

The Town of North Castle Police Reform and Reinvention Plan

On June 12, 2020 Governor Andrew Cuomo signed NYS Executive Order 203, directing local governments to develop a reform plan to “eliminate racial inequities in policing, to modify and modernize policing strategies, policies, and 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.” In developing such reform plan, Executive Order 203 further required that local governments 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 to address the particular needs of the community served by the police agency. The police reform plan must be presented to the Town Board for approval no later than April 1, 2021.

The Town’s objective throughout the police reform process is to enhance the processes and procedures of the North Castle Police Department (“NCPD”), through a mutual exchange of ideas and eliminating any unintentional biases or blind spots that may be present. An open and transparent flow of information with the community fosters trust, accountability, and confidence in the objectives, operations and effectiveness of the NCPD. It is the mission of the NCPD to enhance the quality of life in the Town of North Castle by working in partnership with the community and in accordance with the constitutional rights to enforce laws, preserve the peace, reduce fear, and provide a safe environment.

In compliance with Executive Order 203, the Town of North Castle Police Reform and Reinvention and Collaborative’s Stakeholders Group was convened to undergo this process. The Town’s Stakeholders Group was comprised of members of the Town’s police agency, members of the community, interested non-profit and faith-based community groups, the local office of the district attorney, the local public defender, and local elected officials. to develop the Police Reform Plan. The Town’s Stakeholders Group met multiple times over the last few months, reviewed the needs of the community, evaluated the NCPD’s current policies, practices and procedures, listened to public input, and developed a draft reform plan with recommended action items to be presented to the public and approved by the Town Board.

During this review, the Town’s Stakeholders Group identified five (5) critical issues to be addressed through the reform plan development process: Transparency; Training, Use of Force; Community Engagement; and Procedural Justice. Overall, the Town’s Stakeholders Group found that the NCPD is well regarded by the community and is consistently implementing new strategies and procedures for improvement. To that end, through this collaborative and constructive process, the Town’s Stakeholders Group made the following recommendations:

1) Transparency

Overview:

Transparency plays a pivotal role in creating metrics for accountability and building community trust. The NCPD utilizes the Town's website, NIXLE, Facebook, press releases, weekly blotters, and responses to FOILS to communicate important issues to the community as well as offer online information and resources. Additionally, there are procedures, policies, including a complaint process, and equipment that promote accountability.

Goal:

Explore ways to enhance transparency whether through providing more communication, programs, accessibility, or equipment. The focus of the Transparency Sub-Committee was to determine if additional processes should be implemented to provide the public with more information and insight into the NCPD.

Recommendations:

Increase transparency through the amendment and implementation of changes to current NCPD Policies.

- 116-03 – Personnel Evaluations Policy:
 - Make public the metrics that employees are being evaluated on in the evaluation process so that residents can understand what standards are used in the process.
 - Provide for additional police officer training in areas where poor performance is noted.
 - Ensure that complaints made against an officer are considered during the evaluation process.
- 119-01 – Community Relations Policy
 - Include additional promotion of the community relations programs to obtain more community engagement.
 - This can be accomplished using the NCPD's social media platforms as well as including information in the existing new resident mailing.
 - As a part of the annual evaluation of the community relations programs, provide for a suggestion box in the lobbies of the NCPD and Town Hall and/or a dedicated email address to receive such suggestions.
 - Provide for a mechanism on the NCPD's website for the public to file complaints/grievances or praises/appreciation.

- 119-02 – News Media Relations Policy
 - Provide that the police blotter shall be available on the NCPD’s website and sent out in the NCPD’s weekly email.
 - Juvenile offender information should be updated to reference changes in the laws.
 - Provide that a record of all appeals to the Chief shall be maintained and accessible to the public.
 - Provide for an appeal process of the Chief’s denial of access to information.
- 119-04 – Social Media Policy
 - Consider disseminating a larger variety of information (Safety tips, different program etc.) via social media.
 - The NCPD should examine additional social media platforms in order to get their information to various populations.
 - Include in the existing new resident packet information about all of the services provided by the NCPD (such as EMT, etc.).
- 120-01 - Internal Affairs – Special Investigations Unit Policy
 - Post on the NCPD’s website the composition of the Police Committee.
- 120-02 – Personnel Complaints Policy
 - Information on how to file a complaint should be easily accessible. The NCPD should add an online option to allow residents easier access to filing a complaint.
 - Consider other avenues for residents to file personnel complaints.
 - Consider creating a procedure by which an individual can follow up or track a complaint filed through a system that doesn’t require the complainant to come to the NCPD.
 - Provide for a time period within which records related to internal and external complaints are maintained.
 - Ensure the Policy is continually updated to stay current with the law.
- 120-04 – Use of Force and Injury Investigations Policy
 - Include the definition of use of force in the Policy.
 - Policy should be easily available online for review.
- Timeline
 - Policy updates should be completed and implemented by December 31, 2021.
 - Policies should be reviewed and updated on an annual basis.

2) **Training**

Overview:

The NCPD is a New York State Accredited Law Enforcement Agency since the year 2000. All Police officers undergo rigorous scrutiny and thorough background checks in consideration of hiring. All officers attend the Police Academy supported by the Westchester County Department of Public Safety for which the curriculum is provided by the NYS Department of Criminal Justice (DCJS). Subsequent field training, continued education and updated skill training is performed in accordance with the standards set forth by DCJS.

New Recruits spend 6 months at the Westchester County Police Academy. The curriculum is specified by DCJS. DCJS provides accredited curriculum for both new Police and in-service training.

Within the NCPD, additional and on-going training is supervised by the Chief of Police, as well as other supervising officers. New recruits are initially vetted through a rigorous interview process. Subsequently, new recruits receive additional formal and field training from NCPD. The training follows a specific step-process where recruits are paired with senior, experienced officers for continued training and evaluation.

Currently, 21 of the 32 members of the NCPD are trained emergency medical technicians. This additional training is critical for crisis intervention and creates a more effective department. NCPD has expressed a commitment to increase the number of officers trained as emergency medical technicians.

In addition, NCPD provides additional, specific training for their officers, in conducting “lethality assessments” when responding to calls involving possible domestic violence situations. This training is in addition to the Domestic Incident training mandated by DCJS.

The dominant focus of the NCPD training is a mix of traditional, tactical field exercises as well as non-combative functions. These include working with the community, including houses of worship, local school districts of Byram Hills, Valhalla, Jennie Clarkson, BOCES, as well as the local fire department, and mutual aid departments when needed.

* See attached Appendix “A” Training Notes & Highlights

Goal:

Review the details and rigor of the standards set forth by the various agencies and consider those recommendations made by the Westchester County Stake Holders group and how they apply to the NCPD. The focus of the Training Sub-Committee was to review the current training that police officers receive through the Westchester County Police Academy and through the NCPD to determine if changes need to be made to current training and/or if additional training is necessary.

Recommendations:

- Peer Support for Officers

- Officers need platforms through which they can talk to each other and to experts about their experiences and the effects of police work on their own mental health.
- Include additional training for police officers concerning how to take care of themselves and address their mental and physical health
- Consider developing a wellness program for police officers.
- Provide police officers with information concerning where they can receive support services, such as through an Employee Assistance Program.
- Consider designating two (2) members of the NCPD as points of contact for police officers to reach out to in order to receive support services.

Timeline

- Training programs should be explored within 120 days of adoption of the Police Reform Plan and implementation should be completed by December 31, 2021.

- Body-Cam Equipment

- In officer-civilian interactions, body-cam footage is a useful tool to critique best and worst practices.
- Consider implementing a body-camera program for all officers.
- A regular review of officer-civilian interactions should be shared with officers at all levels for training purposes.

Timeline

- Body camera equipment should be explored by December 31, 2021 and implementation, if deemed warranted, should be completed by December 31, 2022.

- Implicit Bias Training

- NCPD is currently participating in implicit bias training, as provided by DCJS.
- Ensure that implicit-bias training received by police officers includes diversity in role-playing scenarios.
- Implicit-bias training should utilize live scenarios. Use of non-interactive video training should be limited.
- This is recommended to be integrated into the step training process of NCPD.

Timeline

- Training programs should be explored within 120 days of adoption of the Police Reform Plan and implementation should be completed by December 31, 2021.
- Specialized Training with other Stakeholders
 - Funding rarely comes from DCJS. DCJS support comes in the form of lesson plans, and occasionally when they teach at the academy. The biggest administrative challenge with conducting training is the salary expense which is almost always funded by the local municipality. To accommodate this need, funds should be allocated in the annual budget.
 - Funding from DCJS is recommended to facilitate specialized interactive training between the NCPD and stakeholder organizations, such as the Westchester County District Attorney's Office, the Office of Women, Victim Advocates as well as advocates for the elderly.
 - Such combined training will enrich and enhance the capabilities of the NCPD.

Timeline

- Funding should be explored within 120 days of adoption of the Police Reform Plan and re-examined on an annual basis.

3) Use of Force

Overview:

The NCPD's Use of Force Policy is in accordance with the standards set forth in State and Federal law and outlines, in detail, under what circumstances the "continuum of force" may be utilized by police officers. The Use of Force Policy is required to be posted on the Town website.

Goal:

Review the NCPD's Use of Force Policy, its history, and gain an understanding of its purpose and how the current practice is perceived by the community. The focus of the Use of Force Sub-Committee was to review the current use of force policy, and its implementation in the field, and determine if changes need to be made to such policy.

Recommendations:

Enhance police officer accountability through the amendment and implementation of changes to the current NCPD Use of Force Policy.

- 103-03 – Use of Force Policy
 - Sub-section 2 (Background)
 - Add the *Graham v Connor* Supreme Court Docket # to narrative body: 490 US 386 (1989)
 - Sub-section 8 (Use of Deadly Physical Force)
 - Add section C, Chokehold provision which was added into the DCJS Model Policy in September 2020: (this concept was in previous NCPD UOF policy prior to 2019)
 - “C. Chokeholds and Obstruction of Breathing or Blood Circulation
 - 1. Any application of pressure to the throat, windpipe, neck, or blocking the mouth or nose of a person in a manner that may hinder breathing, reduce intake of air or obstruct blood circulation, is prohibited unless deadly physical force is authorized.”
 - Sub-section 10 (Medical Aid)
 - Specify what constitutes “appropriate medical attention”
 - Considering adding language such as, “provide first aid and/or whatever appropriate life saving measures which are within the scope of the

member's level of training. Dispatch EMS / ALS to the scene when it has been deemed safe to do so"

- The NY State Model Policy language states: "This includes appropriate and timely medical attention being provided to a party injured as a result of a use of force incident."

- Sub-section 12-B: (Investigating Use of Force Incidents)

- Specify that, when practicable, photographs should be taken by a Supervisor. If the Supervisor is unable to perform this task due to other responsibilities, the photographs may be taken by Supervisor's designee with the Supervisor's directives and review.

- Sub-section 16-C: (Training)

- Add to this section that, the NCPD will utilize a separate sheet with signature of all members attesting to their review of the policy

- Sub-section B-4: (Carrying Firearms on Duty)

- Modify this subsection to clarify/specify authorized backup handguns/calibers.

- Timeline

- Policy updates should be completed and implemented by December 31, 2021.
- Policy should be reviewed and updated on an annual basis.

4) Community Engagement

Overview:

The NCPD is a community policing organization providing public safety, addressing problems as they arise and focusing on the interests of the residents while maintaining the expected quality of life. The NCPD engages the community on many levels. The Fact Sheet, in the Appendix “B”, provides information to common community questions.

Goal:

Assess the programs that the NCPD provides and the intangible impacts such as those associated with the Opioid crisis, diversion programs and drug take back initiatives. The focus of the Community Engagement Sub-Committee was to determine if additional avenues should be implemented for the NCPD to engage with the community on various levels.

Recommendations:

Expand the emphasis on community engagement through the amendment and implementation of changes to current NCPD Policies.

- 111-04 – Prescription Drug Take-Back Program
 - Consider establishing a vault for Rx in North White Plains if such can be accomplished in a secured location pending proposed renovations to the North White Plains Community Center.
 - Include language in policy about how to communicate with the community about this program, and how often.
- 119-01 – Community Relations Policy
 - Include the community relations program description in this Policy. Describe how the evaluation of this program takes place.
 - The community relations program should focus on visibility and communicating with the public more.
 - Cross reference to 119-02 and 119-04
- 119-04 – Social Media Policy
 - Update definitions and leave out specific names of social media platforms.
- 121-01 – Specialized Units: Bicycle Patrol Unit
 - Put the current Unit Members on the website page for visibility, and not in Policy where the NCPD will have to remember to change it.

- 121-02 – Specialized Units: Accident Investigation Unit
 - Consider not listing police officer names here unless the NCPD is keeping it up to date. Instead, put the names and the unit on the website page where more community members would see it.
- 121-03 – Emergency Medical Technician and Public Access Defibrillation Programs
 - Community members do not know that the NCPD has so many EMT's. Consider putting this information on the website page.
- 121-04 – Specialized Units: Emergency Service Unit
 - Consider removing this Policy as the NCPD does not currently have this Unit. Alternatively, the Policy should note that this is not an active Unit.
- 121-05 – Specialized Units: K-9 Unit/K-9 Teams
 - Consider removing this Policy as the NCPD does not currently have this Unit. Alternatively, the Policy should note that this is not an active Unit.
- Timeline
 - Policy updates should be completed and implemented by December 31, 2021.
 - Policies should be reviewed and updated on an annual basis.

5) Procedural Justice

Overview:

The tenets and concepts of procedural justice, and its application have been in practice by the NCPD for decades. Each law enforcement agency is charged with applying and enforcing all laws in a fair and unbiased manner.

“Procedural justice” is an over-arching term used to describe the aim of objective fairness in the processes and procedures of the NCPD as it maintains the peace, protects and serves the public, and applies the law. Objective fairness is characterized and achieved by transparency, neutrality, respectfulness, giving voice and trustworthiness in all processes and procedures. The term, ‘procedural justice’ tends to be used as a shorthand for many different facets of police interaction and training, and may be familiar to officers, lawyers and researchers, but not necessarily to the wider community.

Procedural justice is about fairness in processes and procedures; it is not about fairness in outcomes, which is covered by the term ‘distributive justice’, or about fairness in punishments, which is covered by ‘retributive justice’, or about fairness in redress to victims, which is covered by ‘restorative justice’. Police deal almost exclusively with procedural justice; other agencies deal with the other forms of justice. It is acknowledged that all human interactions have some element of subjectivity in them, and that this will be a factor – even if minimal – in police processes and procedures. An on-going awareness of this factor helps to address unintended biases. Procedural justice must be at the heart of every single police action, process and procedure. It affects every single interaction that NCPD has. All of the other committees intersect with procedural justice.

Goal:

Analyze the process and procedures the NCPD uses to apply the law and determine if there are any unintended biases or blind spots. The focus of the Procedural Justice Sub-Committee was to determine if additional safeguards need to be implemented in order to ensure procedural justice for all.

Recommendations:

- Procedural Justice
 - Provide a short description to feature as a web page on NCPD website and in other publications and PR on how NCPD ensures objective fairness in its dealings.
 - Consider a phrase other than ‘procedural justice’ in any such descriptions, such as something along the lines of ‘Upholding Fairness, Respectfulness and Transparency in everything we do.’

Timeline

- Website updates should be completed within 120 days of adoption of the Police Reform Plan.
- Transparency
 - Better communicate NYS accreditation to the community as a good-news story, particularly given the current national climate of questions about police reform.
 - Advertise police station visits as available both on request and on scheduled occasions for the various stakeholder groups in our community and consider posting video informationals and virtual police station tours on social media and web.
 - Maintain and continue all current transparency initiatives. Consider posting NCPD statistics for the current and previous year, by category, on NCPD website.
 - In relation to the NCPD webpage, 'Police Incidents in Your Neighborhood', consider putting a date stamp on each posting, and including the weekly police blotter information there as well.
 - Accompany any rollout of bodycams in the NCPD with a Public Relations campaign that introduces the cameras, highlights their benefits, and specifies exactly how they will be used.
 - Regulate specific instances in which the use of bodycams is not permitted and share these regulations with the community.
 - Regulate entitlement to times and places where NCPD officers know they will have their privacy, and to know whether or not bodycams will be used for internal administrative purposes, such as officer accountability, as well as for external evidentiary purposes.

Timeline

- Website updates should be completed within 120 days of adoption of the Police Reform Plan.
- Social media postings should be completed within 120 days of adoption of the Police Reform Plan and reviewed every 120 days.
- Body camera equipment should be explored by December 31, 2021 and implementation, if deemed warranted, should be completed by December 31, 2022.
- Neutrality
 - Aim to have a racial and ethnic diversity within NCPD which is always seeking to reflect the current demographic profile of the Town of North Castle.
 - Maintain current practice of Town of North Castle having an appointed, not elected, chief, to help maintain neutrality.

Timeline

- Annual reviews of the Town and NCPD demographics and continual review of civil service list for qualified candidates.

- Giving Voice

- Make it more obvious how to file a complaint or compliment against NCPD, perhaps by adding a form to the other forms on the 'Downloadable Forms' web page, as well as in a new page that gives information about procedural justice.
- Publicize on the Town's website that two (2) members of North Castle Town Board are police liaisons to the NCPD and provide a description of their function (i.e., they meet with the Chief of Police at least monthly and act as facilitators between the Town Board and the NCPD).

Timeline

- Website updates should be completed within 120 days of adoption of the Police Reform Plan.

- Trustworthiness

- Make more prominent the fact that the members of the North Castle Town Board are also its Police Commissioners, since this would reinforce that the accountability for our NCPD ultimately rests in its elected representatives.

Timeline

- Website/social media updates should be completed within 120 days of adoption of the Police Reform Plan.

APPENDIX “A”

TRAINING NOTES AND HIGHLIGHTS: TRAINING STAKEHOLDER GROUP

Below are Annual, Intermittent/Recertification and Future Objectives of the Department. Intermittent/Recertification is training that the Department has and plans on continuing as needed/appropriate. Future objectives represent goals of the NCPD for upcoming years.

Annual:

PESH; workplace violence, right to know, blood borne pathogens, sexual harassment CPR & AED (CPR includes scene assessment, choking, breathing, circulation & AED) EMT training and requisite ongoing CME training (continuing medical education) NARCAN administration Approaching Alzheimer's for first responders

SROs: special courses, including special youth crime training, juvenile training, interviewing child victims, etc.

Firearms and tactics

Use of force & Penal Law Article 35 (and Policy review); includes de-escalation concepts, mental health issues.

Reality based, live role-play scenarios, and involved: situational awareness, voice commands, de-escalation, general tactics, and use of force.

Handcuffing Defensive tactics Pepper spray Taser

Expandable Baton

Intermittent/Recertification:

Detectives: crime scene processing & evidence collection, photography, interview & interrogation, DNA collection, cybercrime, Real Time Crime Center, Reid interviewing techniques (similar to Kinesics), forensic statement analysis, internal affairs investigations, human trafficking investigations, sex offender management, video examinations, Domestic Violence- Lethality Assessment & new special screening questionnaire Sexual offense trauma informed victim response

Its not drama, its trauma - all victims of abuse or crimes Drug facilitated sexual assault training Prescription drug abuse training

Crime prevention related training; traffic stop interdiction Accident Investigation
DWI related: SFST, Datamaster instrument

Raise the age - training parallel to legislative change Employee mental health & support
Force Science

Defensive tactics & advanced Firearms

ALERRT active shooter training (Advanced Law Enforcement Response Training)

Future Objectives:

Legal updates (when relevant) Implicit Bias

Procedural justice & modern policing concepts

DWI evidence collection, field techniques, processing, documentation CIVIL unrest response, techniques & tactics

BolaWrap - use and deployment Body camera, new policy

Prisoner management while in custody & in temporary holding cells

DA's Office legal and procedural updates, i.e. show-ups, line-ups, photo arrays, heroin overdoses, evidence collection & preservation

Victim Advocacy & Rights Elder Abuse

Office for Women

Emergency Vehicle Operation

Trailerling - deployment of mobile command trailer, speed display, and VMS signs Large scale emergency response, mutual aid & coordination with our Fire Department- Active Shooter, civil unrest, HAZMAT, Domestic Terrorism

APPENDIX “B”

TOWN OF NORTH CASTLE POLICE DEPARTMENT FACT SHEET

About the Town of North Castle:

- Approximately 26 square miles
- 3 Hamlets: Armonk, Banksville & North White Plains
- Resident Population: Approximately 12,000
- Kensico Reservoir and Kensico Dam is partly within the Town

About the Department:

- Sworn police officers: 32 (Budgeted for 34)
 - o Hierarchy:
 - 1- Chief of Police
 - 2 – Lieutenants
 - Patrol Operations
 - Administrative
 - 1 - Detective Sergeant - Detective & Youth Division Commander
 - 2 – Detectives
 - 2 - School Resource / Youth Officers
 - 7 - Patrol Sergeants
 - 17 - Patrol Officers
- 1 - Dog Control Officer (Parking Enforcement)
- 1 - Full time Clerk / Assistant to Administration
- 1 - Part time Clerk/ Assistant to Administration

Community Services:

- Emergency Medical Technicians (Currently 21 of our police officers are certified)
- Child Safety Seat Program
 - o Six members certified to install child safety seats in vehicles
- Bicycle Patrol Unit
 - o Patrol Operations & Special Details
- ATV Unit
 - o Patrol Operations & Special Details
- Accident Investigation Unit
 - o Six specially trained officers

Operations Summary:

- 24 / 7 operation - All landline 911 calls come through headquarters
- 3 Patrol Posts
- Two temporary holding cells inside headquarters for persons in custody

Patrol Vehicle Equipment:

- Medical bag - Bandages, airway management, oxygen
- Automated External Defibrillator
- Road flares, traffic cones & traffic vest
- Patrol Rifle (Secured in patrol vehicle mount), with supply bag
- Animal snare
- Fire extinguisher & Halligan tool
- Emergency blankets
- Restraint gear bag

Daily equipment carried by individual police officers:

(Police duty gear & belt weighs approximately 25 pounds with all accoutrements)

- Body armor (Personal ballistic resistant vest)
- Tourniquet (Bleeding control for extremities)
- Police radio & cellular phone
- Protective nitrile gloves (PPE)
- Flashlight (1 or 2)
- Handcuffs (1 or 2 sets)
- Pepper Spray
- Conducted Electrical Weapon (Taser™)
- Expandable baton
- Knife
- Handgun and spare magazines (ammunition)
- ***Endeavoring to acquire “remote restraint device” – “Bolawrap” system

Public Communication:

- Town of North Castle web site
- Nixle service
- Facebook

Training:

- Five dedicated training days every year, which include:
 - Firearms & review of related policies
 - Reality based training (Live role-playing scenarios)
 - Judgment
 - De-escalation
 - Use of Force
 - Defensive Tactics
 - Defensive tactics
 - Taser™ & policy review
 - Pepper spray & policy review
 - CPR / PESH (Public Employee Safety & Health)
- Specialized training as required and when needed:
 - Patrol
 - Detectives
 - Youth / School Resource Officers

(New officers: Police Academy is 22 weeks - Field training up to 4 months)