers in the Village of Maybrook Police Department treat people fairly?

Not at all	5
A little	0
Somewhat	5
A lot	1
To a great extent	4
Left Blank	0

**Question #11:** To what extent do officers in the Village of Maybrook Police Department show concern for community members?

Not at all	5
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A little	0
Somewhat	6
A lot	0
To a great extent	4
Left Blank	0

**Question #12:** To what extent are officers in the Village of Maybrook Police Department respectful?

Not at all	4
A little	1
Somewhat	3
A lot	3
To a great extent	4
Left Blank	0

**Question #13:** To what extent is the Village of Maybrook Police Department responsive to the concerns of community members?

Not at all	5
A little	0
Somewhat	5
A lot	1
To a great extent	4
Left Blank	0

**Question #14:** To what extent do you trust the Village of Maybrook Police Department?

Not at all	8
A little	0
Somewhat	0
A lot	2
To a great extent	5
Left Blank	0

**Question #15:** If you had contact with an officer in the Village of Maybrook Police Department during the past 12 months, to what extent did the officer sufficiently explain his/her actions and procedures?

Not at all	5
A little	0
Somewhat	0
A lot	3
To a great extent	2



N/A 5

### Performance

**Question #16:** To what extent is the Village of Maybrook Police Department effective at proactively preventing crime?

Not at all	1
A little	4
Somewhat	5
A lot	1
To a great extent	4
Left Blank	0

**Question #17:** To what extent is the Village of Maybrook Police Department addressing the problems that really concern you?

Not at all	8
A little	1
Somewhat	2
A lot	0
To a great extent	4
Left Blank	0

**Question #18:** To what extent are you satisfied with the overall performance of the Village of Maybrook Police Department?

Not at all	8
A little	0
Somewhat	1
A lot	4
To a great extent	2
Left Blank	0

### Contact and Satisfaction

**Question #19:** How many times in the past 12 months have you had contact with the Village of Maybrook Police Department?

0 times	2
1-2 times	2
3-4 times	1
5-6 times	3
7 or more times	6



Left blank 1

**Question #20:** To what extent are you satisfied with your interaction(s) with the Village of Maybrook Police Department?

Very dissatisfied	5
Dissatisfied	1
Neither satisfied nor dissatisfied	0
Satisfied	6
Very satisfied	3

### Demographics

**Question #21:** How many years have you lived in the Maybrook Community?

4 years - 1
5 years - 3
6 years - 1
7 years - 1
8 years - 4
12 years - 1
23 years - 1
30 years - 1
33 years - 1
45 years - 1

*\*This question was included because the community is larger than just the Village, and the Police Department does provide services outside of the Village on occasion. It was useful to understand the Responder's perspective.*

**Question #22:** What is your gender?

Female	4
Male	6
Prefer not to say	5

**Question #23:** Are you Hispanic or Latino?

Yes	1
No	6
Prefer not to answer	8



**Question #24: What is your race?**

American Indian or Asian	0
Black or African	2
Native Hawaiian or other Pacific Islander	0
White	5
Prefer not to answer	8

**Question #25: What is your age group?**

17 years or younger	0
18-29 years	0
30-39 years	3
40-49 years	4
50-59 years	1
60-69 years	2
70 years or older	0
Prefer not to answer	5

**Public Input – Meetings, Emails and Conversations**

There were two virtual Listening Sessions that were open to the public. The first session was held on December 17, 2020 at 4:30pm. There were five members of the public in attendance, as well as several of the Committee members. The second session was held on January 20, 2021 at 5:00pm. The general concerns that arose during the sessions involved the Police Department's interaction with the public, both in person and on line. The major themes that were raised included:

- Police should have more mental health resources available when needed
- The Police Department webpage could be better (*i.e.*, information concerning the mission, policies and values would help with transparency and communications)
- There should be a stronger relationship between the minors in the Village and the Police Department. There are disorderly youth in the Village, and the Police Department should have procedures in place concerning approaching those individuals, and disciplining those individuals.
- How complaints and disciplining members of the Police Department are handled.

There were several emails received after the Listening Sessions with further suggestions including incorporating the youth from the local schools onto the Committee, and holding "know your rights" seminars.





## Summary of Public Input

As with any activity that solicits input from diverse sources, the Committee received a diverse set of responses ranging from complete support of the Department with no changes, to detailed ideas for better training and communications. Communication was the largest theme among the responses – it became clear that the Village Police Department need to do a lot more to engage with and improve its connections with the community. The results of the planning and public input process were then analyzed by the Committee to aid in drafting this plan.

### ***Insert Summary of Public Input on Draft Plan***

## Police Reform Analysis and Plan

Following several months of collaborative efforts, the Village of Maybrook Police Reform and Reinvention Collaborative Committee has brought together viewpoints from community stakeholders. In addition, we have made several attempts to engage the public and gather information regarding how the community feels, as a whole, about the performance of the Maybrook Police Department. The Committee has made a concerted effort to thoroughly review a majority of the operations of the Maybrook Police Department. The Committee feels that the Maybrook Police Department is meeting the suggested requirements in many areas of the Governor's Order. There are some areas in which the Committee has made recommendations that we feel will aid the Maybrook Police Department in the performance of their duties. These recommendations and plans of actions are listed below.

While reviewing the police operations through Committee meetings and community feedback, the Committee has maintained a focus on maintaining and building on the positive police-community relationship. Driving this relationship is how the Maybrook Police Department operates and is perceived by the community it serves.

A concept that embodies this ongoing process is procedural justice and its relationship to police legitimacy. Procedural justice is the measurement of public trust and confidence in the police, how much they believe in police honesty and competency, and their perception that police treat people fairly and respectfully.

There are four core principles of procedural justice: voice, neutrality, respect and trustworthiness. Neutrality involves an officer making decisions based on legal principles and facts, rather than their personal opinions or biases. Respect coincides with people's desire to be treated with dignity and politeness while maintaining their rights. When perceptions arise and individuals feel that police did not treat them appropriately, future interactions could result in a negative outcome. Likewise, when approached correctly, even a bad outcome for the individuals should result in an objectively positive interaction. Trustworthiness is the perception that the police are benevolent, caring, and have the best interests of people at heart. This trust is built by



incorporating the other facets of procedural justice, with the added effort by police to explain or justify their actions. Taking the time to explain a situation shows awareness and empathy for people's needs and concerns.

The procedural justice concept does not abrogate police officers' authority and the requirement to perform their duties lawfully. Therefore, the community plays a significant role in the procedural justice and legitimacy paradigm. When law enforcement officers act under the above principles, the community must also respect the laws and authority granted to law enforcement.

In furtherance of these principles and to see if there has been any implicit bias by officers in the Village, the Police Department performed a review of its reports for the last three years (2018, 2019 and 2020) for calls of suspicious activities, suspicious vehicles and suspicious persons. In 2018, there were 41 total suspects: 12 were noted as being white, 2 were noted as being black, and 27 were noted as "Unknown" or "N/A". Of those suspects, 7 were noted as being non-Hispanic, and 1 was noted as being Hispanic. In 2019, there were 43 total suspects: 8 were noted as being white, 5 were noted as being black, 2 were noted as being Indian, and 28 were noted as "Unknown" or "N/A". Of those suspects, 13 were noted as being non-Hispanic, and 3 were noted as being Hispanic. In 2020, there were 34 total suspects: 10 were noted as being white, 5 were noted as being black, and 19 were noted as "Unknown" or "N/A". Of those suspects, 6 were noted as being non-Hispanic, and 1 was noted as being Hispanic.

The Police Department also performed a review of all arrests made in the last three years (2018, 2019 and 2020). In 2018, there were 51 arrests made: 43 individuals were noted as being white, and 8 individuals were noted as being black. In 2019 there were 53 arrests made: 36 individuals were noted as being white, and 17 individuals were noted as being black. In 2020 there were 29 arrests made: 21 individuals were noted as being white, and 8 individuals were noted as being black.

The Village of Maybrook's Police Reform & Reinvention Plan implements the following changes and initiatives.

## I. Policy and Procedures

Since 2012, the Maybrook Police Department started issuing Department General Orders, which previously had not been updated since the 1980s. These Orders set forth the policies and procedures of the Police Department, and each one meets the standards set forth by the New York State Department of Criminal Justice Services.

There are six recognized "Pillars of Community Policing" (see 21<sup>st</sup> Century Policing) that help strengthen police departments:

1. Building trust and legitimacy
2. Policy and oversight
3. Technology and social media



4. Community policing and crime reduction
5. Training and education
6. Officer wellness and safety.

These pillars are used as additional guidelines when policies and procedures are developed for the Maybrook Police Department. Going forward, each year, the policies will be reviewed and updated as needed, either by mandate of the State of New York, or as the needs of the community are reviewed.

Many of the current policies and procedures address specific issues outlined in the Governor's Executive Order and/or are being reviewed with an aim of achieving the goals addressed in the Order:

- General Order No. 4: Rules of Conduct
- General Order No. 5: Disciplinary Procedures
- General Order No. 6: Use of Force
- General Order No. 7: Taser Operations
- General Order No. 12 : Discrimination Policing, including sexual harassment and other unlawful workplace harassment
- General Order No. 17: Electronic Recording of Interviews

In connection with the Governor's Executive Order, the Police Department is updating the existing Use of Force policy to meet the new standards of the Order, and the directives issued by the NYS Department of Criminal Justice Services. The proposed updated policy is shown in Appendix A. The Police Department will continue to review and update its policies to further address the directives.

Another directive contained in the Governor's Order is the need for transparency between the law enforcement agency (Police Department) and the community it serves. The Committee determined that to address this directive, the Police Department should have a separate page on the Village of Maybrook's webpage ([www.villageofmaybrook.com](http://www.villageofmaybrook.com)). This will provide the ability for certain General Orders to be viewed by the public. The website will also include downloadable forms for Freedom of Information Law requests (F.O.I.L.s) from the Police Department, as well as Commendation/Complaint Forms. (See Appendix B.)

## II. Departmental Training

The officers of the Village of Maybrook Police Department receive \_\_\_ training hours annually. These hours are primarily devoted to the following areas:

- Firearm Training
- Use of Force Review



- Use of Deadly Physical Force Review
- Legal Updates
- Bloodborne Pathogen/Hepatitis Awareness
- Taser Re-Certification
- Workplace Violence
- Sexual Harassment
- First Aid/CPR/AED Certification
- General Orders/Rules and Regulation Review
- Implicit Bias Training
- Breath Test Certification

Beginning in early 2020, the Maybrook Police Department was required to complete training for Implicit Bias. The entire Department will have completed this training by mid-2021. In addition, a part-time Sergeant is being certified as a trainer on this topic. Training will be able to be hosted and held by the Village for its Department, and can be hosted and held for officers of other departments in the community as well.

Additionally, the Department also has an officer certified in the field of de-escalation and defensive tactic instructors in 2021. This is another field that the Village views as vitally important, especially in situations that involve use of force measures.

Being a law enforcement officer can be extremely stressful and challenging and as such there are aspects of the job that can impact mental wellness of police officers. The Maybrook Police Department will strive to implement an Officer Wellness Program that supports the safety, health (both physical and mental), and wellness of every member of the Department.

### III. Community Outreach

2020 was a divisive time for police-community relations. The brutal acts of certain police officers in our country had the collateral effect of destroying public confidence and trust in law enforcement. Across our nation we heard cries to defund the police and saw violent clashes between citizens and law enforcement officers. While the Village did not experience any community-police division first-hand, we, like the rest of the world, all bore witness to these tumultuous events.

Bridging the divide between police officers and the community they protect and serve is an important part of restoring the public's trust and confidence in law enforcement. We know this is important to our community. The Village's online survey received several responses indicating that there should be increased police interaction with the public and community organizations. As part of this Reform & Reinvention Plan, the Village pledges to increase community outreach, engagement and education in a variety of ways and hopes to build a positive relationship between police and our citizens.



There is strong support for identifying ways for our police officers to be out in the community in positive ways. Past and other possible initiatives include:

- Offering the DARE program
- The Bike Rodeo
- Offering Scam Awareness Sessions
- Hope Not Handcuffs (assists with mental health)
- Bike Helmet Awareness
- Trunk or Treat
- Maybrook Fair/July 4<sup>th</sup> Celebration
- Participation in career days
- Movie nights (interaction with children)
- National Night Out
- Heroin and other epidemic seminars for the community (assists with mental health)

The concept of community outreach was a frequent topic of discussion within the Committee, and the need to engage the community and embrace that concept. However, it cannot fall completely on the shoulders of the Police Department; the Village and the Police Department welcome suggestions provided by the community.

## Conclusion

To achieve the directives from New York State Governor Andrew Cuomo's Executive Order 203, the Committee worked diligently over the past several months to increase community participation through this process, even while some Health Department restrictions existing as a result of COVID 19. We do not believe that these restrictions prevented anyone from being given the opportunity to offer comments or raise concerns.

After taking every suggestion into account, the Committee believed the most important topics were community relations, transparency, training, mental health and policy revisions. Each of these topics is discussed in this report, in the recommendations, and in revisions to policies of the Maybrook Police Department.

The Village of Maybrook and the Maybrook Police Department will continue to monitor and measure the success of our plan by reviewing data, expanding and modifying our training and by listening to our community. We want to thank the community and community leaders involved in this process.



# Appendix A



# VILLAGE OF MAYBROOK POLICE

**General Order #**

**Page 1 of 10**

**Subject:** Use of Force

**Issue Date:**

**Effective Date:**

**Distribution:** All Personnel

## **I. Purpose:**

The purpose of this Order is to establish a policy for the use of force by Department members that is within the limits established by Article 35 of the New York State Penal law, and consistent with training provided by the Department. This Order provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of the Department is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner. (Executive Law § 840).

## **II. Policy**

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. The policy of the Department is that members exhaust every reasonable means to effectively bring an incident or person under control before using force. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties. If force is necessary, members shall use only the amount of force that is reasonable and necessary in light of the circumstances to effectively and safely bring an incident or a person under control, while protecting themselves or others. Officers must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties. It shall be the utmost priority of the Department to protect and serve all individuals of the Village and to respect the inherent life, liberty, dignity, and worth of all individuals by preserving human life, and minimizing physical harm and the reliance on use of force, and by conducting their duties without prejudice. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation and a careful balancing of all interests.

## **III. Definitions**

**Objectively Reasonable** – An objective standard used to judge an officer's actions. Under this standard, a particular application of force must be judged through the perspective of a reasonable officer facing the same set of circumstances, without the benefit of hindsight, and be based on the totality of the facts that are known to that officer at the time that the force was being used.



**Force** – The application of physical methods, tactics, chemical agents, weapons or approach to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed, or restrained.

**Deadly Physical Force** – Physical force which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury, and which is reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury.

**Physical Injury** – Impairment of physical condition or substantial pain.

**Serious Physical Injury** – Physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ.

**Totality of circumstances** – All facts and circumstances known to the officer at the time, taken as a whole, including the conduct of the officer and the subject leading up to the use of force.

#### **IV. Use of Force**

Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose. The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving. Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident. It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided by this department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose. While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable force.

##### **A. Use of Physical Force**

1. Members of the Department shall use only the minimum force necessary to achieve control.
2. Members of the Department may use objectively reasonable force in the performance of official duties only if it is necessary:
3. To effect a lawful arrest or detention.





4. To prevent the escape from custody of a person whom the officer reasonably believes to have committed an offense.
  5. To defend the member or another person from what the officer reasonably believes to be the use or imminent use of physical force.
  6. To restrain or subdue an uncooperative or resistant person.
  7. To safely and effectively control an unlawful or hazardous situation.
- B. Members of the Department should when practicable (a) reassess a situation to determine whether force is still necessary and what the proper amount of force is at that moment, and (b) not behave in a manner that would exacerbate the need for greater force.
- C. Force shall not be used by an officer to:
1. Extract an item from the anus or vagina of a subject without a warrant, except where exigent circumstances are present;
  2. Coerce a confession from a subject in custody;
  3. Obtain blood, saliva, urine, or other bodily fluid or cells from an individual for scientific testing in lieu of a court order where required; or
  4. To fire a warning shot under any circumstances.
- D. Chokeholds and obstruction of breathing or blood circulation: any application of pressure to the throat, windpipe, neck or blocking the mouth or nose of a person in a manner that may hinder breathing, reduce intake of air or obstruct blood circulation is prohibited, unless deadly physical force is authorized.
- E. Factors Used to Determine the Reasonableness of Force

When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include but are not limited to:

1. Immediacy and severity of the threat to officers or others.
2. The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
3. Officer/subject factors (i.e., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
4. The effects of drugs or alcohol.
5. Individual's mental state or capacity.
6. Proximity of weapons or dangerous improvised devices.
7. The degree to which the individual has been effectively restrained and his/her ability to resist despite being restrained.
8. The availability of other options and their possible effectiveness.
9. Seriousness of the suspected offense or reason for contact with the individual.
10. Training and experience of the officer.
11. Potential for injury to officers, suspects and others.
12. Whether the individual appears to be resisting, attempting to evade arrest by flight or is attacking the officer.



13. The risk and reasonably foreseeable consequences of escape.
14. The apparent need for immediate control of the individual or a prompt resolution of the situation.
15. Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
16. Prior contacts with the individual or awareness of any propensity for violence.
17. Any other exigent circumstances.

## V. Pain Compliance Techniques

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Officers may only apply those pain compliance techniques for which they have successfully completed department- approved training. Officers utilizing any pain compliance technique should consider:

- A. The degree to which the application of the technique may be controlled given the level of resistance.
- B. Whether the individual can comply with the direction or orders of the officer.
- C. Whether the individual has been given sufficient opportunity to comply.
- D. The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved.

## VI. Carotid Control Hold

- A. The proper application of the carotid control hold may be effective in restraining a violent or combative individual. However, due to the potential for injury, the use of the carotid control hold is subject to the following:
  1. The officer shall have successfully completed department- approved training in the use and application of the carotid control hold.
  2. The carotid control hold may only be used when this General Order authorizes deadly physical force.
  3. The application of a carotid control hold on the following individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective, or would present a greater danger to the officer:
    - a. Individuals who are known to be pregnant
    - b. Elderly individuals
    - c. Obvious juveniles
  4. Any individual who has had the carotid control hold applied, regardless of whether he/she was rendered unconscious, shall be promptly examined by medical personnel and should be monitored until examined by medical personnel. A Supervisor shall be contacted immediately.
- B. The officer shall inform any person receiving custody, or any person placed in a position of providing care, that the individual has been subjected to the carotid control hold and whether the individual lost consciousness as a result.



- C. Any officer attempting or applying the carotid control hold shall promptly notify a supervisor of the use or attempted use of such hold.
- D. The use or attempted use of the carotid control hold shall be thoroughly documented by the officer in any related reports.

## **VII. De-Escalation**

When practicable, reasonable and safe under the circumstances, members of the Department should use appropriate de-escalation techniques to decrease the likelihood that force will be necessary to gain control.

## **VIII. Duty to intervene**

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

## **IX. Deadly Force Applications**

- A. Use of deadly force may be justified in the following circumstances:
  - 1. An officer may use deadly force to protect him/herself or others from what he/she reasonably believes would be an imminent threat of death or serious bodily injury.
  - 2. Deadly physical force may be used to stop a fleeing suspect where:
    - a. The officer has probable cause to believe that the individual has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death; and
    - b. The officer reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the individual is not immediately apprehended.
    - c. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.
  - 3. Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes any of the following:



- a. The individual has a weapon or is attempting to access one and it is reasonable to believe the individual intends to use it against the officer or another person.
- b. The individual is capable of causing serious bodily injury or death without a weapon and it is reasonable to believe the individual intends to do so.

#### B. Shooting at or from Moving Vehicles

Shots fired at or from a moving vehicle are rarely effective. Officers should move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others. Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.

### X. Use of Weapons/Instruments

- A. The use or threatened use of a weapon or instrument by an officer against a person is a use of force. While on-duty, officers shall carry only the following weapons/instruments:
  1. Department-issued, or authorized sidearm and ammunition;
  2. Department-issued, or authorized, long-gun and ammunition;
  3. Department-issued OC-Spray;
  4. Department-issued, or authorized, impact weapon;
  5. Department-issued, or authorized, flashlight.

\*\* Officers are permitted to carry a folding knife with a blade not exceeding 4" in length when opened.

- B. The use of force, or the use of a weapon or instrument, shall be done in accordance with training techniques and instruction provided or approved by the Department.

### XI. Use of Force Continuum

A number of factors are taken into consideration when an officer selects force options, and when evaluating whether the officer used reasonable force. Officers must be able to articulate the facts and circumstances surrounding the force used in a particular situation. An officer's use of force will be judged by reasonableness and necessity. Factors that affect an officer's force selection include, but are not limited to:

#### A. Officer/Subject factors

1. Age



2. Size
  3. Strength
  4. Skill level
  5. Exhaustion
  6. Injury
  7. Officer/subject ratio
- B. Seriousness of the offense
  - C. Influence of drugs/alcohol
  - D. Subject's emotional condition/mental instability
  - E. Physical condition/disability
  - F. Proximity to weapons
  - G. Other exigent circumstances
  - H. Availability of other options

## **XII. Duty to Render Aid**

- A. A member who has custody of a person must provide attention to the medical and mental health needs of such person and obtain assistance and treatment of such needs, which are reasonable and provided in good faith under the circumstances. This includes providing appropriate and timely medical attention provided to a person injured as a result of a use of force incident.
- B. The immediate mental health needs of a person shall be based upon the reasonable cause to believe that a person, who appears to be mentally ill, is conducting themselves in a manner which is likely to result in a serious harm to themselves or others.

## **XIII. Reporting the Use of Force**

- A. Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis and related purposes, officers shall complete a "Use of Force" form in addition to documenting any use of force in their Case report.
- B. Notifications to Supervisors
  1. Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:
    - a. The application caused a visible injury.
    - b. The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
    - c. The individual subjected to the force complained of injury or continuing pain.
    - d. The individual indicates intent to pursue litigation.



- e. Any application of the TASER (TM) or control device.
- f. Any application of a restraint device other than handcuffs, shackles or belly chains.
- g. The individual subjected to the force was rendered unconscious.
- h. An individual was struck or kicked.
- i. An individual alleges any of the above has occurred.

#### **XIV. Medical Considerations**

Prior to booking or release, medical and/or mental health assistance shall be obtained for any person who exhibits signs of physical distress, mental distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious. Any individual exhibiting signs of physical or mental distress after an encounter should be continuously monitored until he/she can be medically assessed. Based upon the officer's initial assessment of the nature and extent of the individual's injuries, medical assistance may consist of examination by an emergency medical services provider or medical personnel at a hospital or jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible. The on-scene supervisor, or if not available, the primary handling officer shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration). Individuals who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and imperviousness to pain (sometimes called "excited delirium"), or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away.

#### **XV. Supervisor Responsibilities**

- A. When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:
  - 1. Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
  - 2. Ensure that any injured parties are examined and treated.
  - 3. When possible, separately obtain a recorded interview with the individual upon whom force was applied. If this interview is conducted without the individual having voluntarily waived his/her Miranda rights, the following shall apply:
    - a. The content of the interview should not be summarized or included in any related criminal charges.



- b. The fact that a recorded interview was conducted should be documented in a property or other report.
  - c. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
4. Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.
5. Identify any witnesses not already included in related reports, including any officers present at the incident.
6. Review and approve all related reports. Supervisors should require that officers who engaged in the use of force submit the appropriate report.
7. Determine if there is any indication that the individual may pursue civil litigation. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
8. Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy noncompliance or if for any reason further investigation may be appropriate. Disciplinary actions will be consistent with any applicable disciplinary guidelines and collective bargaining agreements.

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

#### B. Chief of Police Responsibilities

1. The Chief of Police shall review each use of force by any personnel within the Department to ensure compliance with this policy and to address any training issues.
2. The Chief of Police should ensure that a Records Clerk is provided with enough information to meet the use of force reporting requirements for the Division of Criminal Justice Services (“DCJS”)

#### C. Sergeant Responsibilities

1. The Sergeant shall ensure that reports are submitted to the DCJS when an officer:
  - a. Brandishes, uses, or discharges a firearm at or in the direction of another person.
  - b. Uses a carotid control hold or similar restraint that applies pressure to the throat or windpipe of a person in a manner that is reasonably likely to hinder breathing or reduce intake of air.
  - c. Displays, uses, or deploys a chemical agent or control device, including but not limited to oleoresin capsicum (OC), pepper projectiles, tear gas, batons, or kinetic energy projectiles (see the Control Devices Policy).
  - d. Brandishes, uses, or deploys an impact weapon.
  - e. Brandishes, uses, or deploys an electronic control weapon, including an electronic stun gun, flash bomb, or long-range acoustic device (see the Conducted Energy Device Policy).



- f. Engages in conduct which results in the death or serious bodily injury of another person.

## **XVI. Training**

- A. Officers will receive annual training on this policy and demonstrate their knowledge and understanding. Training topics should include applications of use of force and conflict strategies.
- B. All members are required to receive annual training on use of force under Article 35 of the Penal Law.
- C. Use of force training should also include, when possible, additional topics such as conflict prevention, conflict resolution and negotiation, and de-escalation techniques and strategies, including, but not limited to, interacting with persons presenting in an agitated condition as well as the duty to intervene and prohibited conduct.
- D. This policy is not intended to be a substitute for proper training in the use of force. Comprehensive training should be key to the real-world application of the concepts discussed within this policy.

## **XVII. Use of Force Policy as a Public Document**

- A. This Use of Policy is considered a public document under NYS Executive Law § 840(4) and shall be made available to members of the public without charge promptly upon request and posted on the Department's website.
- B. Revisions to this policy shall be updated on the Village's website within 72 hours of approval.





# Appendix B



**VILLAGE OF MAYBROOK**

**POLICY AND PROCEDURE FOR IMPLEMENTATION OF FREEDOM OF INFORMATION LAW(FOIL)**

**REQUEST FOR INFORMATION UNDER THE FREEDOM OF INFORMATION LAW**

**INSTRUCTIONS:** In order to make a request for information under the Freedom of Information Law, the Village's procedures require that this form be completely filed out by the individual seeking access to records and provided to the Records Access Officer for the Village of Maybrook. Please complete this form and submit to Valentina Johnson, Records Access Officer, 111 Schipps Lane, Middletown, New York 12543; email to: vjohnson@villageofmaybrook.com Fax 845-427-2164. Fees for copies .25 per page up to 9x14 fees for other records based on actual cost of reproduction.

PRINT NAME: \_\_\_\_\_

MAILING ADDRESS \_\_\_\_\_

PHONE NUMBER \_\_\_\_\_

Email Address \_\_\_\_\_ DETAILED DESCRIPTION OF RECORD(S) REQUESTED:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature \_\_\_\_\_

RECORDS ACCESS OFFICER RECEIPT  
DATE REQUESTED BY RECORDS ACCESS OFFICER:

Signature of Records Access Officer: \_\_\_\_\_

Valentina Johnson,  
Records Access Officer

All Appeals should be directed to the office of the Mayor, 111 Schipps Lane, Maybrook, New York 12543.





# Appendix C



**HOUSE CHECK FORM TO BE INSERTED**

