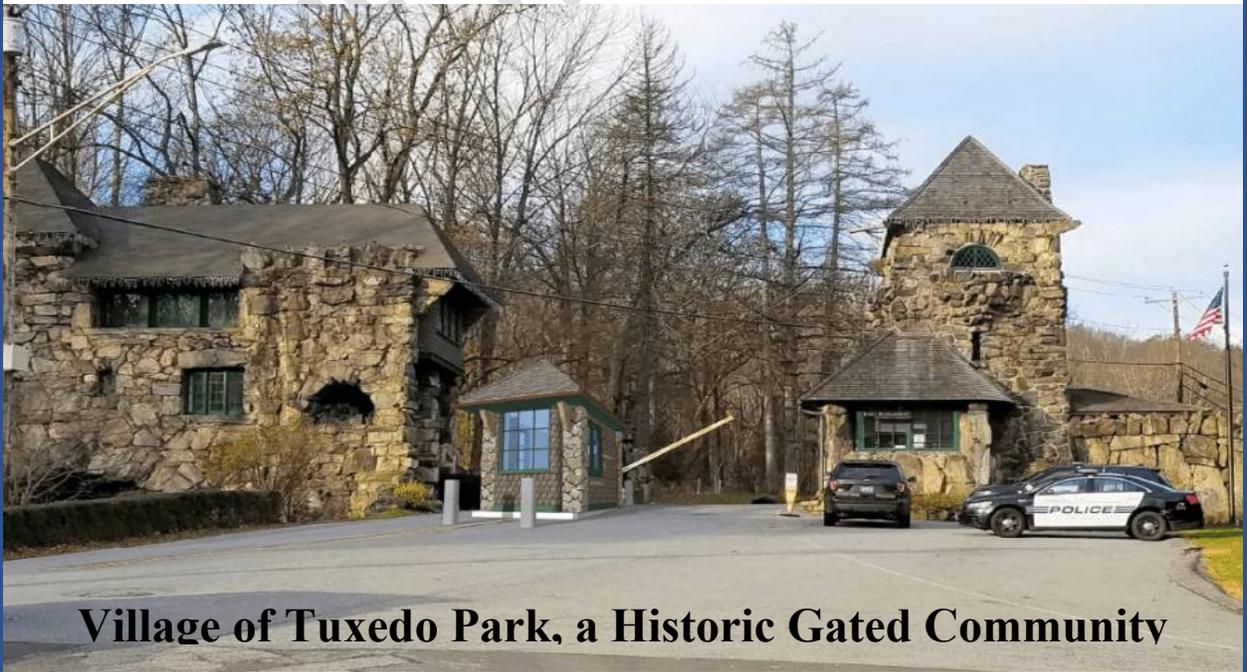


# **Village of Tuxedo Park Police Reform and Reinvention Plan**



**Village of Tuxedo Park, a Historic Gated Community**

## Table of Contents

<b>Police Reform and Reinvention Background.....</b>	<b>Page 1</b>
<b>Summary of Tuxedo Park Population and Demographics.....</b>	<b>Page 2</b>
<b>Police Department Summary</b>	
<b>Collaborative Effort in Response to Executive Order 203.....</b>	<b>Pages 3-7</b>
<b>The Village of Tuxedo Park Plan on Police Reform and Reinvention.....</b>	<b>Pages 8-11</b>
<b>Annex A: Governor Cuomo Executive Order 203</b>	
<b>Annex B: Tuxedo Park Population and Demographics</b>	
<b>Annex C: Key Questions and Insights for Consideration</b>	
<b>Annex D: Community Survey</b>	
<b>Annex E: Orange County Civil Service Recruitment Requirements</b>	

## Police Reform and Reinvention Background:

On June 12, 2020, in response to nationwide protests against police brutality and other perceived constitutional rights violations, New York Governor Andrew Cuomo signed executive order 203 requiring all police agencies in New York State to develop a comprehensive plan for the reform and modernization of police strategies and programs. (See Annex A).

This emergency regulation will help rebuild that confidence and restore trust between Police and the communities they serve by requiring localities to develop a new plan for policing in the community based on fact-finding and meaningful community input.

In August of 2020, Governor Cuomo released a 135-page workbook containing regulations, suggestions, and recommendations regarding police reform and reinvention. In this workbook, we urge that a collaborative process with community stakeholders is key to developing the Police Reform and Reinvention Plan. The collaborative process should include:

- Review the needs of the community served and evaluate the police department's current policies and procedures.
- Establish policies to perform their duties effectively and safely.
- 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 the adoption of the plan to the State Budget Director on or before April 1, 2021.

## Plan Format & Content

The plan's content and organization are based on the questions and issues raised in the [NYS Reform & Reinvention Collaborative resource guide](#), emphasizing community members' topics. To prepare this plan, we worked through about 100 questions raised in the Guide, mostly around the police departments' current roles, policies and practices, culture, personnel, training, and officer wellbeing.



## **Summary of Tuxedo Park Population and Demographics (Annex B)**

1. Geographic's
  - a) The Village of Tuxedo Park is approximately 45 miles North of New York City.
2. Area
  - a) The Village of Tuxedo Park encompasses 2.7 square miles with 25 Road Miles.
3. Population
  - a) There are 293 homes and 623 residents (As per the 2010 U.S. Census)
4. Demographics
  - a) According to the 2010 U.S. Census, the Village's racial makeup was 94.37% white, 0.69% African American, 0.14% Native American, 2.19% Asian, 0.27% from other races, and 2.33% from two or more races. Hispanic or Latino of any race is 5.07% of the population.
5. Business/Commerce
  - a) There are no businesses or commerce within Tuxedo Park.
  - b) The Tuxedo Club is a private club by membership only.
  - c) The Tuxedo Park School is an independent private school with grades pre-k to 9<sup>th</sup> grade. 75% of the students do not reside in Tuxedo Park.

## **Police Department Summary**

### **1. Staffing, Structure, and Organization**

- a) The Police Department currently has four (4) full-time Police Officers, including the Chief of Police and twenty (20) part-time Police Officers. The Chief of Police is considered full time at twenty (20) hours per week.
- b) The organizational structure is (1) Chief of Police, (1) Patrol Sergeant, (22) Police Officers.
- c) We operate twenty-four hours per day, seven days per week.
- d) Two police officers work per shift, with one officer assigned to operate the gates, screen visitors, answer telephones, and dispatch. One officer is assigned to patrol and handles all calls by himself/herself.

### **2. Police Department Budget**

- a) The police department budget for FY 2020/2021 is \$972,682.
- b) 89% of this budget is personnel costs.
- c) 4% makes up building maintenance and utilities.
- d) 3% is for Equipment.
- e) 2% is for vehicles.
- f) 2% other expenses (office supplies, computers, etc.).

### **3. Police Activity for 2020**

- a) Calls for service or officer initiated = 3,136
- b) Crimes Reported = 42
- c) Arrests Made = 20 (15 of them for suspended license or registration)
- d) Traffic Tickets Issued = 165
- e) Motor Vehicle Accidents = 2 (No injuries or fatalities)
- f) There were two Personnel Complaints against officers for officer rudeness.

### **Collaborative Effort in Response to Executive Order 203:**

Upon receiving the NYS Reform & Reinvention Collaborative resource guide workbook, Mayor McFadden and Chief Conklin began discussions. It formulated a plan for policy review and department training to be completed before moving forward.

#### **1. Police Department Policies:**

- a) The first order of business taken by the police department was to review current policies and procedures. While doing this, we determined that there were some different versions of policies and procedures in place with no exact version. Some guidelines did not pertain to this department (i.e., Bicycle patrol, Epinephrine, etc.). Additionally, there was no accountability from the police officers, indicating that they had read and signed for them.

New policies written include:

- De-Escalation
- Bias-Related Incidents and Hate Crimes
- Crime Victims Services
- Internal Affairs and Personnel Complaints
- Unbiased Policing
- Response to Mental Health Calls
- Arrests and Investigatory Stops
- Use of Force\*(amended)
- Force Continuum

\* We amended the Use of Force policy to include de-escalation, a duty to intervene, ban chokeholds unless deadly force is authorized, reporting, and reviewing Use of Force incidents.

\*\* All the police department policies are based on recommendations and are within the standards set by the following sources: International Association of Chiefs of Police, New York State Division of Criminal Justice Police Accreditation Standards, and the DCJS Municipal Police Training Council Standards.

#### **2. Police Training:**

- a) Between October-December 2020, all police officers in the department received training in the following topics:
  - Use of Force
  - Implicit Bias
  - Procedural Justice
  - De-Escalation

These training topics will continue annually.

#### **3. Review of Personnel Complaints from the Public:**

- a) Personnel complaints against our police officers have been minimal. In 2020, the Chief received one (1) formal complaint and one (1) informal complaint from the public.
- b) Both complaints were that an officer was rude – In one complaint, the officer acted harshly, and the Chief of Police admonished him. The other criticism was unfounded.
- c) The department policy on Internal Affairs/Personnel complaints has been amended and will be part of our plan.

#### **4. Forming a Committee for Police Reform:**

- a) On December 17, 2020, Mayor McFadden and Chief Conklin formed a committee of key stakeholders in the community. This committee membership includes leadership from every component of the Village of Tuxedo Park.

##### Membership:

- David McFadden – Village Mayor
  - Chris Kasker – Village Board and Ret. Military Police
  - David Conklin- Tuxedo Park Police Department Chief
  - Serena Mueller, Associate Head of School Tuxedo Park School
  - Joshua Scherer – The Tuxedo Club Board Member
  - Father Rick Robyn – Rector of St. Mary's-in-Tuxedo Episcopal Church
  - Stewart Rosenwasser, Orange County Assistant District Attorney (Added to the committee on January 14, 2021)
  - Meg Vaught – Town School Board Member and Editor/Administrator of TPFYI, a local media website (added to the committee on January 25, 2021)
  - All committee members are Village residents except for Chief Conklin and ADA Rosenwasser
- a) Several attempts were made via telephone, voicemail messages, and email to the Orange County Legal Aid Department to have a public defender be assigned to the committee with no return calls or emails. Also, we were unable to identify a defense attorney volunteer.
  - b) On December 30, 2020, Chief Conklin sent a presentation to all committee members for review. The material consisted of a summary of the committee's goals and objectives, the inner workings of the police department, annual statistics, and community demographics. (The Summary of this presentation is contained on page 3 herein).

#### **5. Committee Meetings:**

- a) The committee had a total of four (4) meetings via Zoom on the following dates:
  - January 11, 2021
  - January 18, 2021
  - January 25, 2021
  - February 8, 2021

- b) The committee discussed past police practices, current police practices, and suggestions and ideas for future police practices of the Key Questions and Insights for Consideration, which is in the workbook provided by Governor Cuomo. (See Key Questions - Annex C)
- c) Based on all of the committee's meetings and discussions and demographics of the Tuxedo Park Community, there are no issues or problems with systemic racism, biased policing, or discriminatory police practices within the Village of Tuxedo Park.
- d) The committee did recognize and discuss that our community has its own unique set of standards and issues based on geography, security, and demographics.
- e) With the Village of Tuxedo Park is a gated community where only residents and authorized guests are permitted, the issues and problems may seem minimal compared to other communities.
- f) The discussions, ideas, and suggestions the committee had are specific to the Tuxedo Park Community's needs.

#### **6. Community Survey**

- a) The Police Reform committee discussed sending out a community survey, and on January 29, 2021, emailed the survey to the Official Village Email list. We left the survey period open for two weeks with a second email reminder after one week. We received 86 responses to the survey, and most of the reactions are very similar to the issues the reform committee has discussed. (See Survey Results - Annex D)

# **The Village of Tuxedo Park Plan on Police Reform and Reinvention:**

After extensive conversations with the Police Reform Committee, a community survey, and a review of department policies and practices, our Collaborative plan is written to meet our community's needs. Our plan outlines what the police have done or will do to reform and reinvent our policing style.

## **1. Training**

### **a) Use of Force Training**

All our police officers have had a refresher course in the Use of Force and Force Continuum. According to article 35 of the New York State Penal Law and Case Laws and restrictions on the use of force, this training involved legal aspects of force, including chokeholds, breathing limitations, duty to intervene, reporting and reviewing the use of force reports.

### **b) Implicit Bias Training**

Implicit Bias training allows officers to recognize their own human biases and how implicit biases can affect others' perceptions, which affect their behavior.

### **c) Procedural Justice Training**

It focuses on how law enforcement interacts with the public and how these interactions shape the police's trust. This training emphasized the four pillars of Procedural Justice that the public trust is gained when there is fairness, voice, transparency, and impartiality.

### **d) De-Escalation Tactics**

This training focuses on tactics to use to avoid using force and de-escalate situations by using both verbal and non-verbal communication strategies, which can often reduce the risk of a problem becoming violent.

We will conduct training annually.

## **2. Policies and Procedures**

a) All department policies and procedures were reviewed, and many were amended and updated. Several new policies and procedures were added. (See Page 4 herein).

b) Once adopted, all the Department Policies will be published in a binder, and a copy will be kept at Village Hall for residents to view at any time. A Hard copy will be published and be held at the police department. Besides, all policies will be digitized and stored on department computers, including vehicle laptops.

c) All police officers will read and acknowledge their understanding of all department policies.

## **3. Transparency**

a) The Tuxedo Park Police Department provides monthly reports to the Village Board. In 2020, it started annual Summary Reporting to the Village Board, all of which are posted and accessible through the Village Website and on the TPFYI website.

b) TPFYI is a local website for Tuxedo Park residents. **TPFYI Mission Statement:** The mission of tpfyi.com is to ensure that those who value the unique qualities of Tuxedo

Park will have a source of information that is timely and relevant to the issues which are essential to the future of our Village

- c) At this time, we are in the process of purchasing Body Worn Cameras that our police officers will wear and use while on patrol.
- d) The Community Survey will be annual.  
We will use the results of the surveys to help us identify our weaknesses and in-efficiencies and allow us to improve our services and programs.
- e) All police officers will be issued business cards to hand out to the people they come into contact with during their shift.

#### **4. Communication**

- a) We will continue to communicate with the public using Code Red for Alerts, Facebook, and community emails.
- b) We plan to create a police department website to further communicate with the public and provide easier access to programs, personnel complaints, forms, resources, use of force policy, and other relevant and helpful information.

#### **5. Social Services/Law Enforcement Assisted Diversion Programs and Other Resource**

- a) The Village of Tuxedo Park Police Department lacked partnerships and utilizing outside resources. We have realized through this Reform process that organizations and Social Services provide useful resources, and we have explored how we can best use them. In doing so, we have recently partnered with the following organizations:
- b) The Orange County Department of Mental Health utilizes their Crises Call Center and Mobile Response Team to assist us in our response to Mental Health calls.
- c) FEARLESS (Formally known as Orange County Safe Homes) provides aid and services to domestic violence victims. Lastly, we are in the process (as of February 1, 2021) of joining the Hope Not Handcuffs Program\*, a partnership geared towards diversion. Hope Not Handcuffs is a proactive approach to reach out to people struggling with drug addiction to encourage them to seek recovery and regain control of their lives.

\* **The Hope Not Handcuffs Mission Statement:** Hope not Handcuffs is an initiative to bring law enforcement and community organizations together to find treatment options for individuals seeking help for addiction. Judgment free!

#### **6. Citizen Advisory Board**

- a) The Police Reform and Reinvention Committee have discussed continuing these very productive conversations even after our adopted plan.
- b) The stakeholders on this committee for police reform will continue to meet quarterly to discuss these topics on police reform and all other community issues. As a committee, we will continue to develop programs, policies, and training that is needed for our police department to serve at its maximum potential that fit the needs of the community.

#### **7. Officer Misconduct**

- a) The police department's Internal Affairs policy is very detailed in how we handle complaints from the public.

- b) All public complaints are investigated thoroughly, and the complainant will be apprised of the investigation results.
- c) Anonymous complaints are also thoroughly investigated.
- d) The police department rules and regulations contain detailed provisions for discipline to include command discipline up to termination for misconduct acts.
- e) Allegations of police misconduct where excessive force is used or a crime are alleged, the police department will conduct a preliminary investigation. The matter will be turned over to the Orange County District Attorney's Office or the FBI Public Corruption Unit for an Independent Investigation.

## **8. Use of Force**

- a) New York State Executive Law 837-t mandates that all police departments report any
- b) Use of Force incidents to the New York State Division of Criminal Justice Services
- c) and effective December 1, 2020, this reporting became available through the E-Justice Portal.
- d) Department Use of Force Policy mandates that all police officers report any use of
- e) force incident and a Use of Force review process.
- f) Governor Cuomo issued Executive Order No. 147, which appoints the New York State Attorney General as a special prosecutor in matters relating to civilians' deaths caused by law enforcement officers.
- g) We are in the process of purchasing Tasers and having officers trained and certified in
- h) carrying and deploying them. Tasers are a useful tool for police in using force continuum to minimize injuries to combative suspects and police officers.
- i) Tasers do not rely on pain compliance; instead, it uses electrical current to disrupt voluntary control of muscles causing temporary "neuromuscular incapacitation" so an officer can effectively take a combative subject into custody without using more force that is capable of causing severe injury or death.

## **9. Community Interactions**

- a) One joint discussion from the reform committee and many residents' responses to the community survey was that the police officers and the residents do not know each other.

Some plans we must engage with our residents more are:

- Coffee with the Chief and Coffee with a Cop Program
- Community Day/Open House
- A Police Booth will be erected in April/May 2021 at the main gain (entrance) that will allow for closer face to face contact between the police officers and residents/visitors and will enhance public relations as well as security.
- Although some residents have complained about receiving traffic tickets from our officers, there is a fair balance between tickets and warnings issued.
- Stop and Talk Program: The police department is in the process of creating a program that will mandate our officers to "stop and talk" to residents while out on patrol.
- These inter-personal communications aim to form community relations that help build more trust in the police department within the community.

## **10. The Role of the Tuxedo Park Police Department**

- a) We will continue to provide exemplary service to the residents of the Village of Tuxedo Park.
- b) We will continue to respond to all calls for service to include all medical, mental health, and domestic violence calls.
- c) We will utilize resources that are offered throughout Orange County to assist our residents.
- d) We will increase our community policing efforts and communicate more with our residents; it is vital to have strong community relationships.

## **11. Enforcement**

- a) The Tuxedo Park Police Department has a legal obligation to provide safety and security to its residents and visitors. Safety protocol is maintained through a screening process at the gate before allowing people to enter Tuxedo Park, conducting vehicle and traffic enforcement and patrol methods to deter, detect and enforce criminal activity.
- b) The Tuxedo Park Police Department does not subscribe to the Broken Windows theory of Policing, pretextual stops, or discriminatory/biased based stops.
- c) All traffic stops, investigatory stops, and enforcement actions are based on probable cause.
- d) We do not have a quota system, and our police officers have a wide latitude of discretionary powers. Our officers issue the right balance of tickets and warnings.
- e) A common complaint from our residents is ticketing for non-safety-related violations as opposed to a warning. Our enforcement efforts will focus more on those issues that cause accidents and create a danger to pedestrians, such as speeding and other moving violations.

## **12. Recruitment**

- a) The Orange County Department of Civil Service establishes rules for hiring per the New York State Civil Service Laws.
- b) Currently, Orange County Civil Service requires 60 college credits or 30 college credits and military service to be eligible to take a written exam. After successfully passing the written exam, the person must successfully pass a physical endurance test. Once complete, the candidate is placed on the eligible for hire list. A police department that has a vacancy requests the list from Civil Service, and the group of candidates who are in the top 3 scores on the list is sent to the department.
- c) Interviews are conducted, and the police department must select someone from the group on the list they were given. The chosen candidate must then take a medical, physical, and psychological test to be eligible to be hired. (Civil Service Requirements - Annex E).

## **13. Officer Well Being**

- a) The Orange County Department of Mental Health provides counseling and support for police officers when requested by a police department. This service is for an officer involved in a critical incident.
- b) The New York State Police provides an Employee Assistance Program and peer counseling to the police department when a need arises.