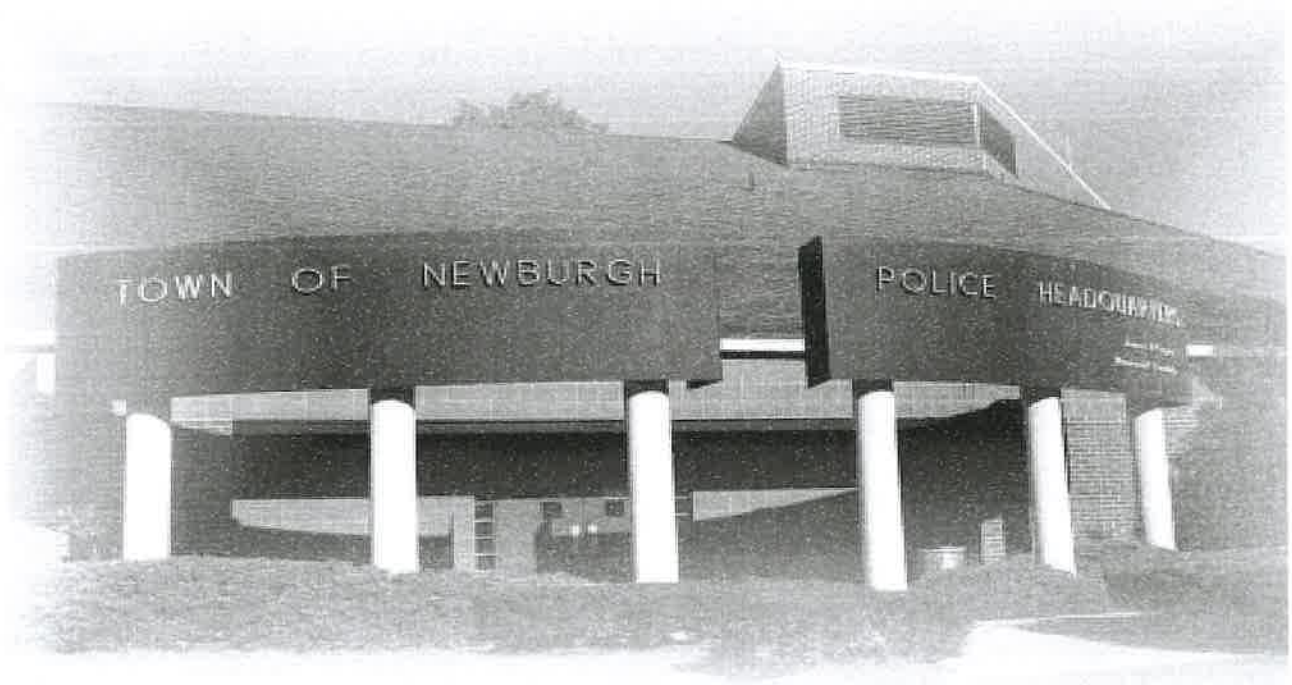


Town of Newburgh Police Reform and Reinvention Collaborative



Plan for Innovation, Transparency and Community Engagement

March 18, 2021

Town of Newburgh, New York

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Acknowledgements

Newburgh Town Board

Gilbert Piaquadio – Supervisor
Scott Manley – Deputy Supervisor
Betty Greene - Councilwoman
Paul Ruggiero - Councilman
Anthony LoBiondo - Councilman

Comprehensive Plan Advisory Committee

Scott Manley – Newburgh Town Board Deputy Supervisor
Bruce Campbell – Town of Newburgh Police Chief
Terrence Verette – Executive Director of the African Cultural Center of the Greater Hudson Valley
Robert Conflitti – Senior Assistant District Attorney
Jenifer Flynn – Owner and Operator of the Barking Goose Bookstore, Bar and Cafe
Irving Rivera – Pastor of the Meadow Hill Reformed Church
Colin Jarvis – Executive Director of Newburgh Ministries

Preface

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

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

The Governor's Executive Order specifically requires an inclusive, open and transparent process. The Executive Order identifies some of the key stakeholders who must be involved:

- Membership and leadership of the local police force;
- Members of the community, with emphasis on areas with high numbers of police and community interactions;
- Interested non-profit and faith-based community groups;
- The local office of the district attorney;
- The local public defender; and
- Local elected officials.

Beyond this group, you should ensure that participants bring to your process a broad range of the perspectives, experiences, knowledge and values of your community. Specifically, you should consider engaging:

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- Residents who have had interactions with the police;
 - Residents who have been incarcerated;
 - Any local police unions;
 - Local education officials and educators;
 - Local neighborhood, homeless, and housing advocates;
 - LGBTQIA+ leaders and advocates;
 - The Local Health Department and healthcare leaders and advocates;
 - Mental health professionals;
 - Business leaders;
 - Transportation and transit officials; and
 - Legal and academic experts.

Based on the above exert from Executive Order 203, a number of invitations were mailed to stakeholders the Governor advised must be involved in this collaborative. A committee was selected from those that responded to the invitation and the committee met on February 9th 2021 to introduce themselves and discuss the goals of the committee.

On February 16th and February 23rd virtual meetings were held that were open to the public. Any member of the community was able to express their opinions, raise questions and comment on practices. Valuable information was received through this process as everyone that wished to be heard was given time to speak. In addition to these meeting an email was created allowing any member of the public that did not wish to participate in the virtual meeting, an opportunity to make suggestions or voice concerns via email. Individuals could do so anonymously if they wished.

On March 2nd 2021 the committee met in person to discuss the formation of a plan based on the concerns of the committee members and the concerns of the public that participated in the open forum meetings.

On March 12, 2021 the plan was posted on the Town of Newburgh website and Town of Newburgh Police Facebook page for public review and comment.

On March 22, 2021 the final plan was presented to the Newburgh Town Board and the Board adopted the plan by local resolution.

The Comprehensive Plan Advisory Committee will meet three months after the plan has been adopted to discuss progress on obtaining the objectives described herein.

Town of Newburgh Police Plan for Reinvention and Reform

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

- I. What Functions Should the Police Perform?**
 - 1. Determining the Role of the Police**
 - 2. Staffing, Budgeting, and Equipping Your Police Department**

- II. Employing Smart and Effective Policing Standards and Strategies**
 - 1. Procedural Justice and Community Policing**
 - 2. Law Enforcement Strategies to Reduce Racial Disparities and Build Trust**
 - 3. Community Engagement**

- III. Fostering Community-Oriented Leadership, Culture, and Accountability**
 - 1. Leadership and Culture**
 - 2. Tracking and Reviewing Use of Force and Identifying Misconduct**
 - 3. Internal Accountability for Misconduct**
 - 4. Citizen Oversight and Other External Accountability**
 - 5. Data, Technology and Transparency**

- IV. Recruiting and Supporting Excellent Personnel**
 - 1. Recruiting a Diverse Workforce**
 - 2. Training and Continuing Education**

3. Support Officer Wellness and Well-being

Role of the Police Department

The Town of Newburgh Police Department recognizes that in order to fulfill its mission of protecting life and property, understanding the needs of the community and providing professional police service while assuring fair and equal treatment for all, we must first build trust and transparency with all members of our diverse community. This is accomplished by having an open relationship with the public that provides access to information and constant review of our practices and policies. Currently the Town of Newburgh reviews every policy and procedure annually to ensure that policies are up-to-date and follow best practices as put forth by the New York State Department of Criminal Justice Services and the International Association of Police Chiefs. The Town of Newburgh Police Department will be systematically be adding those policies, that do not include tactical responses, to the Town of Newburgh website for public view.

The primary role of the Town of Newburgh Police Department is to protect its citizens from harm. As such, we will always respond when a member of the public calls on us. Family disputes, mental health crisis, and overdoses all have the possibility of ending in catastrophe and our ability to respond within minutes makes us the most viable option for those in immediate distress. We do not respond to these calls looking to make an arrest. We respond to ensure safety and provide assistance. In no case do we arrest an individual that has overdosed even if narcotics are present. Our officers respond, assess, and refer while ensuring safety. If harm has come to someone, we do our best to identify the offender and hold that offender accountable. If no crime has occurred, our officers are trained to refer those involved to the appropriate assistance programs. Our goal is to de-escalate high tension situation and prevent injury. We are committed to providing officers with the necessary training and equipment to safely deal with a wide range of calls for service, while respectfully assisting those in crisis.

Staffing

The Town of Newburgh Police Department is currently staffed with 48 full-time sworn officers and has an additional 13 budgeted part-time police officer positions. There are also 9 full-time Dispatchers, 3 part-time Dispatchers, a Chief's Secretary, and a Records Clerk.

Additional part-time resources include 9 Court Officers, 2 Crossing Guards, 1 Bingo Inspector, and a Parking Enforcement Officer (currently vacant).

The Police Department is also responsible for the oversight of the Animal Control Division.

The breakdown of sworn police officers is as follows;

1 Police Chief

2 Lieutenants

9 Sergeants

30 Patrolmen

13 Part-time Patrolmen

4 Investigative Detectives

2 Crime Scene Detectives

The Town of Newburgh Police cover 48 square miles and respond to between 24,000 and 28,000 calls per year, serving a residential population of approximately 30,000 people. The large number of retail businesses and restaurants cause the daytime and early evening populations to grow to approximately 100,000 people.

Equipment

Body Cameras have been assigned to each officer in the patrol division. A comprehensive policy regarding the operation of the Body Worn Cameras has been developed to ensure that the cameras are turned on during interactions with the public including vehicle stops, arrests, and confrontational situations.

Every officer carries a medical bag with them while on duty. This bag contains an Automated External Defibrillator (AED), Naloxone (Narcan), tourniquet, and assorted bandages and other first aid supplies.

Training

New York State Accreditation program requires Police Officers to receive 21 hours of annual in-service training. The Town of Newburgh Police Department averages nearly double that amount of annual in-service training.

Town of Newburgh Police Officers are required to attend the following annual or bi-annual trainings;

- First aid/CPR/AED training
- Use of Force
- Sexual Harassment/Workplace Violence
- Defensive Tactics/Taser
- Firearms Training
- Legal Updates

Additional training provided to officers;

- Crisis Intervention Training -Training to assist officers in handling calls where someone is in a mental health crisis. This training is now part of the curriculum of the Police Academy
- All officers have received training from “Fearless” (formerly known as Safe Homes). This training assists officers in evaluating domestic violence cases and making referrals to “Fearless” when responses to certain questions asked by the officer trigger a need to do so. Occasionally the officer will put the victim on the phone with a “Fearless” counselor.
- Rape Crisis Training
- Animal Abuse Training
- Juvenile Justice Training

Additional training that we have initiated or plan on providing by the end of this year include;

- Call taker training for dispatchers that notifies Mental Health professionals, as quickly as possible, of a call we are responding to that involves a mental health crisis.
- De-escalation training for every officer.
- Procedural Justice Training/Implicit Bias
- Anti-Discrimination/Anti-Racism Training

Procedural Justice and Community Policing

This agency has begun Procedural Justice Training for every officer. Procedural Justice is a program developed by the Department of Justice that promotes

- Treating Individuals with dignity and respect
- Giving individuals a voice during law enforcement interactions
- Being neutral and transparent in decision making
- Conveying trustworthy motives

Implicit Bias and Anti-Discrimination training will be provided for every officer to ensure fair treatment to all who live and visit our community. This training will include a hands-on role-playing component that tests the officer's knowledge.

The Town of Newburgh Police Department has a comprehensive *Community Relations Policy* that mandates all officers remain courteous, identify themselves, respond to requests for assistance, and communicate with the community in a professional and respectful manner. The conduct of each officer reflects on the agency as a whole and the burden of achieving the agency's community relations objectives is shared.

The Town of Newburgh Police Department will continue engaging in community programs that bring us together with the community such as;

- **DARE – Instruction at the 5th grade level that includes drugs, bullying, gangs**
- **Junior Police Academy – Two separate two-week camps held in the summer that bring children of different age groups together with police officers for an introduction on how the police department operates and how police officers assist the community. The Town of Newburgh receives an annual grant that allows 6 children, who may not have otherwise been able to afford the program, to attend without cost.**
- **Citizens Police Academy – A program that provides adults with an introduction to the criminal justice system, functions of the police department, and bring officers together with members of the community.**
- **Community Day – Annually held event that brings thousands of citizens together for a fireworks display, food, games, and entertainment.**
- **Senior Picnic – Held in conjunction with the Town of Newburgh Recreation Department and Police Benevolent Association. Police Officers and Town Board members provide, cook, and serve a barbeque style meal to the senior citizen population of the community.**
- **Senior Holiday Dinner – Held in conjunction with the Police Benevolent Association and the Cronomer Valley Volunteer Fire Department. Members of the Police Department, Newburgh Town Board, and other Town employees and volunteers provide, cook, and serve a holiday dinner at the Cronomer Valley Fire Department to the senior citizen population of the community.**
- **National Night Out Against Crime – An annual community-building campaign that allows officers to interact with community members and children by playing games, providing exhibits, and having cookouts.**
- **Operation Reassurance – A program that allows senior citizens living alone to call the police department to check in daily. If the senior does not call in, a member of the department will contact them. If contact is unsuccessful we will contact next of kin and an officer will respond to the seniors home to ensure they are safe.**

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- **Active Shooter Training** – Training provided upon request to local churches and business on what to do in the event of an active shooter scenario.
 - **STEP Training** – Training provided by this department to tellers from local banks on what to do in the event of a bank robbery.

In addition, this department is exploring diversion programs and has applied to “Hope Not Handcuffs” in an effort to divert those suffering from drug addiction to treatment instead of the legal system.

Complaints against Officers

Complaints against officers may be made by emailing the Chief of Police or requesting a civilian complaint form at the police department. Complaints can also be made over the phone by requesting to speak with the Chief of Police. The Town of Newburgh Police website will be upgraded to include a downloadable civilian complaint form. The Town of Newburgh will also review the possibility of conducting a town wide survey regarding the police department.

All complaints, including anonymous complaints, will be thoroughly investigated and documented in accordance with departmental procedures.

Use of Force

The Town of Newburgh Police Department has updated its *Use of Force* policy to include the banning of choke holds and requires a duty to intervene if an officer observes excessive force by a fellow officer. All use of force will be reported to the New York State Department of Criminal Justice Services as per Executive Law 837-t *Use of Force Data Collection*.

All use of force incidents will be reviewed by command staff at least annually. All relevant information including body worn camera footage will be reviewed with input from a de-escalation expert to ensure use of force was warranted, not excessive, and only used as a last resort.

The updated Use of Force Policy will be posted on the Town of Newburgh website.

Recruitment

The Town of Newburgh will actively become involved in a recruitment program that aims to provides for a police department that mirrors the diverse community of the Town of Newburgh. We will take an active role into introducing policing as a career in;

- High schools
- Colleges
- National Guard Base
- Local churches
- Exhibits at National Night Out and Community Day

Officer Wellness

We recognize that police work is a difficult profession and years of exposure to traumatic experiences can take a toll any anyone. Combining this with problems that may take place in one's personal life can be overwhelming. For this reason, The Town of Newburgh is committed to providing any and all assistance necessary to assist in officer wellness.

- The Town of Newburgh provides an Employee Assistance Program (EAP) for every employee. The program is completely confidential.
- Whenever a particularly traumatic event or experience involves a police officer, the officer may elect to go voluntarily to EAP or the Police Chief may order the officer to participate in a counseling session to assure the officers wellness.
- The Town of Newburgh will begin assessing the drafting of an *Officer Wellness Program* that trains officers on dealing with their own trauma and mental wellness.

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- **The Town of Newburgh Police Department will begin a program that promotes and recognizes outstanding performance by its officers. The program will include an “Officer of the Month” every month and “Officer of the Year” at years end.**

Appendix A

No. 203

EXECUTIVE ORDER
NEW YORK STATE POLICE REFORM AND REINVENTION
COLLABORATIVE

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

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

WHEREAS, beginning on May 25, 2020, following the police-involved death of George Floyd in Minnesota, protests have taken place daily throughout the nation and in communities across New York State in response to police-involved deaths and racially-biased law enforcement to demand change, action, and accountability; and

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

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

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

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

WHEREAS, government has a responsibility to ensure that all of its citizens are treated

equally, fairly, and justly before the law; and

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

WHEREAS, black lives matter; and

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

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

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

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

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

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

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

The political subdivision, in coordination with its police agency, must consult with stakeholders, including but not limited to membership and leadership of the local police force; members of the community, with emphasis in areas with high numbers of police and community interactions; interested non-profit and faith-based community groups; the local office of the district attorney; the local public defender; and local elected officials, and create a plan to adopt and implement the recommendations resulting from its review and consultation, including any modifications, modernizations, and innovations to its policing deployments, strategies, policies, procedures, and practices, tailored to the specific needs of the community and general promotion of improved police agency and community relationships based on trust, fairness, accountability, and transparency, and which seek to reduce any racial disparities in policing.

Such plan shall be offered for public comment to all citizens in the locality, and after consideration of such comments, shall be presented to the local legislative body in such political subdivision, which shall ratify or adopt such plan by local law or resolution, as appropriate, no later than April 1, 2021; and

Such local government shall transmit a certification to the Director of the Division of the Budget to affirm that such process has been complied with and such local law or resolution has been adopted; and

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

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

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

BY THE GOVERNOR
Secretary to the Governor

APPENDIX B

NEW YORK STATE POLICE REFORM AND REINVENTION COLLABORATIVE PLAN CERTIFICATION FORM

Instructions: The Chief Executive of each local government must complete and submit this certification and a copy of their Plan to the Director of the New York State Division of the Budget on or before April 1, 2021 at EO203Certification@budget.ny.gov.

I, Gilbert Piaquadio, as the Chief Executive of
Town of Newburgh

(the "Local Government"), hereby certify the following pursuant to Executive Order No. 203 issued by Governor Andrew M. Cuomo on June 12, 2020:

- The Local Government has performed a comprehensive review of current police force deployments, strategies, policies, procedures, and practices;
- The Local Government has developed a plan, attached hereto, to improve such deployments, strategies, policies, procedures, and practices (the "Plan");
- The Local Government has consulted with stakeholders (including but not limited to: membership and leadership of the local police force; members of the community, with emphasis in areas with high numbers of police and community interactions; interested non-profit and faith-based community groups; the local office of the district attorney; the local public defender; and local elected officials) regarding the Plan;
- The Local Government has offered the Plan in draft form for public comment to all citizens in the locality and, prior to adoption of the Plan by the local legislative body, has considered the comments submitted; and
- The legislative body of the Local Government has ratified or adopted the Plan by local law or resolution.

Gilbert Piaquadio

Name



Signature

Supervisor

Title

March 25, 2021

Date