

Town of Orangetown Police Reform Committee

Minutes

February 2, 2021

Present:

Teresa Kenny, Orangetown Supervisor
Donald Butterworth, Chief of Police
Michael Shannon, Police Captain
Denis Troy, Town Councilman
Don Hammond, Nyack Mayor
Dominic Crispino, First Assistant District Attorney
Barbara Gionta, First Assistant District Attorney
Tanya Gayle, Nyack NAACP & RC Public Defender Representative
John McGowan, County Legislator, Youth Court & Pearl River Resident
Jerrell Jones, Nyack HS Teacher and Coach
Brandon D. McLauchlin, Pastor of St. Charles AME Zion Church
Nicholas S. Whalen, Orangetown Sergeant and PBA President
Elizabeth Brancati, Deputy Town Attorney
Michael Lawler, Assemblyman
Allison Kardon, Clerk

Not Present:

Willie Outlaw, Tappan Resident

YouTube link for Feb 2, 2021 meeting: <https://youtu.be/xFkOXVMPDzU>

YouTube Link for Feb 9, 2021 meeting: <https://youtu.be/P2L2QAcaPd0>

1. Orangetown Police Department response to written questions from members of the committee (see attached);
2. Orangetown Police Department presentation on General Orders, policies, practices and procedures related to citizens' complaints; use of force complaints. Captain Shannon presented:
 - During earlier committee meetings it was brought to our attention that some people are not always comfortable making a complaint. To assist in this process, we now have our civilian complaint forms on our website.
 - We have three ways the public can make a complaint:
 1. Come to the station in person and speak to a supervisor
 2. Fill the forms out online
 3. Come to station to get the forms and take them home to fill out
 - Complainant will be notified if action was taken or if it was deemed to be unfounded. If it was founded, we would tell them, would give them details on what action was taken as permitted by law/statute. Would tell them if it was a training issue.
 - Supervisor Kenny asks: If the police find the complaint unfounded, is there an appeal process for the complainant? Chief : They could go to the Town Attorney's office if

they didn't feel comfortable coming to the police department. They could always reach out to the Supervisor's office. If the allegation is a crime, they could also go to the District Attorney's office.

- Depending on the seriousness of the complaint, it is forwarded to a Squad Lieutenant and a preliminary investigation would be conducted. If it can be handled at the squad level, a recommendation would be made to the administration: discipline such as counseling, warning, admonish or if it is a training issue. It is then forwarded to the administration whether the lieutenant determines it to be a founded or unfounded complaint. If the alleged violation/penalty is beyond department authority, then the Town Board would be involved as the Police Commission to hear the facts and decide what, if any, penalty the officer could face.
- Use of physical force: per the mandate from NYS, all use of force reports since September have been forwarded to the DCJS (Division of Criminal Justice Services)
- Use of force of report completed in each use of force incident so it's on record, and to evaluate if the proper use of force was used and if it was effective. Was it performed correctly? Was it within our policy and procedure? Is it a training issue? Is the procedure effective?
- The officer that uses force advises his/her supervisor at the time and fills out the appropriate documents. Supervisor investigates and sends report to the Use of Force Coordinator who reviews and determines if the policies were followed, were they effective and do any policies need to be changed. Was it effective and properly used?
- The Police Department has not trained any employees how to perform a chokehold or restrict the blood flow in someone's neck. Prohibiting the use of chokeholds, in conformance with NYS laws, has been added to our Use of Force Policy.
- Duty to intervene also added— if an officer is present and observes another officer using force that he/she reasonably believes to be clearly beyond that which is objectively reasonable under the circumstances shall intercede to prevent the use of unreasonable force and report to a supervisor. Another mandate by NYS.
- Use of Force Training is mandated 1x year (8 hours) by State. OPD trains our officers on use of force and related topics 2 x per year (16 hours).
- Another change mandated by NYS with Deadly Physical Force – The Orangetown PD must notify the Attorney General for any death, in Orangetown, in which a police officer is involved. Previously, the RC District Attorney's office was required to make this notification.
- General Order on Sexual assault investigations: Officers shall advise all sex crime victims of the availability of the Crime Victim's Bureau. We also added in there the Center for Safety and Change Crime Victim Services—their hours and the 24-hour hotline. And added to notify the District Attorney's Special Victims Unit at the earliest point in the investigation as possible.
- Last General Order we revised: Jail procedures, searches and arrest processing: Officers have the duty to intervene, every member has a duty to provide care and

notify supervisors of any known or suspected medical or mental health issues and intervene on behalf of a person in custody. Any member that observes actions contrary to this policy must act to correct the situation and notify a supervisor and document all actions taken. Gender change to mandate, if arrestee's gender is not apparent or objects to the gender of the officer assigned to perform the search, supervisor will assign an officer of the gender requested. Officers cannot search arrestee to determine gender.

- Mayor Don Hammond asked if we need to put in our report to the State if we need changes in civil service laws to allow us to diversify our workforce in the police department. Possibly need civil service regulations to change to make that happen—ask Rockland County Personnel.
 - Mayor Don Hammond -Diversity training – how do I get along with a diverse workforce—is there training for that? Possibility add diversity training into report.
3. The People's Panel on Policing in Rockland (RPPP) is hosting its 2nd public hearing on 2/3/2021 at 7 pm; Share an update on their work, make space for public comment, and hear from Brian Corr, the immediate past president of the National Association for Civilian Oversight of Law Enforcement (a group that has helped municipalities across the country develop model police review ordinances.)
 4. Association of Towns is hosting a Webinar: Announcing a Police Reform Webinar Collaboration with the Governor's Office on 2/4/2021 at 10:00 am. Presented by Chatodd Floyd, Director of Legislative Affairs and Policy Office of Governor Andrew Cuomo, and Jeremy Shockett, Deputy Secretary for Public Safety to explain and answer questions on the Reform and Reinvention Collaborative on Policing released in June and related proposals included in the Executive Budget. This webinar is free for members, but preregistration is required.
 5. 2/9/2021 - Presentation to the Town Board/Police Commission at 6:30 pm; update progress of the Committee, answer questions and allow public comment. See: <https://youtu.be/P2L2QAcaPd0>
 6. Propose 2/16/21 as public (virtual) forum and extend invitation/notify the Pride Center; Nyack Center; Pearl River, Nanuet, Nyack and Tappan Zee High schools; RPPP.—Emails sent.
 7. Town Board must ratify the Draft Plan by April 1, 2021. Please provide written comments, suggestions, proposals, policies, and ideas for consideration and incorporation into the draft plan no later than February 23, 2021.

Next meeting February 16, 2021 at 6 pm