



TOWN  
OF  
TUXEDO

ORANGE COUNTY,  
NEW YORK

Tuxedo N.Y. Police Reform and Revitalization  
Collaborative

Report to the Tuxedo Town Board

July, 2021

Report from the Tuxedo Community Police Reform and Revitalization  
Collaborative Committee

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## **I Executive Summary**

This report is hereby presented to the Town of Tuxedo, per Governor Andrew Cuomo's Executive Order 203 which calls for a review of our local Police Department. The report includes the research, findings, and recommendations of the workgroups of Tuxedo residents and office holders who were charged with reviewing the Tuxedo Police Department.

The group's work began late winter of 2021. A survey was developed to elicit feedback from residents about the Tuxedo Police Department. 118 residents and others who travel through Tuxedo completed this survey. Four work groups met throughout the spring conducting research, analyzing findings and creating recommendations. The Chief of Police and all of the full-time police department staff met with work group members to provide information.

Presented here are 49 recommendations falling into several categories including policies, practices, staffing, training, equipment, accreditation, mental health and youth, and community engagement. Significant among the recommendations are:

- a. A return to 24/7 police department services, including the hiring of female staff;
- b. Refine or develop departmental policies consistent with new state and national policies such as the George Floyd Justice in Policing Act.;
- c. Expand use of county and state programs, and develop local training programs to increase the ability of the force to utilize practices and policies that are antiracist in all interactions with People of Color and other marginalized communities;
- d. Continue work on accreditation of the department;
- e. Increase use of county emergency community services when responding to mental health, substance abuse and domestic violence calls;
- f. Develop systems of citizen involvement with the police department including a possible liaison group or civilian review board;
- g. Return to pre Covid 19 community engagement programs.

Included in the report are the twenty-nine comments received by the collaborative members at two open community meetings held to review a draft report on June 29 and 30, 2021. It is hoped and expected that the material presented, and recommendations offered will be used by the Town

Board and the Tuxedo Police Department to consider departmental changes. This report is presented in two parts, the reports and an appendices with supporting documents.

## **II. Compilation of Recommendations**

Recommendations from all Work Groups have been organized into subject categories of policies, practices, staffing, training, equipment, accreditation, mental health and youth, and community engagement.

### **Policies:**

- 1. Adjust the Civil Service rules on police staffing to provide more flexibility in hiring employees who would better represent and relate to the community.**
- 2. Each amendment should be flagged. A record should be retained with the initials of who initiated the amendment. This will enable a paper trail of changes. Without these entries, the amendments are irrelevant.**
- 3. All police employee names should be added and maintained in the Organization Chart current with responsibilities of each level of officer (supervision, scheduling, union position, training, e.g.).**
- 4. Update the “Town of Tuxedo Police Department’s Mission and Values” Statement within the context of the George Floyd Justice in Policing Act.**
- 5. Eliminate wording: *anus or vagina of a subject* and change to *all bodily orifices of a subject*. Regarding the Use of Force policy.**
- 6. General Orders need to be updated in accordance with new law enforcement policies mandated by the state.**
- 7. Policies, or General Orders, need to be written in the following areas:  
addressing de-escalation of tensions during an arrest;  
addressing choke holds;  
addressing the technique of ‘hot pursuit’ (in the absence of, see lawsuit re: Tuxedo 2019).**
- 8. General Orders concerning Use of Force and Deadly Physical Force shall reflect and incorporate the language and values of George Floyd Justice in Policing Act of 2021.**
- 9. Adjust the civil service rules on police staffing to provide more flexibility in hiring employees who would better represent and relate to the community.**

**Practices:**

- 10. The Department shall become familiar with, study, and incorporate all principles of George Floyd Justice in Policing Act of 2021 including but not limited to:**

**Working to end racial & religious profiling;**

**Banning chokeholds and no-knock warrants;**

**Requiring body cameras;**

**Empowering our communities to reimagine public safety in an equitable and just way;**

**Change the culture of law enforcement with training to build integrity and trust;**

**Improve transparency by collecting data on police misconduct and use-of-force.**

- 11. The department shall begin keeping statistical records of the race of individuals stopped by police officers. To facilitate this, officers should enter the race of the individuals they have stopped (not only of those they arrested). The officer should not ask the individual stopped of her/his race, but record basic perception of the individual stopped. These records should be reviewed. This process is important to establish safe and courteous guidelines for People of Color who are stopped by police, as we recognize that part of systemic racism is that a Person of Color is more frequently stopped because of the color of their skin.**

- 12. Maintain departmental statistics on bias-related incidents, hate crimes.**

- 13. Allow the Chief of Police in his/her role, in addition to the Town Board, more responsibility to discipline an officer violating the department's policies and procedures.**

- 14. All officers shall accurately record all information when reporting medical attention provided. Such information shall include when, how, what type, what organizations provided assistance and the time of interaction.**

- 15. Increase patrols on Route 17 to counter the speeding there.**

- 16. Work in conjunction with non-profit organizations who share resources and provide recommendations and advise on our department's policies and training to create a fair and equitable system that values the experiences of Communities of Color and women.**

**Staffing:**

- 17. It appears more beneficial to the community to maintain a local police force working 24/7 rather than outside New York State Police who have no connections to the Town and people of Tuxedo, and the department's policies and practices.**

- 18. Commence 24-hour policing by the Tuxedo Police Department. We recognize that this comes at a significant financial cost.**
- 19. Allow officer staffing to return to previous levels, either by reviewing use of time under current staffing, or increasing the size of the force to allow for increased community engagement.**
- 20. Town funds should be provided for full time, locally situated dispatchers 24/7.**
- 21. The department should place a priority on the interviewing and possible hiring of female officers.**

**Training:**

- 22. Police should be subjected to the same requirements that many licensed professionals are, i.e., expected completion every two years of a certain number of continuing education units.**
- 23. Create programs for local training of officers where inappropriate behavior has been recognized. Diversity training, particularly related to interactions with gender seems warranted.**
- 24. Town funds should be provided for additional mental health training to all officers; and to allow for trained mental health professionals to provide full guidance and assistance whenever an individual's mental health status and abilities are uncertain.**
- 25. Officers should receive annual training of current and applicable laws, drug trends and concealment tactics.**
- 26. Mandate officer's training on working with all "marginalized," communities, and provide thorough record keeping and reporting of all suspected bias-related incidents.**
- 27. Town funds should be provided for additional bias training.**
- 28. Officers should receive training in understanding the medical and psychological issues involved with calls. Patrol cars stocked with equipment such as NARCAN are important.**
- 29. Trainings should occur more frequently; an annual update or 2 times per year will not suffice. Specialized training, anti-racism training, and mental health training shall be trainings that are actively sought after, not merely within Orange County and neighboring counties, but throughout NYS, tri-state, and nationally.**

30. Each Tuxedo police officer should receive officer wellness assessment and training annually.

#### **Equipment:**

31. Town funds shall be provided to require all officers to wear Body Worn Cameras to provide transparency, trust, and accountability. The video footage will either incriminate or exonerate officers. Any expense for necessary hardware and software to record and maintain police interactions with the public is a nominal expense in comparison to the alternative.
32. Each patrol car should carry at least two non-expired Narcan units.
33. Install working burglar and fire alarms at the police station.
34. Reconnect the three remote cameras in the Hamlet to the new camera system at the police station.

#### **Accreditation:**

35. New York State accreditation of the Tuxedo Police force should be pursued to completion.
36. All General Orders including Use of Force, International Affairs, and Health of Persons in Custody should be updated in accordance with requirements for state accreditation.
37. Since the process of completing material for accreditation has been going on for several years, an independent group of Tuxedo residents should review the material in process and assist the department in completing the process.

#### **Mental Health and Youth:**

38. Increase the use of the mobile response team of Orange County for crises involving mental health, substance abuse and individuals with intellectual and developmental disabilities.
39. The Tuxedo Police Department should receive Critical Incident Training and be knowledgeable of local and community programs/resources to help those in need (i.e., substance abuse, mental health issues).

#### **Community Engagement:**

40. Residents should be publicly (in addition to Town Board attendance) informed about why decisions are made about the size of the department and coverage.

- 41. Update the Police Department Website to include: descriptive information, weekly data about police law enforcement and non-law enforcement activities, and a civilian complaint/feedback form.**
- 42. The Town should develop several mechanisms in which citizens have a say in the police department. Such mechanisms might include:**
  - **Civilian Review Board that oversees all complaints filed against the department and individual officers;**
  - **Continue the Collaborative Committee as a liaison from the community to the police;**
  - **Develop a Citizen Advisory Board;**
  - **Consider reinstating the Police Commission.**
- 43. Post weekly information in Photo News as has been done in the past.**
- 44. The Facebook page should continue and expand.**
- 45. Explore the relationship between the Latinex community and the police department (information not gathered via the survey).**
- 46. The police department should have informational sessions with a variety of community groups describing the department and host tours of the police headquarters.**
- 47. Expand community engagement programs to at least pre Covid 19 levels.**
- 48. Find ways to demystify and make the officers more visible to the citizenry in their non-law enforcement roles. These might include:**
  - **Sponsor programs with other town services such as the library and Recreation department;**
  - **Organize informational sessions about the department and provide tours of the police station;**
  - **Create a ride-a-long program allowing members of the community to accompany the police during their daily activities;**
  - **Develop seminars for adults/parents and/or adolescents on issues such as driving, drugs, social media, or scams.**
- 49. Utilize the skills and interests of the individual officers. Develop more specific liaison roles to different constituencies in the community (elderly, school, youth) and expand to groups that might not have an advocate.**



### **III. Description of Process**

#### **A. Initial Order**

This report has been developed to inform the members of the Tuxedo Town Board of the process, findings and recommendations of the committee established by the Town of Tuxedo to review the Tuxedo Police Department per New York State Executive Order 203.

On June 20, 2020, governor Andrew M. Cuomo signed Executive Order 203 New York State Police Reform and Reinvention Collaborative directing that “each local government entity which has a police agency operating with police officers... “must perform a comprehensive review of current police force deployments, strategies, policies, procedures, and practices, and develop a plan to improve such... for the purposes of addressing the particular needs of the communities served by such police agency and promote community engagement to foster trust, fairness, and legitimacy, and to address any racial bias and disproportionate policing of communities of color.”<sup>1</sup>

This review was created in response to the long-time history of police actions leading to the death of predominantly Black men and women in New York State and nationally. Its purpose is to review police departments to “eliminate racial inequities in policing, to modify and modernize policing strategies, polices, procedures and practices, and to develop practices to better address the particular needs of communities of color to promote public safety, improve community engagements, and foster trust.”<sup>2</sup>

Each municipality, in coordination with its police department, was asked to bring together a collaborative, with members of the community to review the police department and create a plan to adopt and implement the recommendations. The involvement of the entire community was clearly mentioned.<sup>3</sup> Such plan would be presented to all citizens of the town, after which the results would be presented to the town’s legislative body which would then ratify the plan by local law or resolution.<sup>4</sup>

#### **B Process in the Town of Tuxedo**

In January, 2021 Ken English, Supervisor of the Town of Tuxedo issued a call to the community inviting residents to a meeting to discuss the Reform and Reinvention Collaborative. The first meeting was held virtually via the Town of Tuxedo WebEx system on January 24, 2021. At that meeting the process was described and 30 attendees (including 4 of the 6 full-time police officers) introduced themselves. Chief Arthur Abbott, police chief in Tuxedo Report presented a description of the Tuxedo Police Department staffing and programs. An announcement for the next meeting was made.

Prior to the second meeting several attendees discussed the effort among themselves and communicated with Supervisor English. They created document with eight suggested topical areas to be pursued by the work group. These were subsequently developed into four working

groups. The supervisor communicated a second meeting announcement to all of those who attended the first meeting.

At the second meeting on Feb 24, 2021, Police Chief Abbott presented additional material about the department. Suggested topical areas for review were developed into four working groups. The four groups and the topics they would be working on were announced and attendees were invited to participate in a work group. One member would collate names and help the first meeting of each group to get started.

**The four work groups and the topics of focus for each include:**

**1. Responding to injustice issues inequities (race, immigrants, disabled, marginalized communities)**

Review policies specifically related to above inequities

Review breakdown of data from police statistics – specifically related to bias incidents

Review past lawsuits against the police department

Review current practices in staff hiring, retention issues and training

**2. Community**

**Community reactions related to interactions between police and community and community view of police**

Arrange a special “ hearing” meeting or Survey or both– determine, create, implement, and review responses

Explore how to best reach non-residents – frequent and occasional town visitors

**Community Engagement** – Explore how police engage with town residents, how residents have input into the police department

**3. Police department policies, practices, staffing, recruitment and training**

**Policy and Practice review** – Review police data for several years (warrants, summons appearance tickets, misdemeanors, use of force, de-escalations, interactions with ICE)

**Police Department** – Assess issues regarding:

Staff numbers – adequacy, positions, ranks

Equipment – adequacy, types

Technologies – current and future needs

Budget

**Review Recruitment, Retention, New Employee Training, Inservice, formal and informal department culture, reflections of minority staff, performance reviews, and misconduct reviews**

**4. Mental Health and Interactions with youth and schools**

**Mental Health responses include mental health, suicide, substance abuse, domestic violence (DV)**

Types – demographics

Initial response from our police (acknowledging that police often get hurt in DV responses)

Resources utilized – relationship with state and county agencies

Local Resources needed

Mental health response training available for

Assistance with mental health issues amongst departmental staff

During the second week in March, 2021 four work groups with a total of 15 members held their first meetings. New members, not part of the February 24th meeting, were added to the groups. On March 24, 2021 Supervisor English called a meeting for group members and people on the original list. The purpose of the meeting was for each group to report their progress and identify needs for further information. The groups continued to meet virtually or in person.

The Community Survey work group completed the survey (See Appendix #2). On March 17, 2021 an article was published in the Photo News describing Tuxedo's process and the survey. March 6, 2021 TPFYI published a story and the QR Code to access the survey. The Survey went online to Tuxedo and the larger community. Flyers were disseminated to a variety of businesses and organizations in town (See Appendices #4 and 5).

On May 5, 2021, a joint meeting of the work groups was held to share progress and recommendations, and to give feedback to each other. A time frame for completion of the groups' work was developed and a pending date was set for the community wide meeting. At the end of May a subcommittee began meeting to bring the individual work group reports together into a draft report to be presented on the Town of Tuxedo webpage in preparation for a virtual community meeting to discuss the report.

A June 15, 2021 meeting was held to finalize the date of the community meeting and to prepare the agenda for an in-person and virtual meeting. A description of the process and recommendations was presented to the citizens of Tuxedo at an in-person meeting held on June 29 and a virtual meeting via WebEx on June 30, 2021. Both meetings were recorded. Comments and questions from the audience were transcribed and presented in section V. Where appropriate the draft report was modified to reflect comments or questions received.

## **IV. Work Group Reports**

### **A. POLICE DEPARTMENT**

Work Group Members (See Appendix #1)

William Lemanski

Michele Lindsay

Hank Salzar

Meg Vaught

The work group interviewed Chief Arthur P. Abbott, Lieutenant John Norton, Sergeant Douglass Russell, Officer William Hall, Officer Shiloh, plus multiple questions and answers emails with Chief Abbott.

#### **Policies**

The following policies, called General Orders, were reviewed

003-01	ORGANIZATIONAL CHART AND STAFFING
006-19	EMPLOYMENT PRACTICES IN THE WORKPLACE
012-01	EQUAL OPPORTUNITY EMPLOYMENT
020-02	CRIME PREVENTION
022-03	FIREARMS POLICY
025-02	OLEOCAPSICUM SPRAY
026-11	TASER-ECS
027-02	BATONS
041-03	BASIC POLICE TRAINING
042-03	INSERVICE TRAINING
043-03	SPECIALIZED TRAINING
064-02	BIAS RELATED INCIDENTS
073-01	RESPONDING TO CALLS FOR SERVICE
085-02	DOMESTIC VIOLENCE

In addition, the Use of Force Report dated 11/29/2020, a -Lawsuit dated 2019, and a sample Training Record for an officer were reviewed.

General Order Findings/Observations:

All General Orders have a title box with Reviewed and Amended date entries. However, there is no indication of the amendment in the document body.

**Recommendation: Going forward each amendment should be flagged. Also, a record should be retained with the initials of who initiated the amendment. This will enable a paper trail of changes. Without these entries, the amendments are irrelevant.**

General Order No. 003-02, Organizational Chart lists the employee titles without the names of officers. The document states it shall be maintained in an accurate manner with the Chief of Police maintaining the updates.

**Recommendation: All police employee names should be added and maintained in the Organizational Chart current with responsibilities of each level of officer (supervision, scheduling, union position, training, e.g.).**

General Order No. 024-03, Use of Force - Police Chief Abbott stated the police have been obligated to apply the use of force on average once or twice a year. Section VIII line A.1. precludes the extraction of an item from a suspect's body without a warrant, except where exigent circumstances are present.

**Recommendation: Eliminate wording: *anus or vagina of a subject* and change to *all bodily orifices of a subject*.**

The group identified the following areas lacking in existing General Orders:

- A policy addressing de-escalation of tensions during an arrest.
- A policy addressing choke holds; pro or con?
- A policy addressing the technique of 'hot pursuit' (in the absence of, see lawsuit re: Tuxedo 2019).
- A policy addressing police bias – existing bias policy only addresses conduct of a bias hate crime; include Bias, Cultural Awareness and Sensitivity training. Regarding the possibility of a person's race being recorded following a stop or occurring during any police encounter, Chief Abbott stated the officers do not attempt to record anyone's race.

**Recommendation: Develop the policies where lacking.**

**Recommendation: General Orders need to be updated in accordance with new law enforcement policies mandated by the state.**

### **Staffing**

The current Tuxedo Police Department consists of one part time Chief of Police, 6 full time officers (1 Lieutenant, two Sergeants, 1 detective, and 2 officers) and 5 part time patrol officers. The part time officers are primarily assigned to the later shift. This has been in place since December 2015 when the full-time officer staff of 9 was reduced to 6 and overnight coverage was eliminated. In the fall of 2016, with the resignation of a full time chief a half time chief was hired.

**Recommendation: The committee recognizes that full-time, 24/7 police coverage is paramount.**

911 Dispatch. Lieutenant Norton estimated that an average of eight-minutes per call may be lost due to using the county 911 system. A Tuxedo dispatcher would have a much greater knowledge of the community: roads, businesses, etc. possibly shortening response time. With technology improvements, county 911 might become a safer method to respond to emergencies. Vehicle chases from one town to another (if permitted by policy) would be better coordinated. Perhaps there could be improvement on the county's end and a better understanding of the residents regarding the advantages of 911. Over recent years, multiple versions of the efficiency of county 911 have been voiced by various officers precluding any firm conclusion. A possibility to be explored is having a person answer non-emergency calls during the day.

**Recommendation: As in the recent past, a local community police dispatcher would be advantageous**

### **Staff Diversity**

In general, the committee has found all Tuxedo Police officers to be very dedicated, professional and knowledgeable. The police force is a small multi-racial organization that appears to have a high degree of unit cohesion and cooperation between its members which currently consists of six full-time and five part-time officers. All seem to have a similarly high ethic regarding the providing of mutual support to their fellow officers and the community. However, the work group believes going forward, the town board and police chief, when hiring new personnel should place a priority on the interviewing and possible hiring of female officers. This would provide a gender integrated force for the betterment of the community. The police and social policy literature site many reasons for the role of the woman officer including:

*Women have high levels of interpersonal communication skills, which translates into more effective practices in the field.<sup>6</sup>*

*Higher levels of female representation are associated with organizations that emphasize community policing.<sup>7</sup>*

*Female police officers have a positive influence on the perceived job performance, trustworthiness, and fairness of a police agency, perhaps increasing the public's willingness to cooperate in the production of positive public safety outcomes.<sup>8</sup>*

*Female officers are less likely to use force, use excessive force, or be named in a lawsuit than male officers.<sup>9</sup>*

**Recommendation: The work group believes going forward, the town board and police chief, when hiring new personnel, should place a priority on the interviewing and possible hiring of female officers.**

## **Equipment**

Police desired equipment upgrades: New patrol cars (Lieutenant Norton said he could drive 200 miles on a shift implying the hard use of vehicles. Per Chief Abbott, officers on patrol generally spend their time cruising the community's many miles of road rather than remaining stationary). Also desired is updated computers, new records management software per car, IMPACT software (database tool that includes data sharing, NCIC, live scan, photo technologies, pin mapping, and alarm billing), mobile CAD dispatch software (provides information to dispatchers and is a fast and efficient computer-aided dispatch system that integrates all incident information), night-vision goggles and body cameras.

**Recommendation: The department should have body cameras for patrol officers.**

The police have one night-vision camera from the federal government (the only equipment from them). Regarding body cams, the general belief is this would provide a measure of protection for the police officer, the public and the community. However, body cams would require an enormous amount of data storage (per Lieutenant Norton). Chief Abbott has said the video files can be contained similar to a "ZIP" file, thereby conserving data storage. The county should be questioned about providing an adequate database repository. Patrol cars do not have dash cams or audio.

**Training:** Yearly training includes baton and twice-yearly firearms qualification. Training has been curtailed since the outbreak of the COVID Pandemic.

**Recommendation: Utilize the county training sessions to provide additional training for all officers in sensitivity and conflict de-escalation.**

**Informal Department Culture:** All of the interviewees claimed there is a high degree of morale and camaraderie between the police officers. The Use of Force GO -024-03 includes material regarding the Duty to Intervene. Officers observing another officer using unreasonable force shall intercede and report observations to a supervisor.

**Accreditation:** The New York State Law Enforcement Agency Accreditation Program, developed in 1989 via the Law Enforcement Accreditation Council awards accreditation to agencies that meet program requirements. There are 110 standards in the areas of administration, training and operations (p 9 manual). "Accreditation is a progressive and contemporary way of helping police agencies evaluate and improve their overall performance. It provides formal recognition that an organization meets or exceeds general expectations of quality in the field. Accreditation acknowledges the implementation of policies that are conceptually sound and operationally effective." The Tuxedo Police Department has been working towards this accreditation for several year. They have revised their policies to meet the standards. They are currently completing their critical review of their standards and expect to submit their material to

the Law Enforcement Accreditation Council within the month. One remaining step, updating the Juvenile room with youth-oriented furniture is in process.

**Recommendation: State accreditation should be pursued to completion and General Orders should be updated in accordance with requirements for state accreditation.**



## **B. COMMUNITY INPUT and COMMUNITY ENGAGEMENT**

### **Work Group Members** (see Appendix #1)

Calvin Demond

Maria May

Susan Scher

### **1. Survey**

Although there are many ways of obtaining input from the community, COVID 19 made it difficult to hold open community meetings. Instead, an on-line survey format was developed.

The survey was created by the work group members with review by non-work group area residents (see Appendix #2). Surveys from several towns in NY State were reviewed. Those from Saugerties and Monroe were particularly helpful. After reviewing several statistical/polling software applications, Microsoft Forms was chosen. Microsoft Translate was used for the first round of translation of the form into Spanish. Maria May finalized the translation. (See Appendix #5)

This is an online survey which could be accessed through the Town of Tuxedo website. It was given a prominent space on the website until May 1 when it was closed.

The initial announcement for the survey was part of a Photo News article on March 17, 2021. Announcements were sent to a variety of area Facebook pages and online community group pages. Flyers in English and Spanish were posted in buildings around Tuxedo (see Appendices #4 and 5). The flyers included a link to the site, statement of where it could be found on the website and a QR code for immediate access. The Tuxedo Public library was given several hard copies in English and Spanish which could be completed by people without internet access. Flyers with descriptive information and the links and QR Code were given to Calvary Church in Tuxedo which has a Spanish language service.

118 people responded to the survey. There were zero responses to the Spanish language version.

The first line of data analysis was conducted through the Microsoft Forms software itself. Committee members reviewed and hand analyzed the nine open-ended questions. At various times, the other work groups were sent information from the survey analysis that was in progress.

The final analysis of the data from the survey (April 30, 2021) is attached (see Appendix #3) Please review for specific data.

**Summary** For the most part the practices of Tuxedo Police Department are respected for its professionalism and daytime responsiveness. Some responses do indicate rude, intimidating and questionable behavior of some individual officers. Several of the complaints related to disrespecting women.

The most frequent concern raised related to lack of Tuxedo's police officer coverage at night and no local 911 dispatcher. Regarding a dispatcher, people want to call a dispatcher who knows the town that they are calling about. They are not sure if their issue is important enough to place a call through to the larger system. They do not believe the present dispatchers know what they are talking about and they are therefore hesitant to call.

To some extent residents do not know a lot about the police department. Tuxedo does not have a town local newspaper where such material is often published. At present Facebook and a report at the Town Board meeting are the only places residents can obtain such information.

The residents recognize that police officers have a role to play in medical, mental health and substance abuse calls. They are often the first to arrive and can provide needed security backup to other respondents. Residents, though, do see the police as part of a team of specialized responders.

Many people are concerned about the speeding along route 17 and would like to see more patrolling there.

## **Recommendations**

- A. Residents prefer a return to 24-hour coverage by the Tuxedo police officers.**
- B. Residents prefer a return to a local 24-hour dispatcher**
- C. Develop some form of accountability of the department should be accessible to the residents. Create a mechanism in which residents could report inappropriate behavior**
- D. Create programs for local training of officers where inappropriate behavior has been recognized. Diversity training, particularly related to interactions with gender seems warranted.**
- E. Police officers should be subjected to the same requirements that many licensed professionals are, e.g. expected completion every two year of a certain number of continuing education units.**
- F. From the survey it is unclear what relationship the police department has with the Latinx community and what they feel about the police department. That should be explored.**

- G. Update the Police Department Website to include: descriptive information, weekly data about police law enforcement and non-law enforcement activities, and a civilian complaint/feedback form.**
- H. The department should consider posting weekly information in Photo News as done in the past**
- I. The Facebook page should continue and expand**
- J. The police department should have sessions with a variety of community groups describing the department and offer tours of the headquarters.**
- K. Officers should receive training in understanding the medical and psychological issues involved with calls and patrol cars stocked with equipment such as NARCAN are important.**
- L. Increase patrols along Route 17**
- M. Residents should be publicly (aside from Town Board attendance) informed about why decisions are made about the size of the department and coverage.**

## **2. COMMUNITY ENGAGEMENT**

In order to understand the variety of Community Engagement (CE) efforts that police throughout the country engage in, work group members reviewed websites of a variety of communities throughout the country. To obtain information about what the Tuxedo Police Department does and has done in community engagement (CE) efforts, the work group members interviewed Lt Norton, and we reviewed the comments from the survey related to community engagement.

In this discussion we realized that we needed to look at CE efforts during different time periods

1. Tuxedo Police Department, full force size:  
At full force the department members engaged in a wide range of CE activities including: Gym programs with self-defense and workouts; School Safety Officer – Youth Liaison teaching classes; conducting career days; reading books to classes; St Jude’s fund raiser; DARE and extensive Prom Safety program; Fingerprint program, Fishing Derby; Easter Bunny Day; Holiday - Christmas/Santa tour of town and Menorah lighting; Memorial Day; Family Fun Day booth; Car seat installations; Scout visits to police station; attendance at a variety of town meetings, sometime for safety and sometimes to report on the state of the police department; presentations to the Chamber of Commerce.
2. Current Reduced Force size, Pre Covid 19:

At its current force of 6 full time and 5 part time members there were less activities. These included: Family Fun Day booth; Memorial Day safety and outreach; Prom Safety; Winter Holidays – Santa Tour and Menorah lighting; Facebook reporting of out of ordinary police actions; Visits to seniors at the Promenade; meetings with the Silver Dollars when asked; Scouts visits to police station; Car seat installation when requested; attendance at a variety of town meetings for safety or presentation.

3. Current Force size during the 2020-2021 Covid 19 period:

During the COVID 19 period CE activities were extremely limited because very few community events and chances for interaction were held. The engagement efforts included maintaining a Facebook page, reporting at Town Board virtual meetings, engaging in drive-by birthday events for children, and assisting with the Santa Claus drive through town. Requests from the school and Silver Dollars ended as either the groups did not meet in person or virtually, and did not call them in.

Based on the survey response we find that people enjoy non law enforcement interactions with the police officers. They are aware of them in non-law enforcement roles at large community events such as Family Fun Day and Memorial Day. They do feel that they do not know enough about what the police do. Residents accessing the Facebook page are limited. The police department has a non-town web site which is very out of date. The police department section of the new town website has extremely limited information.

There are a variety of ways in which different municipalities involve citizens in police department decisions. Three of the most common include: citizen advisory committee, civilian review board and board of commissioners. Each of these types of boards/committees review different aspects of the department. Currently the town has none. The Tuxedo Town Board oversees the hiring and budget of the police department but citizens play no role.

**Recommendations:**

- A. Find ways to make the officers more visible to the citizenry in their non-law enforcement roles.**
- B. Eliminate old website or bring it up to date.**
- C. Spend resources and time to add information to the police website on the town site.**
- D. Expand departmental reporting of police activity – arrests, traffic stops, other interventions, community engagement to residents on a weekly or daily basis via the website.**
- E. Expand the frequency of posts on the police department Facebook page.**

- F. As we move out of COVID 19 restrictions expand community engagement activities such as:**
- 1. tours of the department building;**
  - 2. new creative youth driving programs that are available for youth throughout the town, not just those in Tuxedo Union Free School System;**
  - 3. Develop new creative programs for adults/parents providing seminars on issues such as driving, drugs, social media, scams;**
  - 4. Develop joint programs with current town services such as Recreation and Schools.**
- G. Utilize the skills and interests of the individual officers and develop more specific liaison roles to different constituencies in the community, (elderly, school, youth sports) and expand to groups that might not yet have an advocate (Latinx, disabled).**
- H. Allow officers to return to previous levels either by reviewing use of time under current staffing, or increasing the size of the force to allow for increased community engagement.**
- I. Develop a citizen advisory committee. Explore additional ways in which citizens have input into the police department.**

## **C. Responding to Injustice Issues Inequities (Race, Immigrants, Disabled, “Marginalized Communities”)**

### **Work Group Members** (See Appendix #1)

Hallie Rubin-Gaines (HG)

Gary Lee Heavner (GH)

Father Richard James Robÿn

Sue Heywood

Jhanya DaShay

Maria May

Melvyn and Joan Roche Davis

The purpose of the work group was to review how the Tuxedo Police Department dealt with injustice issues. Our premise recognized the existence of systemic racism and discrimination in the United States. In recent years media has called attention to such action in many police departments around the United States. To efficiently analyze potential systemic racism in our department, we needed and received access to a wide range of records, complaints, statistics, policies, practices, and trainings.

We attended subcommittee meetings on March 10, 2021 and April 8, 2021, general work group meetings, HG attended Saugerties Police Reform Committee meeting and an Orange County Police Reform meeting in January, 2021, and also an April 30, 2021 meeting with Chief Abbott at St. Mary’s-in-Tuxedo.

### **Informational Resources:**

NY State Police Reform and Reinvention Collaborative August 2020 pages 5-9 22-44, 48-50, 83-8

George Floyd Justice in Policing Act of 2021

In-Person Meeting with Tuxedo Police Chief Arthur P. Abbott and Police Officer William Hall

Tuxedo’s Arrest Statistics

Interview with Tuxedo Court Clerk-GH

Phone conference with Orange County DA Office and Tuxedo Park Chief Dave Conklin-HG

Notice of Claim and Complaint for two (2) civil lawsuits against Tuxedo Police

Tuxedo Community Survey Results

New York State Law Enforcement Accreditation Program (Various Sections as set forth below)

Photo News article, April 2021

The Eric Garner Anti-Chokehold Act- NYS legislation ban on police choke holds and repeal of 50 (a) law used to shield police disciplinary records from the public

Town of Tuxedo Police Department’s General Orders: All Effective January, 2002- This is a problem because it is outdated .

We each reviewed a sub-set of the following Town of Tuxedo Police Department’s General Orders:

Goals and Objectives	Internal Affairs	Batons
Organizational Chart and Staffing	Mission Statement	Awards
Chain of Command	Public Information/Media Relations	Grievances
Authority and Responsibility	Crime Prevention	Written Directives
Rules and Regulations/Rules of Conduct	Firearms Policy	Line of Duty Death/Serious Injury
Personnel	Deadly Physical Force	Basic Police Training
Recruitment/Hiring/Promotion	Use of Force	Inservice Training
Personnel Evaluation	Oleocapsicum Spray	Specialized Training Daily
Criminal Investigations	Taser-Ecs	Activity Sheets
Specialized Units	Bias Related Incidents	Stopping Violators
Arrest and Detention of Foreign Nationals	Responding to Calls to Service	Family Notifications
		Constitutional Requirements
		Warrants of Arrest

**Findings:**

The Town of Tuxedo police has been in the process of applying for accreditation for more than two (2) years. This is the first time the Department has applied for accreditation.

The independent Tuxedo Police Department website is outdated and does not provide relevant information to the community. It still names Patrick Welsh as our Chief of Police, does not name any officers, and “hot topics” lists as “internet-based threat phishing, identity theft and scams”

The Tuxedo Police Department does not have Body Worn Cameras (BWC)

The Tuxedo Park Police recently obtained funding for two (2) free BWCs from Orange County DA David Hoovler’s office. According to Chief Dave Conklin, there was no cost at all, they received a check with no paperwork, and “all the DA wanted in return was publicity and a press release.” We contacted Hoovler’s office, confirmed the availability of funding, and provided information to Supervisor Ken English and Chief Abbott.

Only some officers carry Narcan.

Many 2020 trainings were cancelled due to COVID.

Chief Abbott indicated that officers receive training on tasers 1x per year.

Chief Abbott indicated that officers receive two (2) trainings in Goshen: Implicit bias training (1 day) De-escalation training (1 day)

The Eric Garner Anti-Chokehold Act makes the use of a chokehold by a police officer a felony. It creates a new crime called aggravated strangulation and carries a maximum sentence of 15 years.

Our officers use non-lethal pepper spray and tasers, as well as firearms. An officer showed the work group members the location and distinction (color and weight) between the taser and firearm he was wearing.

Traffic tickets do not include the race of the individual stopped. Only arrest reports include race.

According to Chief Abbott, most calls and time spent by Tuxedo police officers involve non-criminal activity.

The Bias Related Incidents General Order, drafted by Officer Hall, is a thoughtful analysis and acknowledgement of the impact of people's racism. It is an example of sensitivity and respect towards race, religion, ethnicity, national origin, and sexual orientation. It does not tolerate the disrespect of People of Color, religious minorities including but not limited to Jews and Muslims, immigrant communities (whether documented or undocumented), people whose first language is not English, and LGBTQIA individuals. It should be used as a model in finding progressive policies.

According to Chief Abbott, the Department's interactions with the community usually occur during traffic stops and medical/mental health calls.

Chief Abbott stated that the Department is limited by county and state policy in diversity hiring, retention, and promotion. Specifically, the Department is only allowed to select from the "top 3 qualified candidates off of the civil service list." This policy has made it difficult to recruit or hire a female officer or a woman of color.

A committee member stated that one of the officers claimed he witnessed the appearance of systemic and implicit racism by one of the officers. That officer has made "racist remarks and disproportionately stopped People of Color". The chief of police told the committee that he was had not received complaints about this officer and had not been aware that this was a problem.



The community should become more informed of the role and function of the local police. The Survey Analysis indicates that the community has expressed an interest in wanting to learn more about police practices and training.

Policing strategies (examples below) by some law enforcement organizations are often based on racism and discrimination against marginalized groups including Immigrant communities:

- “Broken windows” policing
- “Stop and frisk”
- Discriminatory or bias-based stops, searches and arrests
- Use of Force for punitive or retaliatory reasons
- Informal quotas for summonses, tickets or arrests
- Shooting at moving vehicles and high-speed pursuits
- Less-than-lethal weaponry such as tasers

Chief Abbott indicated that the Department is open to continuing and/or the following best practices:

- Create a comprehensive community policing strategic plan
- Train all personnel on community policing – including overcoming distrust
- Foster an atmosphere of openness and transparency
- Adopt procedural justice as a guiding principle
- Engage the community in a true partnership
- Treat every contact as an opportunity to engage positively with a community member
- Measure social cohesion and work to develop relationships
- Reevaluate metrics of community policing success
- Incorporate community policing measures into the performance evaluation process

#### **Recommendations:**

- A. Accreditation should be a factor to assist officers in enforcing/following policies but shall not be considered conclusive as to whether such policies were implemented.**
- B. To determine what is delaying the accreditation process, an independent group of Tuxedo residents should review the agency’s requirements set forth and work with officers to assist in developing practices and procedures that are compliant.**
- C. The Town of Tuxedo Police Department website should be current and informative, and provide information and links concerning our Police Reform and Reinvention Collaborative.**

- D. Update the “Town of Tuxedo Police Department’s Mission and Values” Statement within the context of the George Floyd Justice in Policing Act.**
- E. General Orders concerning Use of Force and Deadly Physical Force shall reflect and incorporate the language and values of George Floyd Justice in Policing Act of 2021 as set forth below.**
- F. The police department shall become familiar with, study, and incorporate all principles of the George Floyd Justice in Policing Act of 2021 including but not limited to:**
- Work to end racial & religious profiling;**
  - Ban chokeholds and no-knock warrants,;**
  - Require body cameras;**
  - Empower our communities to reimagine public safety in an equitable and just manner;**
  - Change the culture of law enforcement with training to build integrity and trust;**
  - Improve transparency by collecting data on police misconduct and use-of-force.**
- G. The complaint process shall include a Citizen Review Board that oversees all complaints filed against an individual officer(s).**
- H. Allow the Chief of Police in his/her role, in addition to the Town Board more responsibility to discipline an officer violating the Departments policies and procedures.**
- I. The department shall begin keeping statistical records of the race of individuals stopped by police officers. To facilitate this, officers should enter the race of the individuals they have stopped (not only of those they arrested). The officer should not ask the individual stopped her/his race, but record basic perception of the individual stopped. These records should be reviewed. This process is important to establish safe and courteous guidelines for People of Color who are stopped by police, as we recognize that part of systemic racism is that a Person of Color is more frequently stopped because of the color of their skin.**
- J. Trainings must occur more frequently. An annual update or 2 times per year will not suffice. Specialized training, anti-racism training, and mental health training shall be trainings that are actively sought after, not merely within Orange County and neighboring counties, but throughout NYS, tri-state, and nationally.**
- K. Town funds shall be provided to require all officers to wear Body Worn Cameras to provide transparency, trust, and accountability. The video footage either will incriminate or exonerate officer(s). Any expense for necessary hardware and software to record and maintain all police interactions with the public is a nominal**

expense in comparison to the alternative (i.e., lack of accountability and distrust of police practices).

- L. For Accreditation, Use of Force, the agency must have a written directive consistent with the Municipal Police Training Council Use of Force Model Policy pursuant to Executive Laws requiring an amount of force that is objectively reasonable under the circumstances for the officer involved to effect an arrest, prevent an escape, or defend themselves or others. Documenting, reviewing, investigating, and reporting the use of force should take place; and conspicuous posting of current use of force directive(s) should be on the agency's public website.**
- M. For Accreditation, Internal Affairs Function, the agency has a written directive that outlines the internal affairs function. The directive shall include the position within the agency responsible for the internal affairs function with the authority to report directly to the agency's chief law enforcement officer; documenting the investigation of complaints against officers, and defining the type of complaint to be investigated.**
- N. For Accreditation, Health of Persons in Custody, the agency must outline a response to medical and mental health of persons in custody pursuant to Civil Rights Law.**
- O. Ensure that the community can easily obtain information from the Department concerning the District Attorney's office use of criminal justice strategies to "reduce racial disparities and build trust between police departments and the community" such as diversion programs; restorative justice programs; community-based outreach and violence interruption programs; hot-spot policing; and focused deterrence. Such strategies should be reviewed for fairness and equitable treatment of all communities.**
- P. Regarding medical attention provided, the reporting officer shall accurately record all information on the report- including when, how, what type, and length of time of medical assistance an officer provided or failed to provide medical care.**
- Q. To demystify the police, a ride-a-long program should be created, allowing any member of the community to accompany the police during their daily duties.**
- R. Town funds should be provided for additional bias training.**
- S. Town funds should be provided for additional mental health training for all officers; and to allow for trained mental health professionals to provide full guidance and assistance whenever an individual's mental health status and abilities are uncertain.**

- T. Town funds should be provided for full time, locally situated dispatchers 24/7**
- U. Town funds should be provided for police shifts that are reasonable and adequate to provide enough coverage by full-time officers. There is a debate within the context of racial justice communities regarding the need for 24/7 policing and/or using the same funds towards other social, community, youth, mental health, and educational programs that would create a safer community. On the other hand, it appears more beneficial to the community to maintain local police working 24/7 rather than outside New York State Police who have no connections to the Town and people of Tuxedo, and the Tuxedo Police Department's policies and practices.**
- V. Officers must stay current on emergency medical training, the necessity of providing aid to the injured, and how some practices have the potential to interfere or worsen a medical condition. This should be aligned with Accreditation standards.**
- W. The police should strive to work in conjunction with non-profit organizations who share resources and provide recommendations and advice on our department's policies and training to create a fair and equitable system that values the experiences of Communities of Color and women; some such organizations are Fearless! Hudson Valley, Inc. (which provides services and support to those who are impacted by intimate partner violence, teen dating violence, and human trafficking), NYCLU (Lower Hudson Valley Chapter), NAACP (Spring Valley Branch).**
- X. The department should maintain statistics on bias-related incidents, hate crime.**
- Y. Mandate training on working with all "marginalized," communities, and provide thorough record keeping and reporting all suspected bias-related incidents**

## **D. Crises Involving Mental Health, Substance Abuse and Those with Intellectual and Physical Delays**

The purpose of this Work Group is to provide community recommendations to the Tuxedo Police Department regarding their responses and interactions to calls where an issue of mental health, suicide, substance abuse, the intellectually delayed or physically impaired is a component. Nationally, the increased reporting of problematic police responses to mental health and substance abuse crises has led to an increased examination of the practices and training regarding these events. (National Police Foundation) <https://www.policefoundation.org/> This examination focused on the Tuxedo Police Department's policies and interactions with the community and has resulted in our recommendations.

### **Committee Members:** (See Appendix #1)

Ken Magar  
Irene Denaro  
Gonul Kamfoi  
Sue Scher

### **Documents Reviewed:**

General Orders:

058-19: Juvenile Offenders  
085-02: Domestic Violence  
066-02: DWI/DWAI/Drug Enforcement  
059-19: Adolescent Offenders

“NY State Police Reform and Reinvention Collaborative” Document

“Orange County, NY Sheriff’s Office Police Reform and Reinvention Plan” (Final)

January 2020-January 2021 Monthly Reports of Tuxedo, Police Department police activity.

The analysis of the Tuxedo Police Reform and Reinvention Survey

### **Videos Reviewed:**

Tuxedo Police Reform and Reinvention Collaborative 1/14/21 meeting

Tuxedo Police Reform and Reinvention Collaborative 2/24/21 meeting

Orange County Police Reform and Reinvention Collaborative 1/14/21 meeting.

Orange County Police Reform and Reinvention Collaborative 2/10/21meeting.

### **Interviews Conducted:**

Sgt. Russell and Officer Hall on Tuesday, April 13, 2021.

Orange County Mental Health Association - Phone interview conducted by I. Denaro

SRO/SSD - Asst. Under-sheriff Anthony Weed- phone interview conducted by S. Scher.

Access Supports – phone interview conducted by I. Denaro

ADAC of Orange County – phone interview conducted by I. Denaro

## **Online Resources:**

“Critical Incident Stress Debriefing and Law Enforcement: An Evaluative Review”

[https://ovc.ojp.gov/sites/g/files/xyckuh226/files/media/document/ci\\_cism\\_for\\_law\\_enforcement-508.pdf](https://ovc.ojp.gov/sites/g/files/xyckuh226/files/media/document/ci_cism_for_law_enforcement-508.pdf)

<https://www.police1.com/health-wellness/articles/how-critical-incident-stress-debriefing-teams-help-cops-in-crisis-guiTG6dkoSLtpxVa/> - How critical incident stress debriefing teams help cops in crisis”

Mental Health America (MHA) - Responding to Behavioral Health Crises

<https://www.mhanational.org/issues/position-statement-59-responding-behavioral-health-crises>

The International Association of Chiefs of Police (IACP) -

<https://www.theiacp.org/resources/policy-center-resource/mental-illness>

Substance Abuse and Mental Health Services of America (SAMHSA) - Safe Policing

<https://www.samhsa.gov/sites/default/files/safe-policing-safe-communities-report.pdf>

[https://policingequity.org/images/pdfs-doc/Tompkins\\_County-Ithaca\\_Joint\\_Reimagining\\_Public\\_Safety\\_Plan.pdf](https://policingequity.org/images/pdfs-doc/Tompkins_County-Ithaca_Joint_Reimagining_Public_Safety_Plan.pdf)

The Bureau of Justice Assistance (BJA) - Law Enforcement Officer Safety and Wellness

<https://www.bja.ojp.gov/program/law-enforcement-officer-safety-and-wellness/overview>

## **Mental Health and Substance Abuse Responses by Officers in Tuxedo**

One aspect of policing that has been examined in Tuxedo is the response of the local police department to mental health and substance abuse crisis situations. Similar examinations or reviews have also been conducted throughout the United States. The International Association of Chiefs of Police (IACP), the Substance Abuse and Mental Health Services of America (SAMHSA), the Mental Health America (MHA) and the Justice Center’s Council of State Governments (CSG) are just a few of the national organizations which have made these responses a priority to investigate and amend. Inherently difficult to handle, these responses take knowledge, confidence and poise, are challenging in even identifying them as a crisis and more so, knowing when and whom to call for help and assistance. Officer response, however, is not the only option. The MHA has identified the use of mobile response teams solely or in conjunction with a uniformed officer and the use of medical personnel. The MHA has released a position statement on “Responding to Behavioral Health Crises”. In it, they state that the MHA *“supports coordinated efforts to identify and provide those services necessary to reduce the occurrence of mental health and substance use crises; to ensure that crises are dealt with in a manner that is least damaging to individuals and most conducive to a peaceful and therapeutic outcome; improve training for law enforcement and other first responders to persons in crisis;*

*and provide mobile crisis response teams with linkage to crisis respite or psychiatric urgent care centers.”<sup>10</sup>*

In Tuxedo, one alternative has been utilized, but at an extremely low rate. Monthly reports dated from January 2020 to January 2021 show a 36% call rate of mental health or substance abuse incidents (Tuxedo Police Monthly Reports). While some individuals undergoing a mental health crisis were identified to be in need of hospitalization and thus transported, most of the incidents were not supported by the “Crisis Mobile Response Team” (CMRT) of Orange County. MHA also states that *“Whenever possible, mental health crises should be treated using medical personnel or, even better, specialized mental health personnel. Substance use disorders need to be handled in a way that promotes recovery, not victimization.”<sup>11</sup>* Incident data from 2020 in Tuxedo show a complete lack of utilization of the CMRT for substance abuse calls or calls for individuals with intellectual or developmental disabilities.

The “Crisis Mobile Response Team” is a mobile response team to assist with in-person support, assessment, crisis de-escalation and connection to appropriate services. This service is available to individuals in need of assistance with developmental disabilities, mental health and substance abuse disorder. The call center also refers callers to Peer Supports for “Rape Crisis Services” and to services and supports provided by Independent Living, Inc.’s certified peers.

The mobile response team is an excellent tool to utilize. However, it is evident in the limited usage of the mobile response team in 2020 that the officers should be provided with more training on crisis risk assessment and when to use this type of service. The difficulties in identifying a need and knowing who to call are what make officer training and support in mental health, substance abuse and those developmental disabilities vital. It is important for officers to feel confident in assessing the risks during an incident and to utilize the lessons learned from training in keeping them and the citizens safe. Mental Health Associates state “all law enforcement personnel should have training in how to respond to persons in behavioral health crises. Crisis Intervention Team (CIT) training should be provided to police officers so that officers with CIT training are available on every shift. CIT training and implementation should incorporate collaboration with local mental health providers and advocates.”<sup>12</sup>

Even organizations run by law enforcement personnel state the importance of training officers to recognize and appropriately react to a mental health crisis. The International Association of Chiefs of Police state “law enforcement agencies should provide officers with training to determine whether a person’s behavior is indicative of a mental health crisis and with guidance, techniques, response options, and resources so that the situation may be resolved in as constructive, safe, and humane a manner as possible.”<sup>13</sup> Many resources are available to help the law enforcement community in addressing these issues. In Orange County, crisis intervention training is provided by the Mental Health Association. The programs “enhance communication, identify mental health resources for assisting people in crisis and ensure that officers get the training and support that they need.” Nationally, a multitude of webinars are

available to the law enforcement community including those from the Substance Abuse and Mental Health Services of America, National Alliance on Mental Illness (NAMI) and Commission on Accreditation for Pre-Hospital Continuing Education (CAPCE) an online training course for first responders to work with those under a mental health crisis and/or substance abuse crisis (see Appendix #6).

Nationally there have been calls for local police departments to hire their own mental health/substance abuse staff or consultants. Within the past year the Federal Government has recognized the limited mental health staff in local police departments. The FCC has developed a 988 system for mental health crisis calls, with money to help localities to support this. The American Rescue Plan Act 2021 (ARPA) provides a wide range of funding for localities to develop programs that are alternatives to police as first responders in mental health crisis. While these are for larger communities many new models are being developed for us to review in the future 14.

The importance and the frequency with which the Tuxedo Police Department has responded to these types of calls in 2020 has prompted the recommendation to receive CIT training - specifically training that incorporates the identification, ability to handle and knowledge of available local/county resources. Historically, police departments do not incorporate this vast scope of training beyond their original academy training or has been greatly updated to promulgate continuing education.

**Recommendation: Increase the use of the mobile response team of Orange County for crises involving mental health, substance abuse and individuals with intellectual and developmental disabilities.**

**Recommendation: The Tuxedo Police Department should receive Crisis Intervention Team (CIT) training and be knowledgeable of local and county programs/resources to help those in need (i.e., substance abuse, mental health issues).**

### **Substance Abuse Responses**

New York State provides training for law enforcement interested in recognizing and reducing impaired driving by the ARIDE and DRE programs. Currently, Orange County has only eight officers who are fully certified in the DRE program. ARIDE provides training in the awareness of impaired driving. With the decriminalization of marijuana, it would be prudent to have at least one Tuxedo officer attend or re-attend an ARIDE program.

Recognition of drug impairment extends far beyond driving. Officers are tasked with recognizing drug impairment during other duties such as calls for domestic/family disturbances and even at community events. NMS Labs, a highly respected private forensic laboratory has stated that, in their opinion, a new drug trend is seen every six to nine months. Clandestine laboratories all over the world create new synthetic drugs of abuse to skirt the law. Once the



drug of choice is scheduled, a newly synthesized “legal” drug will take its place. It would not be possible for the Tuxedo Police Department to recognize the drugs and their effects on people. However, it would be advantageous for the department and the citizens of Tuxedo if the officer kept updated on some major drug trends. One major drug trend is the opioid epidemic that is still taking over the country. While the use of Narcan is widely understood to aid in these types of overdoses, drugs of abuse training should also incorporate how and when to use Narcan. It is recommended that each Tuxedo patrol car carry at least two doses of Narcan. With enough exposure, some people are not able to be revived with one dose. (NMS labs, DEA’s ThinkTwice Campaign)

**Recommendation: Police should receive annual training of current and applicable laws, drug trends and concealment tactics.**

**Recommendation: Each patrol car should carry at least two non-expired Narcan units.**

### **Officer Wellness**

Being a complex profession, officers are required to serve, protect, and engage the community while making sure their safety is protected. Police officer safety and wellness is designed to mitigate officer strain and stress, prevent officer suicide, and help with quick, informed decisions that can yield to calm rather than escalated situations. (BJA) MHA states that *“Police departments must attend carefully to the mental health and substance use needs of officers. Policies must be in place which encourage officers to seek help in responding to the stressful nature of their work, employ appropriate screening tools to help identify officers who need mental health and substance use services and ensure police officers are fit for duty.”*<sup>15</sup> Many online services are provided for officer well-being and should be utilized and considered a major topic of training (see Appendix #6).

Unfortunately, recent social movements and unrest combined with some public animosity for police officers has added to officer stress (BJA). These current challenges are crucial in the wellness of all officers and should be recognized and mitigated. For the benefit of all who live, work, and visit Tuxedo, it is recommended that every Tuxedo officer undergo critical and impactful wellness training. NAMI states that *“Many officers struggle with alcohol abuse, depression, suicidal thoughts, post-traumatic stress disorder and other challenges. The suicide rate for police officers is four times higher than the rate for firefighters. In the smallest departments, the suicide rate for officers increases to almost four times the national average. Compared to the general population, law enforcement report much higher rates of depression, PTSD, burnout, and other anxiety related mental health conditions.”*<sup>16</sup> Although statistics are hard to read at times, they provide valuable input. These statistics can be changed, however, with officer wellness training and community recognition. NAMI describes various ways fellow police officers, law enforcement leaders and the community can connect and offer support. Peer and professionally approved mechanisms for immediate and follow up support of officers who experience traumatic events is important to maintain officer wellness.

**Recommendation: Every Tuxedo police officer should receive officer wellness assessment and training, yearly.**

## **Staffing**

The examination of the Tuxedo Police Department also includes recognition of the staff. Currently, all officers and supervisors are male. The Tuxedo Police Department presently has no Hispanic, Asian or female officers and no matrons. The lack of a female presence at the station presents a problem if a female offender is taken into custody. NY State law requires the presence of a matron or female officer during interrogations. In addition, only female officers are permitted to perform a search on a female offender. This causes a problem when a female is taken into custody. If this occurs, the Tuxedo Police Department must seek the assistance of a female officer from a nearby town. It is not always possible to locate a female officer on duty from a neighboring department. In this event, the female offender(s) will ultimately be released.

**Recommendation: Hire a female police officer to respond to needs of female residents and facilitate the apprehension of female offenders.**

The recommendation stated above has brought forth concerns regarding the hiring and promoting of Tuxedo Police Department employees. NYS Civil Service Commission rules, which were put in place to promote fairness and prevent nepotism, may potentially create a roadblock to diversity in the police workforce. Civil service rules require employers to select candidates from those who are among the top three test scorers and who pass a rigorous physical agility requirement. Many police reform workgroups have gathered for change nationally and the Tompkins County and City of Ithaca collaborative are no exception. In their 2021 reimagining plan, they state the following,

*“The Civil Service exam process creates barriers for attaining robust, diverse candidate pools. In spite of efforts made by local government employers, people of color remain underrepresented in law enforcement. The current “rule of three” in Civil Service restricts employers to hiring from among the three highest ranking eligible candidates. It is recommended that New York State implement a pass/fail test for law enforcement personnel. Alternatively, if a pass/fail test is unachievable, the current method of band-scoring should be altered to include a wider band of 5 points to allow for a more robust pool of eligible applicants. Civil service test questions should be examined to identify and address issues of systemic bias. This recommendation would expand the pool of applicants and provide greater latitude for law enforcement leaders to include more candidates, specifically candidates of color to be considered for positions in law enforcement.”<sup>17</sup>*

Without the flexibility to hire a candidate who is not a top three test scorer, police departments are limited. Providing equitable questions on the exam would foster an inclusivity and diversity to allow non-typical test takers to reach common ground. Recently, the Tuxedo Police Department has been predominantly white and male, even though there may be other candidates who would better represent and relate to the community they serve.

**Recommendation: Adjust civil service rules on police staffing and include equitable questions of the entry and promotional civil service exams to provide more flexibility in hiring employees who would better represent and relate to the community.**

### **Tuxedo PD Security**

Upon review of arrest/incident data, it was recognized and highlighted that Tuxedo citizens and the Tuxedo Police Department themselves are not privy to a vital component of data: it is not reported. Since the Tuxedo Police Department is not a 24hour/7day a week department, the New York State Police responds to calls during department's off-hours. Although available if one researches a county website, these incidents are not automatically reported/communicated to the Tuxedo Police Department. Night shift mental health calls may be responded to by New York State Police. Therefore, we do not know the full extent of the mental health-related calls. It is recommended, therefore, to commence 24-hour police coverage in Tuxedo. Mental health-related issues are initiated by those who require help and therefore inherently have a sense of trust for who responds. Any prior relationship or communication with the responding officer is vital in having the issue resolved safely. This type of trust can be achieved only by full-time policing in the community with years of relationship-building. Full-time, 24-hour policing will provide more opportunities to help build this relationship.

**Recommendation: Commence 24-hour policing by the Tuxedo Police Department.**

It was also recognized that there are no operational burglar or fire alarm systems at the police station. This has only recently become a serious problem since there was always an officer or dispatcher present at the police station. Currently, however, it is possible for the building to be unoccupied for eight hours while officers are out on tour duty or are not on duty at all. If a fire were to occur during this time, the unattended fire would spread until it was noticed by an outside source.

**Recommendation: Install working burglar and fire alarms at the police station.**

In addition to the burglar and alarm systems, it was recognized that three useful remote cameras mounted on poles in the Hamlet area are no longer operational. It is strongly recommended that they be reactivated and looped back to the new camera system at the police station. Tuxedo has a geographically large area for police to cover with multiple dispersed communities within a fifteen minute drive. Incidents occurring in two separate locations at the same time can cause time related issues. However, having the cameras working and capturing vital incident data, can

alleviate some of the time-related issues, especially in the area where most of the speeding occurs.

**Recommendation: Reconnect the three remote cameras in the Hamlet to the new camera system at the police station.**

### **Youth/School Resource Officer/School Security Deputy**

Police presence in schools can be controversial. Nationally, questions have been raised about the police presence in schools (often called School Resource Officers) who have pushed students out of school and into the criminal justice system (the school to prison pipeline). This happens disproportionately with minorities and children with different abilities. It is therefore important to examine the presence of police in each school system.

(See [learningforjustice.org/sites/default/general.School-to-Prison.pdf](http://learningforjustice.org/sites/default/general.School-to-Prison.pdf))

The Tuxedo Union Free School District (TUFSD) does not employ a School Resource Officer through the Tuxedo Police Department. In its place, the school contracts with Orange County for a School Security Deputy (SSD). The deputies are supervised by a full-time Sargent to that program who oversees scheduling, issues, hiring etc. Several SS Deputies are assigned to the district on alternating shifts. They are all retired officers who currently live in or near Tuxedo and therefore, are more apt to know the youth and their families. Although armed, they are not in regular sheriff uniform. They have received extra extensive training in de-escalation, mental health, and medical issues. They are there to solely protect the students, the teachers and the school for safety from outside acts of violence. They are there to observe, be a deterrent by their presence (marked police car outside the school or at the door when people arrive), and be a role model of positive interaction. They patrol the building and check doors. They informally interact with children by smiling and waving. They do not run programs in the school. They do not get involved in disciplinary incidents in the school, although sometimes they may get called to talk to a student to help de-escalate a situation. When needed, they contact the local police department. They do not handcuff students or use pepper spray. Nicole Scarino, the acting Superintendent of TUFSD, states that the School Safety Deputy is present every day students are in school. They are a member of the school safety plan and have a direct radio channel to district personnel. When there is a crisis or emergency involving safety or security, they are notified immediately and respond in the moment. Staff welcomes their presence. **Recommendation: Although not SRO's, the SSRD's provide adequate safety for the students at a cost savings for the town and as a result, no further action is recommended.**

### **Community Engagement**

A well-maintained website would be a great place to remind our citizens and all who visit Tuxedo that our police department is present and approachable. The website and a continual

presence at town functions will aptly serve as necessary officer recognition. Officer recognition is key in family disturbance and juvenile calls. Especially youth, whether as an offender or a victim, where there is trust and recognition are more apt to provide information regarding the incident. Officer recognition and understanding are the keys in policing a vastly residential community. Currently there is no mechanism for citizens to have input into policies and practices of the Tuxedo Police Department. Adding a complaint/feedback form on the departmental website would offer such a mechanism.

**Recommendation: An online complaint/feedback form should be made available on the police department website.**

A website can provide many services to the community. Information about staffing, policies and procedures and incident data would provide the community with key information.

**Recommendation: Update the Tuxedo Police Department site on the Town website.**

Having the full committee or a smaller group meet a couple of times a year would allow for more citizen and officer feedback as well as ensuring the recommendations are understood and utilized. In addition, the committee can continually stay updated on detailed monthly reports (blotters), arrest/incident data and additional training received by the officers. Continuing these meetings may help foster and solidify these recommendations. This will help us perform our civic duty by implementing the community's opinion on how our local police can and have improved. There currently is no official forum.

**Recommendation: Continue the workgroup as a liaison from the community to the police.**

## **V. Comments and Questions made at in person and virtual Community Meetings June 29 and 30 2021**

There were three types of comments

Asked for further clarification about a recommendation -

- a. How we might effectively advocate for the hiring of a local dispatcher – how much it will cost and how can residents prove the case to the Town Board?
- b. Are we recommending 24 hour dispatching or just night coverage?
- c. What is the cost of 24 hour policing or local dispatcher? How will it be paid for?
- d. What are the statistics that were used to arrive at the recommendation for 24 hour local police coverage? What is the stated need?
- e. Asked for more clarification related to the recommendation asking for more clarity of the departmental table of organization. (needs more specific details and an expanded view)
- f. Who will pay for the body cameras?
- g. Who pays for NY State Police coverage in Tuxedo?
- h. Have the police officers seen this report?
- i. How can the recommendation for a citizen feedback form be established? Will it be anonymous and bi directional (will citizens get data from the police)?
- j. What did we mean by “local” training for the police. (on site in Tuxedo rather than County or State Programs)
- k. Does the Tuxedo Police get automatic reports each day regarding the coverage from the NY State Police?

Provided additional information

- l. The police cars do not have cameras
- m. There have been women officers in tuxedo in the past. At least three. The last left because of medical issues.
- n. The NY State police do not automatically send a report of the A shift activities. Local police have to search out a digital report from state police
- o. Patrolling on Route 17 is difficult because it is known as a drug trafficking route. Stopping a vehicle is known to be the most dangerous part of an officer’s job.
- p. Responding to domestic violence calls can be very dangerous for police officers. Although preferable, it is difficult to always have two officer at domestic violence scenes.
- q. There are some possible Federal COVID – Mental Health money that the town might be able to obtain to provide more training, advocate assistance, and community programs.

Took a position relevant to a recommendation or finding

- r. Hoped that the recommendation of hiring of a woman police officer does not include replacing a current officer.
- s. Expected that a woman police officer would meet all of the police requirements
- t. Asked that the department research reports of misuse of police body cameras before consider using them in Tuxedo.
- u. Supported a way for residents to give feedback to the police, especially for reporting misconduct or inappropriate behavior.

- v. Supported a need for an updated website.
- w. Supported that Tuxedo reinstate submitting a police blotter to the Photo News.
- x. Wherever possible, two officers should respond to domestic violence calls.
- y. Asked that two officers respond to domestic violence calls and that where possible one of them be a woman officer or domestic violence advocate.
- z. Consider using town money to pay for mental health and domestic violence advocates rather than relying on the county and state services. This might be an option instead of adding police officers.
- aa. There needs to be a better system to learn about the activity during the nighttime shift from the NY State Police.
- bb. Reinstate a police commission, as Tuxedo had in the past, was an effective way to involve citizens in police department affairs. If a civilian review board is established the Commissioner should be called in first.

## VI. References

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9. criminaljustice.ny.gov
10. MHA Position Statement 59 <https://mhanational.org/issues/position-statement-59-responding-behavioral-health-crises>
11. MHA Position Statement 59
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13. International Association of Chiefs of Police <https://www.theiacp.org/resources/policy-center-resource/mental-illness>
14. Stuart Butler & Nehath Sheriff, *How The ARPA Will Help Cities Replace Police with Trained Crisis Teams for Mental Health Emergencies*, Brookings Institute, June 22,2021.
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17. Reimagining Public Safety Collaborative Tompkins County & City of Ithaca, NY, p 44