



PUTNAM COUNTY NY

MaryEllen Odell
County Executive

Police Policy Comprehensive Review

VER 1.3.16

This Page
Intentionally Blank

EXECUTIVE SUMMARY

Executive Order No. 203 was enacted on June 12, 2021 in an effort to reform police policies and eliminate systemic injustice and discrimination. Putnam County supports New York State's mission to promote police reform and cultivate a strong sense of community between our police and residents.

Putnam County convened a panel consisting of members of the community, leaders of non-profits, law enforcement, elected leaders, government officials, and mental health practitioners. Stakeholder committees were then established that represent different communities within Putnam County. The stakeholders were tasked with providing feedback and reports based on their work and the public's input, which was collected from surveys, meetings, interviews, and public discussion.

The committees sent their final reports and recommendations to the County Executive and the Police Policy Review Panel. The Panel considered all relevant material in preparing this reform plan, including current police strategies and procedures, model police strategies, public feedback, reports from various stakeholder groups, and the requirements of Executive Order No. 203.

The following plan is the outcome of the stakeholder groups' discussions, ideas, and tireless hard work coming together to identify solutions to make Putnam County a better community for all. The reform plan is an ongoing project and the County will continue to make recommendations, review policies and procedures, as well as make appropriate changes in response to everchanging social dynamics. Putnam County and the Sheriff's Department will continue their collaborative efforts and maintain an open dialogue to continue promoting reform.

ACKNOWLEDGMENT

County Executive MaryEllen Odell would like to acknowledge and thank the community stakeholders and representatives who participated in the collaboration with the County of Putnam that resulted in the formation of the Putnam County Police Policy Reform plan.

Table of Contents

I.	Introduction	2
II.	Demographics	3
III.	Establishing the Putnam County Police Policy Review Panel.....	5
IV.	Collaborative Process.....	6
	Sub Committees	7
	Putnam Families.....	7
	Mental Health & Substance Use Disorder.....	7
	Veterans	8
	People of Color.....	8
	Education.....	9
	Law Enforcement	10
	Latinx	13
	LGBTQIA+	13
	Clergy/Community Outreach/Homeless	14
V.	Reforms in Putnam County	15
	A. Statewide Enacted Reforms/Mandates	15
	B. Recommended Actions and Reforms in Putnam County.....	18
VI.	Putnam County Police Policy Review Community Stakeholders	31
VII.	Appendix	37
	• Executive Order No. 203	38
	• Putnam County Sheriff’s Office Policies.....	40
	• Updated and New Sheriff’s Office Policies.....	122
	• Final Reports from the Stakeholder Groups	175
	• Quality of Service Evaluation Form	243
	• FOIL Form	244

I. Introduction

On June 12, 2020, Governor Andrew Cuomo signed Executive Order No. 203: New York State Police Reform and Reinvention Collaborative. This order directs municipalities that employ police officers to engage stakeholders in the local community and develop locally approved plans for the strategies, policies and procedures of local police agencies.

The goal of this plan is to involve every individual, municipality, and police force across the state in a collaborative effort to proactively eliminate systemic injustice and discrimination that has long existed within our nation. As stated within the text of the order, “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.”

The order provides that to remain eligible for future state funding, law enforcement agencies must adopt a plan and local governments must certify said plan by April 1, 2021. The plan must meet the requirements of the Executive Order No. 203.

In response to these orders and following the multiple tragedies that have occurred throughout our nation, Putnam County has created the Putnam County Police Policy Review Panel (“Panel”) to implement the reforms envisioned by Executive Order No. 203 and ultimately make our community a safer and better place to live.

The following plan is the result of extensive study and discussion by the Panel with respect to the current policies in effect, along with consideration of proposed amendments, other promulgated model policies, and the direct input of the public through both direct testimony given at public forums and through comments made by online submission. Through these needs and interests expressed by the community, effective and evidence-based reforms can be implemented.

Although this was completed as a collaborative effort involving each municipality within Putnam County, each municipality with a police force will still be responsible for implementing its own plan under this order. However, the joint work completed by the Panel will hopefully serve as a guide to creating a reform plan that is consistent throughout the county when practical.

The purpose of this plan is to identify best practices, and then help prioritize those suggested reforms based on the expressed needs and interests of the community.

In addition to the County of Putnam and the Putnam County Sheriff’s Department, the following municipalities within Putnam County have police agencies that are complying with Executive Order No. 203 by adopting an appropriate reform plan:

- Village of Brewster Police Department
- Village of Cold Spring
- Town of Carmel Police Department
- Town of Kent Police Department

II. Demographics

Putnam County, New York is located just above the New York City Region in the Mid-Hudson Valley. At Putnam County's southern border is Westchester County, Dutchess County is on the northern border with Connecticut on the eastern border and the Hudson River, with Orange and Rockland Counties on the western border.

The County seat is Carmel, NY which is located in the mid-eastern portion of the County. The County consists of 6 towns and 3 villages:

- Town of Carmel
- Town of Kent
- Town of Patterson
- Town of Philipstown
- Town of Putnam Valley
- Town of Southeast
- Village of Brewster
- Village of Cold Spring
- Village of Nelsonville

The Putnam County Sheriff's Department serves the law enforcement needs of all the citizens of the County with the main office located in Carmel NY and a sub-station Nelsonville NY.

Local police departments also serve a vital role providing service to the residents and visitors of Putnam County. These departments are:

- Carmel Police Department
 - Provides response to the Town of Camel which includes Mahopac and Mahopac Falls
- Kent Police
 - Provides response to the Town of Kent including Lake Carmel
- Village of Brewster PD
 - Provides response to the Village of Brewster
- Village of Cold Spring PD
 - Provides response to the Village of Cold Spring

The New York State Police also provide response to the entire County of Putnam however for the purposes of this report it should be noted that the Governor through Executive Order 203 has determined that they are not included in the mandated effort for New York State Police Reform and Reinvention Collaboration.

- **Total Population 98,320**

- White Only 76.9%
- Hispanic or Latino 16.4%
- Black or African American 3.2%
- Asian 2.3%
- American Indian or Alaska Native 0.0%
- Native Hawaiian and Other Pacific Islander 0.0%
- Some other race 0.2%

** US Census July 2019 Estimated Numbers. Percentage may represent individuals that have chosen two or more races*

- Religious Breakdown

- 48.6% of the population are religious
 - Catholic 41.8%
 - Judaism 1.2%
 - Lutheran 1.2%
 - Methodist 1.2%
 - Episcopalian 1.0%
 - Presbyterian 0.8%
 - Baptist 0.5%
 - Eastern Faith 0.4%
 - Pentecostal 0.3%

** From BestPlaces.com*

III. Establishing the Putnam County Police Policy Review Panel

Executive Order No. 203 requires that “[e]ach chief executive of such local government shall convene the head of the local police agency, and stakeholders in the community” to develop the required reform plan. To that end, Putnam County has established the Putnam County Police Policy Review Panel and has brought together the following representatives from across the County to serve as members of the Panel.

- MaryEllen Odell – Putnam County Executive
- Tom Feighery – Deputy County Executive
- Jennifer Bumgarner – Putnam County Attorney
- Paul Eldridge – Director of Personnel
- Michael Piazza – Commissioner of Mental Health, Social Services and Youth Bureau
- Ginny Nacerino – Putnam County Legislator
- Paul Jonke – Putnam County Legislator
- Amy Sayegh – Putnam County Legislator
- Neal Sullivan – Putnam County Legislator
- Robert Firriolo – Putnam County Legislative Counsel
- Robert Tendy – Putnam County District Attorney
- David Squirrel – Chief Attorney, Putnam County Legal Aid
- Robert Langley – Putnam County Sheriff
- Kevin Cheverko – Undersheriff
- James Schoenig – Mayor, Village of Brewster
- Kenny Schmitt – Supervisor, Town of Carmel
- David Merandy – Mayor, Village of Cold Spring
- Maureen Fleming – Supervisor, Town of Kent
- John Delgado – Police Chief, Village of Brewster Police Department
- John Dearman – Lieutenant, Town of Carmel Police Department
- Larry Burke – Police Chief, Village of Cold Spring Police Department
- Kevin Owen – Police Chief, Town of Kent Police Department

The Panel met on the following dates to discuss the reform plan:

- August 13, 2020
- September 15, 2020
- September 29, 2020
- October 13, 2020
- October 27, 2020
- November 10, 2020
- November 24, 2020
- December 8, 2020
- December 22, 2020
- January 12, 2020
- January 26, 2021

Audio recordings of the meetings, as well as copies of the slide presentations used therein, are available on the Police Policy Review Panel website.¹

¹ <https://www.putnamcountyny.com/category/police-policy-review-panel/presentations/>

IV. Collaborative Process

To ensure the plan is conceived and implemented as intended, it is crucial to gather input from the public and community stakeholders that will serve as the basis for reform ideas and priorities. To facilitate this, the County created a comment form on its website to allow the public to submit anonymous or named comments on reforming police and policing in Putnam County.² In addition, the County separately posted a survey seeking resident feedback, which was also considered by the Panel.

Nevertheless, implementing true and meaningful reform requires community input. As such, the Panel enlisted the participation of representatives from major stakeholder groups to guarantee that every voice across the County has an opportunity to be heard.

The following stakeholder groups were established based upon applications received from the public in response to this process. Once the final applications were received on November 3, 2020, the Panel assigned various groups that represent the different segments of our community. A volunteer representative of each group was designated as Public Panel Representative on November 10, 2020. Each Representative was tasked with soliciting opinions and suggestions on police reform, especially as it pertains to their specific group:

- Putnam Families – Maggie Overfelt
- Mental Health and Substance Use Disorder – Dennis Ullman, Kristin McConnell
- Veterans – Ricardo Lopez
- People of Color – Scott Rhodes, Jenie Fu, Ron Reid
- Education – Lou Riolo
- Law Enforcement – Carla Lucchino
- Latinx – Norma Pereira
- LGBTQIA+ – Sean Conway, Eileen McDermott
- Clergy/Community Outreach/Homeless – Fr. Richard Gill

Each stakeholder group utilized its own methodology to collect input from the public, including but not limited to reviewing existing police policies available on the Police Policy Review Panel website,³ conducting surveys, holding meetings, interviewing individuals and groups, and engaging in public discussion. The stakeholder groups submitted their final reports to the Panel by January 12, 2021 to allow a proposed plan to be drafted by the County Executive, reviewed by the Panel and the public, revised, and ultimately adopted by the April 1, 2021 deadline set by Executive Order No. 203.

The following is a summary of the recommendations made by each stakeholder group as delineated in their respective reports:

² <https://www.putnamcountyny.com/policerreviewpanel/>

³ See Appendix.

Sub Committees

Putnam Families

- Community Based Outreach and Conflict Resolution
 1. Establish a task force to continue police policy reform.
 2. Form a community advisory board.
- School Resource Officers (“SROs”)
 1. Publicize the State-mandated memorandum of agreement between school districts and the Putnam County Sheriff’s Office that establishes SRO responsibilities.
 2. Publicize the SRO program.
 3. Require SROs to participate in Equity, Diversity, and Inclusion training.
 4. Require SROs to establish an ongoing presence via public forums and community events.
 5. Allow schools more choice in SRO selection.
 6. Establish metrics to evaluate SRO programs annually.
 7. Provide a regular forum for family feedback on the SRO program.

Mental Health & Substance Use Disorder

- Recommended Solutions
 1. Require licensing from an outside State agency ensuring minimum standards, and continuing education.
 2. Development of a Community Police Review Board to assist with transparency and accountability.
 3. Train 911 dispatchers to use a decision tree and where appropriate avoid a police response entirely.
 4. Employ a 24/7 Mobile Crisis Team, embed permanent trained personnel (civilian or officers) during each shift to assist in responding to calls of this nature, or employ specialized staff that could operate across police jurisdictions and work collaboratively with law enforcement.
 5. Employ a collaborative team consisting of mental health and substance use disorder professionals and peers to assist in dealing with individuals under emotional stress.
 6. Create positions such as Mental Health Peer Support Specialists and Certified Recovery Peer Advocates for departments.
 7. Provide training in de-escalation and Mental Health for officers dealing with situations arising due to “behavioral health.”
 8. Enhance general perception of the police by conducting open visits to stations, ongoing PAL events, and/or coffee with a cop.
 9. Provide body cameras for police officers.
- Trainings
 1. Provide at a minimum annual cultural sensitivity, de-escalation and Crisis Intervention Training to ensure police are aware of all resources and have opportunity to ask questions and explore real life issues.
 2. Use virtual simulations via computer as initial training and refreshers as needed.

- Existing Best Practices
 1. Explore non-police alternatives to more directly intervene with individuals experiencing homelessness, substance-use disorders, and mental health crises.
 2. Support having the County partner with outside agencies to support the police in dealing with mental health scenarios.

Veterans

- Institute a Court or Judge to specifically address Veterans in the Criminal Justice system.
- Provide training to officers in identifying mental conditions related to Veterans.
- Make a specific notification to the appropriate group or agency whenever a subject who is a Veteran is involved in a Police interaction.

People of Color

- Law Enforcement Assisted Diversion Program
 1. Hire a LEAD program coordinator.
 2. Hire a LEAD advisory panel.
 3. Establish protocols for implementation of the LEAD program.
- Enhanced Records Management System
 1. Purchase an updated CAD/RMS system for the Sheriff's Department
 2. Hire a consultant with expertise in the field of law enforcement records keeping services to conduct a needs assessment of the Putnam County Sheriff's Department.
- Dashboard Cameras and Body Cameras
 1. Purchase and install dashboard cameras in all vehicles.
 2. Require the use of body cameras on all law enforcement officials while on duty.
- Training
 1. Provide trauma-informed training.
 2. Provide emotional intelligence Training to allow the police to be more accountable for their own self-care.
 3. Provide continued implicit bias /cultural competency training.
 4. Apply Critical Decision Making Model for use by Sheriff and Sheriff Deputies in managing critical incidents, especially those involving subjects who are not armed with firearms and who may be experiencing a mental health or other crisis.
 5. Expand the Mental Health Department to have a mental health professional on staff in cases where law enforcement has to engage people with mental disabilities.
- Expanding Patrol Officer Recruitment
 1. Support changing the civil service exam scoring system to pass / fail to increase the qualified pool of applicants.
 2. Increase number of Spanish speaking officers by administering a civil service exam in Spanish.
 3. Include additional demographic information on the application to capture LGBTQIA, People of Color (Asian, Latinx, or African American / Black) applicants.
 4. Actively promote lateral transfers by recruiting from larger municipalities with diverse, trained police forces. For example, the city of Danbury, CT, has recently hired police officers from New York City.

5. Create a sustained, recruitment outreach program to populations of color in Putnam County.
- Building Public Trust Through Transparency
 1. Establish open public forums for the community to raise concerns about safety and where to report complaints. Increase visibility and accessibility of a FOIL request form.
 2. Increase public access to police policy/policy changes by publishing Putnam County Sheriff's Department policies online.
 3. Publish Putnam County Sheriff Department's Mission Statement online. Mission statement should pledge commitment to Procedural Justice and respect for all races and gender identity should be included in the Mission statement.
 4. Establish official Putnam County Sheriff Department social media accounts on Twitter and Facebook as an easy and low-cost way to inform the public about important matters and provide a platform to connect and engage with the community in a non-enforcement manner.
 - Engagement with Youth in Communities of Color
 1. Focus SRO duties on planning, crime prevention, evaluation, and technology improvement programs as a means to work together and solve problems in the school community.
 2. The SRO should be working daily to connect with students throughout the COVID-19 pandemic to maintain or build trusting relationships.
 3. Appoint Youth Officer position to check in with at risk youths through home visits and one-on-one mentorship.
 4. Police Athletic League program is a positive thing in the community.
 - Engagement with Communities of Color
 1. Expand "Coffee with a Cop" outreach to events relatable to communities of color in Putnam County such as Black History month events or Caribbean Day celebration.
 2. Through the Dispute Resolution Center of Hudson Valley, create on-going, public dialogue sessions with members of the public and representatives from the Sheriff's department to resolve misunderstandings and differences.
 - Hate Crime Prevention: Create a community-wide public awareness campaign that provides information, awareness, and resources for community members and victims of hate crimes.
 - Civilian Oversight: Form a Putnam County Civilian Complaint Review Board.

Education

- Student Resource Officer (SRO) programs
 1. Provide greater structure of the School Resource Officer ("SRO") program, including greater public awareness, improved relationship building between officers, the student body, and the administration, and better communicating the role of SROs within schools.
 2. Greater training for SROs' in the area of students with disabilities.
- Deployment: Make the Sheriff's Department more visible throughout the county.
- Procedural Justice: Create opportunities of communication via schools, such as 'Meet Your SRO' programs, a column in school newsletters or information packets, or informational symposiums for parents.
- Bias

1. Make a greater effort to hire people of various and differing ethnicity and backgrounds to diversify department.
 2. Connect with various groups in the school community such as ELL/ESL students to create positive relationships and stereotypes.
- De-escalation
 1. Ensure police are properly trained to deal with young adults with autism and similar mental or emotional disabilities.
 2. Support use of state driver licenses/ID with markings denoting potential disability to better inform Police of individual's cognitive/social/emotional state.
 - Restorative Justice: Prioritize 'restorative justice' within the department.
 - Community Based Outreach & Conflict Resolution
 1. Allow SROs to spend time in the greater school community even in a casual nature.
 2. Have current and past SROs collaborate in addressing outreach issues.
 - Focused Deterrence: Create a program similar to 'Drug Court' that applies to students under 18 and continue working with schools on drug issues.
 - Violence Prevention & Reduction Interventions: Create an environment that encourages the reporting of sexual assaults and similar crimes and provide education to students on the topic.

Law Enforcement

- Deployment
 1. Identify new and additive federal, state, private, and non-profit funding/grants and consolidate redundant law enforcement activity as a means to fund programs aimed at eliminating bias and discrimination.
 2. Pay greater attention to officer wellness and training.
 3. Improve officer schedules and shift management to avoid incidents related to officer fatigue.
 4. Improve tracking and data accumulation of police actions to avoid over-policing marginalized communities.
- Use of Force
 1. Retitle the "Use of Force" policy to "Use of Force Policy" per NYS Executive Law § 840(4)(d)(3).
 2. Amend the "Use of Force" policy, making changes to the following sections:
 - § 300.1.1 Definitions – Revise definition of "Deadly Force"
 - § 300.1.1 Definitions – Add definition of "Brandish"
 - § 300.1.1 Definitions – Add definition of "Objectively Reasonable"
 - § 300.3.2 Use of Force to Effect an Arrest – Make language identical to PL § 35.30.
 - § 300.3.2 Use of Force to Effect an Arrest – Add language addressing force against restrained individuals
 - § 300.5 Reporting the Use of Force – Should cite to NYS Executive Law § 837(t) and 9 NYCRR 6058.
 - § 300.5.1 Notifications to Supervisors – Add language about notification after discharge of a weapon.
 - § 300.8 Training – Add language regarding EO 203
 3. Ensure there is adequate oversight of our use of force policy implementation.
 4. Consider creating an Internal Affairs organization if one doesn't currently exist.

- Consider a probationary period for newly promoted officers.
- Bias
 1. Hire additional female officers and officers with Spanish language skills.
 2. Expand community outreach to local Hispanic organizations.
 3. Consider hiring an outside consultant to conduct an Equity Audit that examines the County's demographics in comparison to our current police force.
 4. Consider recruiting directly from high schools and colleges.
 5. Review leadership training and promotion policies to ensure no bias exists to exclude underrepresented communities from advancement.
 6. Review and compare bias history of bias complaints compared to other law enforcement agencies and provide additional implicit bias training as needed.
 7. Consider providing financial support and incentives for higher education degrees to our police officers.
- De-escalation
 1. Require additional annual in-service training to address Bias, Constitutional Conduct, De-escalation, and Crisis Intervention with an emphasis on sourcing high quality, rigorous, and evidence-based programs.
 2. Consider creating a unit or units of non-police emergency first responders trained in Crisis Intervention Team (CIT) and De-escalation tactics.
- Law Enforcement Assisted Diversion Programs
 1. Conduct these programs in collaboration with local towns and villages and communicate same to the public.
 2. Consider administering the Hope not Handcuffs program at the judicial level with input from the Putnam County District Attorney.
- Restorative Justice
 1. Consider a Restorative Justice program that arranges a meeting with the police officer and a social service agency representative in addition to the victim and the offender.
 2. Use metrics to determine the success of our Restorative Justice program(s), such as a reduction in recidivism.
 3. Consider operating Restorative Justice programs under the Probation Department and/or the District Attorney's office rather than the Sheriff's office.
 4. Utilize other diversionary programs including Veteran's Treatment Court, Mental Health Court, or Alternative to Incarceration (ATI) Programs. Consider the following ATI programs for Putnam County: Mental Illness Programs, Pretrial Services, Treatment Alternatives for Safer Communities (TASC) and Drug and Alcohol Programs, Specialized Programs, Community Service Programs, and Defender Based Advocacy.
- Community Based Outreach and Conflict Resolution
 1. Formally engage community members, especially those from marginalized groups, to solicit input on police officer training.
 2. Expand Neighborhood Watch Programs
 3. Developing a network of police liaison volunteers to assist with police/community relations in schools, chambers of commerce, religious institutions, and other local affinity groups, especially with the Hispanic community.

4. Consider greater involvement of the Sheriff's office in support of the Putnam County Drug and Treatment Courts so police officers and the public have a chance to better understand each other.
 5. Add new and diverse voices from marginalized groups into the Sheriff's Department's Community Advisory Board.
 6. Resurrect the Putnam County Sheriff's Citizen Academy as a means of educating the public on the interaction between police officers and community residents.
 7. Expand citizen collaboration programs including Junior Cadet programs, increase recruitment in local schools, and find ways to involve local youth with police officers.
- Problem Oriented Policing and Hot Spot Policing
 1. Use demographic and community needs data to determine where and how many police officers are deployed.
 2. Collect data on how police officers spend their time to compare to crime statistics to ensure police officers are deployed where they are needed most, not simply to meet quotas.
 - Focused Deterrence
 1. Consider using 10-year trend crime statistics when designing crime reduction strategies.
 2. Officers should know our community, and if possible, identify suspicious people, vehicles and activities to deter the distribution of drugs and associated criminal acts in our community.
 3. Use surveillance cameras to populate a database of information that can be used in preventing crime and arresting criminals.
 - Crime Prevention Through Environmental Design
 1. Consider conducting home and business security evaluations (threat assessments) and use the results to improve safety and security.
 2. Safety and Security improvements such as the addition of security systems, alarms, lighting, etc., should be incorporated into County, Town, and Village Code and considered in evaluating applications to Town and Village Planning and Architectural Review Boards.
 - Model Policies Promulgated by the Municipal Police Training Council
 1. Survey police officers to determine the adequacy of their training.
 2. Improve police training for domestic violence incidents.
 3. Provide police training focused on day-to-day duties such as community policing, non-violent public interaction, and crime prevention, in addition to training for violent and serious crime prevention and reaction.
 4. Employ training for the proper treatment of victims and trauma-based training. must be part of a police officer's training.
 5. Provide training as needed when deploying new technology.
 - Other Recommendations
 1. Putnam County should work with the Courts, the Sheriff's office, and non-profit organizations to ensure we make maximum use of programs that reduce recidivism.
 2. Obtain New York State Law Enforcement Agency Accreditation as soon as possible.
 3. Provide body cameras for all police officers as a means to protect both officers and the public.

4. Consider holding public hearings prior to any application for Defense Dept. and/or Dept. of Homeland Security/FEMA funding for equipment and consulting.
5. Consider a mini public relations campaign utilizing both traditional and social media to create community awareness of this Putnam Police Policy Review.
6. Establish performance-based criteria for sourcing reputable and qualified partners and vendors.
7. Private businesses and institutions that use local law enforcement resources as an alternative to hiring private security should pay a fee for these services (such as Arms Acres Methadone Clinic on Old Route 6 in Carmel).
8. Consider greater use of asset forfeiture funds from the District Attorney and hiring a grant writer to obtain funding for these reforms.
9. Establish a survey on the Sheriff's Facebook page with questions about the public's interactions with police officers. This would provide positive and negative feedback and this feedback could be used to make improvements as needed.
10. Initiatives should be prioritized and placed on a timeline with milestones.
11. Ensure policies are in compliance with—if not stricter than—state law.

Latinx

- No report or specific recommendations were furnished to the Panel.

LGBTQIA+

- Safety Responsibilities
 1. Require all School Resource Officers to undergo ongoing anti-bias and sensitivity training regarding LGBTQIA+ issues, specifically focusing on LGBTQIA+ youth, and transgender, non-binary, and gender nonconforming awareness.
 2. Require all department employees to undergo ongoing anti-bias and sensitivity training regarding LGBTQIA+ issues, specifically focusing on LGBTQIA+ youth, same-sex families, and transgender, non-binary, and gender nonconforming awareness.
 3. Require all Officers and affiliated professionals (Social Workers, EMTs, etc.) to undergo training specifically related to identifying potential domestic violence and abuse within LGBTQIA+ households.
 4. Implement and publicize a policy clearly stating whether employees may belong to, or promote and publicize, through social media or other means, any organization that has credible explicit or implicit links to domestic or international terrorism, or violent, homophobic, transphobic, racist or sexist ideologies, or any Ethno-Nationalist causes or campaigns.
 5. Study, implement and publicize policies outlining standards of safety for individuals held in gender-segregated detention; clearly communicate to any potentially vulnerable person facing detention what policies are in place to ensure their protection while in police custody.
- Community Responsibilities
 1. Study, implement and publicize a Civilian Complaint Board, in addition to the Community Advisory Committee, for anyone to address grievances regarding the Department through an independent body, ensuring its membership explicitly includes diverse voices from across Putnam County through the active and open recruitment of volunteers.

2. Allow civilian observers to attend all anti-bias or sensitivity training sessions attended by members of the department and/or make training materials readily available to the public.
 3. Establish a dedicated LGBTQIA+ Outreach Coordinator to act as a liaison between the Department and community, dedicated to ongoing dialog, and researching and reporting on training opportunities and best-practices.
 4. Ensure detailed descriptions of all Departmental Policies are made readily available to public via the Sheriff's website, in both English and in Spanish, and commit to making available translations in any other language(s) deemed significant and necessary by the Department, by the County, by request from a Town or Village government located within Putnam County, or by a petition submitted by residents of the County demonstrating such need.
- Administrative Responsibilities
 1. Remove binary gender declarations (male/female) on all departmental forms and remove such questions entirely or replace with open-ended response fields.
 2. Review all documents and policies for any gendered words (i.e.: "his/her," "manpower," "widow") and replace them with gender-neutral language.
 3. Maintain statistics for all police encounters involving voluntarily self-identifying LGBTQIA+ individuals, as witnesses, victims, or suspects, for continued analysis.

Clergy/Community Outreach/Homeless

- Law enforcement should maintain a directory of area shelters for occasions when they are called.
- Learn basic Spanish as the homeless population in Putnam County is roughly half Spanish speaking.

V. Reforms in Putnam County

A. Statewide Enacted Reforms/Mandates

In order to address issues such as racial bias and police transparency, New York State has reviewed existing policies and procedures and recently enacted new laws to further its efforts to address inequality within the justice system. A summary of the new mandates as well as the Putnam County Sheriff's Department's compliance are outlined below.

1. Repeal of N.Y. Civil Rights Law § 50-a (Senate Bill 8496 / Assembly Bill 10611): N.Y. Civil Rights Law § 50-a, a law which largely prohibited the disclosure of police (as well as fire and corrections) personnel records, was repealed effective June 12, 2020. As a result of the repeal of Section 50-a, many police disciplinary records now fall within the scope of New York's Freedom of Information Law (FOIL). However, the new legislation also includes important amendments to those FOIL provisions of the Public Officers Law, which now require or allow for the redaction of certain information contained in "law enforcement disciplinary records" prior to public disclosure. There are also legal issues related to the true scope of the law and whether the disclosure extends, for example, to unsubstantiated complaints. At least one opinion issued by the NYS Committee on Open Government (FOIL AO 19775, issued July 27, 2020) found that the law does not require a law enforcement agency to disclose "unsubstantiated and unfounded complaints against an officer" where such agency determines that disclosure of the complaint would constitute an unwarranted invasion of personal privacy, but also does not require an agency to withhold such a record." Police departments should consult with their counsel, public records officer or those who respond to the agency's FOIL requests to ensure compliance with this change in the law. Police department policies relating to police disciplinary records, personnel files and civilian complaints may also need to be reviewed and/or revised. (Effective: June 12, 2020).

THE PUTNAM COUNTY SHERIFF'S DEPARTMENT IS IN COMPLIANCE WITH THIS REQUIREMENT

2. Office of Special Investigation (Senate Bill 2574C / Assembly Bill 1601C): Created the Office of Special Investigation within the NYS Department of Law, which will investigate and prosecute any deaths caused by an act or omission of a police officer, or which the Attorney General determines there is a question as to whether the death was in fact caused by an act or omission of a police officer. (Effective: April 1, 2021).

NYS ACTION REQUIRED

3. The Eric Garner Anti-Chokehold Act (Senate Bill 6670B / Assembly Bill 6144B): Established the crime of aggravated strangulation for police officers where such officer commits the crime of criminal obstruction of breathing or blood circulation, or uses a chokehold or similar restraint and causes serious physical injury or death. Police agencies should review and update use of force policies to include the prohibition of chokeholds. (Effective: June 12, 2020).

THE PUTNAM COUNTY SHERIFF'S DEPARTMENT USE OF FORCE POLICY BANS THE USE OF CHOKEHOLDS:

300.3.6 STATE RESTRICTIONS ON THE USE OF OTHER RESTRAINTS 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 or reduce intake of air is prohibited unless deadly physical force is authorized (Exec. Law § 840).

4. Civil Action for Summoning a Police Officer Without Reason (Senate Bill 8492 / Assembly Bill 1531B): Established a private right of action where a person summons a police officer on a member of a protected class (i.e., race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation), without reason, and alleges a crime or an imminent threat to person or property existed, but where a reasonable person would not suspect a crime or threat to have existed. Police officers should be informed of this development in the law. (Effective: June 12, 2020).

NO ACTION REQUIRED

5. New Yorker's Right to Monitor Act (Senate Bill 3253): Clarified that a person not under arrest or in police custody has the right to record police activity and to maintain custody and control of the recording and any instruments used to record it. Police departments should consider adopting a policy that informs officers of the public's right to record police activity. (Effective: July 14, 2020).

THE PUTNAM COUNTY SHERIFF'S DEPARTMENT PUBLIC RECORDING OF LAW ENFORCEMENT ACTIVITY POLICY REQUIRES:

The Putnam County Sheriff's Office recognizes the right of persons to lawfully record members of this office who are performing their official duties. Members of this office will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully. Deputies shall exercise restraint and should not resort to highly discretionary arrests for offenses such as obstructing governmental administration, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

6. Law Enforcement Misconduct Investigative Office (Senate Bill 3595B / Assembly Bill 10002B): Created the Law Enforcement Misconduct Investigative Office (Investigative Office) within the NYS Department of Law to review, study, audit and make recommendations regarding operations, policies, programs and practices of local law enforcement agencies. Pursuant to this law, every officer is required to promptly report to the Investigative Office any information concerning police corruption, fraud, use of excessive force, criminal activity, conflicts of interest or abuse by another officer or employee relating to his/her office or employment, or by a person having business dealings with a covered agency relating to those dealings. An officer's known failure to report such information shall be cause for removal or other appropriate penalty. Police departments are also required to report to the Investigative Office any officer who is named in five or more complaints, relating to five separate incidents, within a two-year period. In an effort to ensure compliance with this law, police departments should adopt a policy regarding the duty to report information to the Investigative Office. (Effective: April 1, 2021, with the exception of Section 4 of the Act relating to the Port Authority).

STATE ACTION REQUIRED

7. Reporting of Criminal Offenses and Arrest-Related Deaths (Senate Bill 1830C / Assembly Bill 10609): Requires courts to compile and publish racial and other demographic data of all low-level offenses, including misdemeanors and violations. Police Departments are also required, under this law, to promptly report any arrest-related deaths to the Department of Criminal Justice Services ("DCJS"), and submit annual reports containing that same information to the DCJS, the Governor and the Legislature. (Effective: December 12, 2020, with the exception of Section 1 of the Act relating to forms referenced in Section 10.40(1) of the Criminal Procedure Law).

THE PUTNAM COUNTY SHERIFF'S DEPARTMENT WILL SUBMIT ITS REPORT TO DCJS BY MAY 15, 2021

8. Right to Medical and Mental Health Attention While In Police Custody (Senate Bill 6601A / Assembly Bill 8226A): Affirmed the right to medical and mental health attention while in police custody and established a private right of action against an officer if the individual did not receive reasonable and good faith attention, assistance or treatment and as a result suffered injury or significant exacerbation of injury. Police officers should be advised by their department of the addition of a private right of action for failure to provide reasonable and good faith attention, assistance or treatment to a person in police custody. (Effective: June 15, 2020).

THE PUTNAM COUNTY SHERIFF'S DEPARTMENT MEDICAL AID AND RESPONSE POLICY REQUIRES:

If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. If the deputy has reason to believe the arrestee is feigning injury or illness, the deputy should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

9. Reporting Police Officer's Discharge of Weapon (Senate Bill 2575B / Assembly Bill 10608): Requires state and local police officers to report on and off-duty incidents when they discharge their weapon and where a person could have been struck by a bullet. Officers are required to make a verbal report to their supervisor within six hours and a written report within 48 hours of the occurrence. Police department policies should be revised to include this new reporting requirement. (Effective: September 13, 2020).

THE PUTNAM COUNTY SHERIFF'S DEPARTMENT FIREARMS POLICY REQUIRES:

Except during training or recreational use, any member who discharges a firearm intentionally or unintentionally, on- or off-duty, under circumstances where a person could be struck by a bullet from the weapon shall make a verbal report to the member's supervisor as soon as circumstances permit, but no later than six hours after the incident (Executive Law § 837-v).

If the discharge results in injury or death to another person, additional statements and reports shall be made in accordance with the Officer-Involved Shootings and Deaths Policy. If a firearm was discharged as a use of force, the involved member shall adhere to the additional reporting requirements set forth in the Use of Force Policy. In all other cases, the member shall file a written report with the member's Captain within 48 hours of the incident (Executive Law § 837-v).

B. Recommended Actions and Reforms in Putnam County

In furtherance of this collaborative effort to bridge the gap between police transparency and society's trust within the policy system, Executive Order No. 203 directed the police review panel and the stakeholders to take into account "evidence-based policing-strategies" in their final recommendations. Such policing tactics are outlined below:

- Use of force policies;
- Procedural justice;
- 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 NYS Municipal Police Training Council; and
- Standards promulgated by the NYS Law Enforcement Accreditation Program.

Putnam County supports New York State’s mission to promote police transparency and accountability. In fact, responses to the survey posted by the Police Policy Review Panel were mainly positive, and most responding residents do not see problematic issues with respect to policing within Putnam County. Although this is a good step in the right direction, the stakeholders reviewed relevant materials as directed by Executive Order No. 203 and produced recommendations that addressed improvements which can be implemented in Putnam County.⁴

Some stakeholder groups expressed frustration, however, with the review process and provision of certain documents, resources, and materials. Executive Order No. 203 recommended a review of all relevant materials, including procedures used by law enforcement. However, many of the procedures in question involve criminal investigative techniques that are not disclosable under NYS Public Officers Law § 87(2)(E)(iv). Such procedures were reviewed by the Police Policy Review Panel, though they are not otherwise available to the public. The panel has worked diligently to comply with the requirements of Executive Order No. 203 since its issuance, particularly in light of constraints stemming from the COVID-19 pandemic. Despite these constraints, the Panel has developed a comprehensive report notwithstanding said constraints and the stringent time frame provided. In addition, the process has been completed in an open and transparent manner and in compliance with Executive Order No. 203 and the DCJS collaborative manual.

The Police Policy Review Panel considered all relevant material in preparing this reform plan, including current police strategies, policies, and procedures, model police strategies, policies and procedures, public feedback, reports from various stakeholder groups, and the requirements of Executive Order No. 203. The following section contains the reforms recommended by the Panel after completing a thorough review and examination of the above. Of course, said recommendations and their implementation are subject to funding constraints, training\program availability, collective bargaining negotiations, and all applicable laws, rules, and regulations pertaining to same, including but not limited to the NYS Civil Service Law.

Putnam County is committed to fostering a strong relationship between the Sheriff’s Department and the residents of Putnam County. The reform plan is an ongoing project and the County will continue to take recommendations, review policies and procedures, as well as make appropriate changes in response to everchanging social dynamics. Putnam County and the Sheriff’s Department will continue their collaborative efforts and maintain an open dialogue to continue promoting reform.

Policy and Procedure

The Putnam County Sheriff’s Department is focused on having the most up to date policies and procedures that affect each community. As a result, the County will continue to work towards implementing continued police policy reform.

⁴ The Latinx stakeholder group did not submit a report. However, given the overlapping themes with the other stakeholder groups, the Panel feels all groups were represented appropriately and had an opportunity to be heard.

ADMINISTRATION

The Putnam County Sheriff's Department has retained and works with Lexipol, which is a risk management company that specifically services public safety agencies. Lexipol has provided an electronic policy management platform that helps manage the Sheriff Department's policies and ensures they are current and comply with Federal and State laws and other regulatory requirements. In addition, Lexipol reviews policies though out the country for "best practices" and legal decisions to minimize liabilities to police officers and their municipalities.

In addition, the Sheriff's Department currently has an application pending and is working towards achieving NYS DCJS accreditation. NYS DCJS 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 New York State program became operational in 1989 and encompasses four principle goals:

1. To increase the effectiveness and efficiency of law enforcement agencies utilizing existing personnel, equipment and facilities to the extent possible;
2. To promote increased cooperation and coordination among law enforcement agencies and other agencies of the criminal justice services;
3. To ensure the appropriate training of law enforcement personnel; and
4. To promote public confidence in law enforcement agency

The Accreditation Program is comprised of a set of standards developed to further enhance the capabilities of an agency and is divided into three categories. Standards in the Administrative section have provisions for such topics as agency organization, fiscal management, personnel practices, and records management. Training standards encompass basic and in-service instruction, as well as training for supervisors and specialized or technical assignments. Operations standards deal with such critical and litigious topics as high-speed pursuits, roadblocks, patrol, and unusual occurrences. The Putnam County Sheriff's Office is currently enrolled in the DCJS accreditation program. The Panel recommends that the Putnam County Sheriff's Department make accreditation a priority and continue its efforts to become accredited.

Putnam County recognizes the importance of continuing education for police officers to carry out their duties in a safe and effective way. The stakeholder groups recommended that police have access to higher education. Deputy Sheriff and Deputy Sheriff Sergeant employees are eligible for both tuition reimbursement and salary enhancement for college education credits. The specifics of these benefits are contained in the Putnam County Sheriff's Department PBA Collective Bargaining Agreement with Putnam County. Higher level non-union employees are eligible for the County's Management/Confidential tuition reimbursement program. This program provides eighty percent of the cost of tuition for up to four approved courses per year with a maximum reimbursement of \$1,000 per course.⁵ The Panel agrees and recommends that the Sheriff's Department continue to promote and support higher education for its police officers.

⁵ The specifics of these benefits are contained in the Putnam County Sheriff's Department PBA Collective Bargaining Agreement with Putnam County.

The stakeholders recommended that the Panel review its policies to make sure said policies are in compliance with State law and if appropriate, stricter than what the State requires. There are some existing policies that are stricter than what the State requires. For example, unique to Putnam County is the mandatory psychological evaluation which all potential law enforcement applicants must complete. Furthermore, the Sheriff's Department probation period goes beyond the minimum State standard of twelve months. In Putnam County, officers must be on probation for eighteen months. These requirements act as a safeguard to the community and promote the most competent individuals to serve the County.

DIVERSITY

Changes in social dynamics have called for more diversity in many job environments, with law enforcement being no exception. Stakeholder groups have recommended that the Sheriff's Department make an effort to attract female officers and officers with Spanish language skills. In order to create a more diverse work atmosphere, the Sheriff's Department recruits directly from local high schools and regional colleges. In order to attract more Spanish-speaking officers, the Sheriff's Department recently administered a test in Spanish. In addition, the Sheriff's Department is planning on establishing a presence at college fairs in contiguous counties, such as Westchester and Rockland, to expand its hiring radius and reach more bilingual applicants and applicants from marginalized groups. The Panel recommends that the Sheriff Department continue its efforts to attract a bigger pool of candidates in order to create more diversity within its police force.

Putnam County prioritizes the safety and respect of all its residents including members of the LGBTGIA+ community. Stakeholders made a recommendation to implement a policy outlining the standards of safety for individuals held in gender-segregated detention. In order to protect the rights of Putnam County residents no matter the background, the Sheriff's Department follows current State Commission of Correction standards.

TRANSPARENCY AND ACCOUNTABILITY

Officer safety as well as police transparency are priorities in police reform for Putnam County. It was suggested by stakeholders to have dash cameras ("dash-cams") and body cameras in an effort to promote police transparency and accountability. Currently, the Sheriff's Department has dash-cams on all patrol vehicles. With the understanding that funding may be an obstacle, the Panel supports the use of body cameras and recommends the Sheriff's Department review the costs involved in supplying the County's officers with same.

Some stakeholder groups recommended the implementation of a process that supports police accountability and resident feedback. On September 18, 2020, the Sheriff issued a Quality of Service form regarding personnel complaints. Quality of Service forms are available on the Sheriff's website and in the lobby of the Sheriff's Department. Complaints will be accepted by email, in person, on the phone or by mail.

Departmental Training

Putnam County understands the importance of training in order to have the most competent officers safely interacting with the County's residents. Many of the stakeholder groups voiced a strong desire for Putnam County Officers to receive more training on a variety of subjects, including: Equity, Diversity, Inclusion, Bias, Cultural Sensitivity, Emotional Intelligence, Constitutional Conduct, De-escalation, Domestic Violence, Trauma-Informed training, Crisis Intervention training, and Mental Health training. Many of these topics are initially covered while the officers attend the police academy. There are also continued and ongoing trainings in certain areas provided by the County, including a mandatory yearly sexual harassment and workplace violence training program.

Currently, the Sheriff's Department has two officers enrolled in a specialized de-escalation instructor training program. This program is covered via a block of instruction called Professional Communication. It is important to note that de-escalation is not a topic but more of a science/skill that permeates into almost all aspects of recruit training. For example, de-escalation is covered in blocks of instruction relating to responding to persons with mental illness, persons with disabilities, etc. In that respect, while the Sheriff's Department teaches the techniques of de-escalation, they also practice and regularly train such techniques with recruits. The Sheriff's Department also practices this type of exercise during role play scenarios, reality-based training, and use of force training. This is all reinforced in in-service training for veteran officers in courses taught on ethics, procedural justice, and crisis intervention.

Many stakeholder committees also expressed a need for an increase in mental health training. New York State has recently implemented training programs that address this specific issue. For example:

- A. Funding for Crisis Intervention Teams (CIT) in every county in New York State. CIT has been an evidence-based de-escalation model that provides a comprehensive response to how law enforcement should be engaging with individuals in a mental health crisis. It trains law enforcement, families and individuals with appropriate support and education around a mental health crisis. The State should help to identify communities of color that are in greatest need of this training.
- B. Mental Health First Aid is an essential part of training law enforcement as well. This eight-hour training provides law enforcement with a basic knowledge of mental health. MHANYS and our members have provided successful training to hundreds of individuals in law enforcement. The response has been overwhelmingly positive in all communities.
- C. Provide Funding for Mental Health and Wellness 101. This MHANYS product line has trained 100s of people in a one-hour training about the basics of mental health. While not as in-depth as CIT or MHFA, this training would give law enforcement a basic knowledge of mental health which is essential in diverting or de-escalating a crisis. This training has been provided on-line to create easy access and large bandwidth.

The Panel fully supports these types of training programs and recommends the Sheriff Department utilize said programs for the benefit of their officers and the community, subject to funding.

The stakeholder groups also recommended that police officers learn Spanish to help communicate with Spanish-speaking residents of Putnam County. Currently, the Sheriff's Department uses readily available translation software like Google Translate as a resource to communicate, as well as Language Line. Putnam County has a contract with Language Line where police officers can call and receive translation services.

The Panel recognizes the importance of continuing training for local officers. The Sheriff's Department consistently reviews federal, state, private, and non-profit funding/grants as a means to fund programs aimed at eliminating bias and discrimination. Contingent on such funding it is recommended that the Sheriff Department procure more on-going training programs to provide more knowledge to their officers which will make them better equipped to handle different situations.

Subject Management and Use of Force

This Panel understands that the use of force by members of law enforcement is a matter of critical concern both to the public and the law enforcement community. As stated in the policy itself, the guiding values of the Sheriff's Department are the respect and value of all human life and dignity without prejudice to anyone.

As stated previously, recent amendments to the use of force policy have already been made following the enactment of the Eric Garner Anti-Chokehold Act. The Sheriff's Department has evinced a clear intention to proactively maintain its policies to comply with changes in law or best practices.

Notwithstanding that the Sheriff's Department has already amended its use of force policy, it is recommended that the Sheriff's Department continue to develop such policy as appropriate. To that end, the Panel recommends that the Sheriff's Department review the following changes put forth by the stakeholder groups and implement changes deemed suitable after evaluation.

Under Section 300.1.1 Definitions, the policy states:

“Deadly force – Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious physical injury. This includes force that, under the circumstances, is readily capable of causing death or serious physical injury. (Executive Law §840).”

Replace the definition of “Deadly Force” with the definition of “Deadly Physical Force” as follows: “Deadly physical force means physical force which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury. (NYS Penal Law, Article 10, Section 10(11)).” NOTE: Don’t modify the definition of Deadly Physical Force. Use exactly what’s provided by the legislature in State law. The Law cited in the current policy refers broadly to the Executive Functions, Powers and Duties of the

Municipal Police Training Council (MPTC) and does not refer the reader back to the actual definition of Deadly Physical Force. The Executive Law reference should be changed to match the NYS Penal Law reference.

Adding the following under Section 300.1.1 Definitions:

“Brandish - For Use of Force reporting purposes, required under Executive Law §837-t, the Municipal Police Training Council (MPTC) adopted a definition of Brandish that is analogous to use and discharge for firearms, and use and deploy for impact weapons and electronic control weapons. The MPTC defined brandish/use/discharge and brandish/use/deploy as the operation of a weapon in a manner capable of causing physical injury. As defined by the MPTC, the mere pointing of a firearm, an impact weapon, or an electronic control weapon at a subject is not considered brandishing, use or discharge of a firearm, or brandishing, use, or deployment of an impact or electronic control weapon, and therefore, not a reportable Use of Force incident.”

Adding the following under Sections 300.1.1 Definitions and 300.3 Use of Force:

“Objectively Reasonable: An objective standard used to judge an officer’s actions. Under this standard, a particular application of force must be judged through the perspective of a reasonable officer facing the same set of circumstances, without the benefit of 20/20 hindsight, and be based on the totality of the facts that are known to that officer at the time that the force was used.

Under Section 300.3.2 Use of Force to Effect an Arrest, the policy states:

“A police officer or a peace officer may use reasonable physical force to affect an arrest, prevent escape of a person from custody, or in defense of self or others from imminent physical force.” (Penal Law §35.30)

The following change is recommended for evaluation: “A police officer or a peace officer, in the course of effecting or attempting to effect an arrest, or of preventing or attempting to prevent the escape from custody, of a person whom he or she reasonably believes to have committed an offense, may use physical force when and to the extent he or she reasonably believes such to be necessary to effect the arrest, or to prevent the escape from custody, or in self-defense or to defend a third person from what he or she reasonably believes to be the use or imminent use of physical force.” (NYS Penal Law §35.30)

Under Section 300.3.2 Use of Force to Effect an Arrest, adding:

subdivision (4) Against persons who are handcuffed or restrained unless it is used to prevent injury, escape, or otherwise overcome active or passive resistance posed by the subject.

Section 300.5 Reporting the Use of Force should be amended to cite to NYS Executive Law §837-t and 9 NYCRR 6058.

In addition to the specific proposals made by the stakeholder groups, the Sheriff’s Department has already implemented several changes to its use of force policy relevant to this reform plan.

Every use of force incident, as defined by the NYS Department of Criminal Justice Services, requires a written Use of Force Report and monthly reporting to DCJS. These reports are to be reviewed and analyzed by Command Staff to identify possible trends and/or areas where training may need to be expanded or supplemented.

Incidents involving the use of force and the discharge of an officer's firearm are now subject to additional reporting requirements. When an officer discharges their weapon and where a person could have been struck by a bullet, the officer must make a verbal report to their supervisor within six hours and a written report within 48 hours of the occurrence.

The Sheriff's Department has prohibited the use of the Carotid Restraint as a compliance technique, and 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 or reduce intake of air is prohibited unless deadly physical force is authorized.

For the safety and wellbeing of the public and law enforcement, the Sheriff's Department must ensure that there is proper oversight of its use of force policy implementation.

Community-Oriented Policing and Neighborhood Engagement

The Sheriff's Department has long instituted various programs in order to engage directly with the residents of Putnam County and work together with the community to ensure the safety and welfare of the population. Even so, several stakeholder groups recommended a renewed focus on community engagement to truly meet the purpose and spirit of Executive Order No. 203. To that end, the Panel recommends making the following reforms to meet the needs and wants of the community.

SRO PROGRAM

There were numerous stakeholder suggestions that addressed the Sheriff's Department SRO program. The Sheriff's Department was the first law enforcement agency to introduce the SRO program in New York State. Dedicated officers serve as a School Resource Officer within the schools of Putnam County, acting as an educator, law enforcer, and counselor. The purpose of this program is to establish and foster a collaborative relationship between the police and the school administration, student bodies, and parents of students. In an effort to improve this already effective program, the following specific suggestions were made by the stakeholder groups:

1. The County should publish the State-mandated memorandum of agreement between school districts and the Putnam County Sheriff's Office that establishes SRO responsibilities. This is simple enough as the agreement, like others from the County, is subject to the Freedom of Information Law ("FOIL") and is readily available.
2. The Sheriff's Department should publicize the SRO program. Although this program is already well known in the community, the Panel supports any additional efforts to spread

awareness. In response, the Sheriff's Department will put SRO program information on its website, ensure SROs attend school functions to engage with the community, and have the various school districts provide information and updates about the SRO program in the newsletters sent out by the schools.

3. The Sheriff's Department should require SROs to establish an ongoing presence via public forums and community events. SROs already attend school functions and events such as school sports games, school dances, and PTA meetings. The Panel recommends continuing this as these events provide the perfect opportunity to engage and build a rapport with the student body and community in general.
4. The Sheriff's Department should allow schools to have more choice in the selection of SROs. The Panel agrees that schools should have a voice in who will be on campus interacting with the student body and administration, though currently the schools already have final say in who is selected as SRO. Further, the job has little turnover as most officers who choose to become SROs are especially dedicated to helping the community.

HOMELESS IN PUTNAM COUNTY

There were several suggestions relating to law enforcement interaction with the homeless in Putnam County. In general, there was overwhelmingly positive feedback from the public on this issue, though the Panel feels that any improvements are welcome to further improve the lives of one of the most vulnerable parts of the community.

A recommendation was made by the stakeholders that the Sheriff's Department should maintain a directory of area shelters for occasions when they are called. The Panel agrees, and fortunately deputies have already been provided this information for utilization if the need arises. Provided information includes the shelters within Putnam County as well as shelters in Dutchess and Orange Counties that help service the western portion of Putnam.

A second stakeholder recommendation is for the Sheriff's Department to conduct wellness checks at known areas with an established homeless population, particularly in freezing temperatures. The Panel agrees with this recommendation. The Sheriff's Department has taken the initiative to do this already. If any person is in need of shelter or services, the officer will facilitate that whenever possible.

DIVERSION PROGRAMS AND ALTERNATIVES TO LAW ENFORCEMENT ACTION

Many stakeholder groups want to see an alternative to criminal prosecution when it is a realistic possibility. While many of these suggestions are well-meaning, not everything will be financially or procedurally possible. However, the Panel recommends that the Sheriff's Department and the County continue exploring additional options to expand these types of programs recommended by the stakeholder groups:

1. The County should create a program similar to 'Drug Court' that applies to students under 18. The panel supports this recommendation. Putnam County already has a "Youth Court" program, which is a family court diversion program aimed at reducing juvenile delinquency

in the county. Juveniles are given a chance to assume responsibility for their actions and to learn about the justice system without having a juvenile delinquency petition filed against them. The Panel recommends that this program be utilized whenever suitable to ensure youths are given a chance to redress wrongdoing and avoid labels caused by otherwise being subject to the criminal justice system.

2. Putnam County should implement Law Enforcement Assisted Diversion (“LEAD”) programs. The Panel believes that law enforcement should try to work with individuals and help them as part of the community. The Sheriff’s Department already participates in the Hope not Handcuffs program, which allows a person suffering from addiction to go to the Sheriff’s Department where a helper will assist in finding available treatment options. Similar programs should be evaluated and implemented if deemed appropriate after review.
3. Putnam County should utilize other diversionary programs including Veteran’s Treatment Court, Mental Health Court, or Alternative to Incarceration (“ATI”) Programs. The Panel supports this recommendation and agrees in principle that people should be given an opportunity to get the assistance they need. Putnam County already implements many of these or similar programs, such as Hope not Handcuffs, ATI, and Assisted Outpatient Treatment programs. New or supplementary programs should be evaluated and implemented by the County if deemed appropriate after review.

ENHANCE THE RELATIONSHIP BETWEEN THE POLICE AND THE COMMUNITY

One of the major goals of this reform is to increase communication with and the connection to the public. One major purpose is to foster a closer relationship between the police and the community at large. As such, this topic was a major focus of several of the stakeholder groups, who all agreed that law enforcement must make a concerted effort to engage with the community.

The stakeholder groups recommended that the Sheriff’s Department enhance the general perception of the police by conducting open visits to stations, participating in Police Athletic League events, similar programs. The Panel agrees and recommends that the Sheriff’s Department continue with the outreach programs it already conducts and expand on same when appropriate. Specifically, the police-community relationship will continue to benefit from programs and activities like Coffee with a Cop, K9 demonstrations, Real Talk, and spending time in the greater school community (including attending school games, school dances, and PTA meetings). The Panel notes that open visits are not possible while the pandemic is ongoing.

The stakeholder groups also suggested that the Sheriff’s Department expand citizen collaboration programs including Junior Cadet programs and increasing recruitment in local schools. The Panel feels that this is a good recommendation that could improve the relationship between the police and youth of Putnam County. The Sheriff’s Department still supports the Junior Cadet Program and currently has approximately 45 uniformed cadets who participate in numerous community events with uniformed deputies. The Junior Cadet Program, alongside increasing police recruitment from local schools, will foster a connection between our local community and the next generation of law enforcement.

Dealing with Mental Hygiene Situations

There has been much discussion regarding law enforcement's role in dealing with situations involving mental hygiene issues. Responding to circumstances involving people who are under the influence of a substance and/or are experiencing a mental health crisis requires officers to make a series of difficult judgments and decisions about how to safely resolve such situations, which too often turn violent.

It has been suggested by stakeholder groups that police reform should include eliminating a police response to calls for individuals experiencing mental illness related distress. In actuality, many of these calls are not received as a request for assistance for a person in mental or emotional distress, rather as some other type of call such as a suspicious person or a domestic incident. Further, many calls for assistance with an emotionally disturbed person are from a behavioral health services location, with the callers being mental health professionals.

The Panel believes it is neither safe nor practical to completely remove law enforcement from such situations. However, it is entirely reasonable, and indeed essential, to expect officers to render necessary aid in a humane and sensitive manner to persons who appear to be suffering from mental illness or disability. The Sheriff's Department should endeavor to provide a consistently high level of service to all members of the community and recognize that persons in crisis may benefit from intervention.

The stakeholder groups engaged in significant discussion on this topic as it is a fundamental issue that affects all parts of our community. The stakeholder groups made the following suggestions to further improve law enforcement response to mental hygiene related matters:

1. The Sheriff's Department should employ specialized staff that could operate across police jurisdictions and work collaboratively with law enforcement. On review, the Sheriff's Department currently works with the Department of Social Services ("DSS"), the Department of Mental Hygiene, and outside mental health professionals as appropriate. In addition, DSS is directly available should a mental hygiene related situation arise requiring such assistance. The panel recommends that the Sheriff's Department continue to collaborate, where feasible, with other agencies and mental health professionals when interacting with those experiencing a mental health crisis to ensure equitable and safe treatment of all involved.
2. The County should partner with outside agencies to support the police in dealing with mental health scenarios. In addition to working with agencies within Putnam County, DSS and the Department of Mental Hygiene regularly cooperate with outside mental health professionals and agencies to provide appropriate treatment and services. The Department of Mental Hygiene also oversees Putnam County's Assisted Outpatient Treatment program, which ensures treatment to ensure that individuals with mental illness and a history of hospitalizations or violence participate in community-based services appropriate to their needs.

Transparency and Accountability

The community has expressed interest in various categories of police department reporting and transparency. The Panel feels that transparency is critical to ensuring accountability. Reviewing the relevant policies and procedures allows the Panel to meaningfully evaluate the performance of law enforcement. The Panel recommends that the Sheriff's Department take appropriate steps to ensure their practices are transparent to the public and consider the following recommendations made by the stakeholder groups:

1. Establish open public forums for the community to raise concerns of safety and where to report complaints and increase the accessibility of the FOIL request form. The panel agrees that the community should have a voice in the performance of law enforcement and that the Sheriff's Department should listen. The Sheriff's Department has posted a Quality of Service form on its website that will allow individuals to submit a complaint or commendation based on interactions with law enforcement. A hard copy of the form will also be accessible at the Sheriff's Department. The form can be submitted named or anonymously. Complaints will be accepted by email, in person, by phone, or by mail. Any complaints will be investigated pursuant to the Personnel Complaint policy. The FOIL form is currently available openly and publicly on the Sheriff's Department website and at the Putnam County Clerk's Office.
2. The Sheriff's Department should increase public access to police policy and policy changes by publishing Putnam County Sheriff's Department policies online. The Panel recommends that the Sheriff's Department provide such policies on its website to make them available to the public. Going forward, the Sheriff's Department intends to post its policies online with regular updates.
3. The Sheriff's Department should establish official social media accounts on Twitter, Facebook, Instagram, etc. as an easy and low-cost way to inform the public about important matters and provide a platform to connect and engage with the community in a non-enforcement manner. The Panel feels this is an appropriate recommendation and a great tool for the public and law enforcement alike. The Sheriff's Department already maintains a social media presence⁶ and will consider different platforms in the future.

Finally, the Sheriff's Department has stated that it will continue to track certain statistics to be made available to the public. The Department will document and track the number and types of arrest made and make that data available on its website. In addition, the Department will track the discharge of firearms by law enforcement officers as required by law and also make that data available on its website.

⁶ <https://www.facebook.com/putnamsheriffny/>

Officer Wellness and Well-being

Stakeholder groups recommended that the Putnam County Sheriff's Office implement more programs in order to help with officer's well-being. Putnam County Sheriff's Department is determined to ensure the physical and mental health and wellbeing of its deputies. The Panel understands that physical and mental well-being lead to improved interactions and effectiveness in dealing with the public. Presently, the Putnam County Sheriff's Department engages in the following programs.

Advanced Cardiovascular Diagnostic:

Advanced Cardiovascular Diagnostics, Dr. Perry Frankel, and staff provide Law Enforcement and Correctional Officers state of the art, on-site cardiovascular testing, detection and prevention. They perform six non-invasive tests including: Carotid doppler, abdominal aortic aneurysm ultrasound, ultrasound for artery disease, stress echocardiograms, pulmonary function tests and vestibular exam. Through these exams, the patient(s) are told immediately if they have any ongoing issues. Heart disease is number one cause of death and a heart attack happens every forty seconds. Strokes are the number three cause of death and seventy percent are unaware of blockages. Two thirds of patients are unaware they have an Aneurysm. Law Enforcement and Correctional Officers are at high risk for these potential medical problems and by these simple tests, it can save their life.

Pastor Andrew Columbia Peer to Peer Counseling for Law Enforcement:

The Putnam County Sheriff's Office has available a Chaplain, Pastor Andrew Columbia of Mount Carmel Baptist Church in Carmel. Pastor Columbia is a founding member of Putnam County Peer to Peer Counseling, which challenges attitudes that inhibit open talk about suicide. Additionally, he has done de-escalation training for Law Enforcement personnel in Putnam County.

Westchester County Employee Assistance Program:

Offers assessments and referrals for alcohol and substance abuse, family issues, financial counseling, health and wellness, mental health services and stress management to Sheriff's Department employees.

First Line Peer to Peer Support Program:

First Line is an independent peer-to-peer support program comprised of retired members of law enforcement that offers assistance and referrals to law enforcement and their families who may be suicidal or in crisis. It is an independent peer to peer support program that is not affiliated with any agency. It is also free for members of law enforcement and is completely confidential.

The Panel recommends the above programs be continued and additional mental and physical health programs be instituted as appropriate.

VI. Putnam County Police Policy Review Community Stakeholders

Putnam County Police Policy Review Community Stakeholders

African American/People of Color, LGBTQIA+, Education Subcommittee Leaders

Putnam County Police Policy Reform Plan: Addendum

3 February 2021

OVERVIEW

This addendum details community stakeholders' concerns and recommends changes to the Putnam County Police Reform Report.

The subcommittees reviewed the first draft of the report. Stakeholders from the subcommittees feel the work they have done and the reform they are pushing may get lost in the official County report. Without asking for major revisions and causing further delays to the public release of the report, this addendum lists the questions we have and changes we would like to see in a direct and transparent manner. The addendum highlights key issues in the police reform report in simple and direct terms. We hope the public gets the opportunity to understand the police reform recommendations from the community stakeholders' perspective.

KEY ISSUES

1. Formation of the Review Panel Non-Compliance to Executive Order No. 203
2. Lack of Transparency
3. Misrepresentation of the recommendation process
4. Clarity on specific reforms
5. Documentation on current compliance
6. Reform implementation
7. Timeline for adoption
8. Recommendations out of scope of Executive Order No. 203

SUPPORTING DETAILS

Non-Compliance to EO No.203 in Formation of Review Panel

The County's Review Panel was created three months before the stakeholders were invited into the process and consists of no community stakeholders nor people of color.

County Executive is not involved in the review process with community stakeholders. At least four subcommittees have reached out for an audience with the County Executive throughout the recommendation and discovery process. All requests were un-answered.

The way the nine different subcommittees are classified is biased. While unintentional, the silo-ed grouping of community stakeholders made subcommittee members feel their scope on reform was limited. The walled off subcommittees created more division, and left groups wondering if there might be competing interests in reform recommendations. Furthermore, the many subcommittees meeting individually required duplication of effort especially during the information gathering phase.

Lack of Transparency

No inventory of equipment, budget allocation, and patrol guide were offered for review. The stakeholders also had no data surrounding incident reports involving communities of color. The subcommittees had limited access to police policies and procedures.

Not all subcommittee groups were able obtain the same information in our information gathering and discovery process. The subcommittee leaders had no indication from the County Executive what type of access they had to police procedures.

NYS Public Officers Law 87(2)(E)(iv) was referenced as to why most police procedures and policies were not made available. However, NYS Public Officer Law 87(2)(E)(iv) should not apply to subcommittee members whose sole purpose in the police review process is to participate in a comprehensive review of police policies and procedures as mandated by Executive Order No.203. Furthermore, this law has not been an obstacle for other municipalities engaging in this process throughout the Hudson Valley; Rockland, Dutchess and Westchester municipalities have all been provided full or substantial access to their departments' policies and procedures, while in Putnam we have seen none.

Misrepresentation of the Recommendation Process

The report states the recommendation process has been collaborative. The subcommittees of community stakeholders offer a different perspective. The process has been unduly complicated for community members. There has been lack of guidance from the County Executive on how to begin the process of reviewing police policies. The subcommittee leaders were not forewarned that our recommendations would be countered or disputed by the Review Panel before being put forth to the Legislature's Protective Services Committee.

Clarity on Specific Reforms

The department training section mentions more training in equity, diversity, bias, cultural sensitivity and emotional intelligence. There are no specific programs listed for further training in those areas. There is no timetable indicating when these trainings will begin. There are no indicators on outcomes for police officers who undergo such training programs.

Documentation on Current Compliance

For current practices in place today such as reality-based training and use of force training, what programs are being used? What is the effectiveness of those programs? How is the officer's training evaluated?

In the Diversity section of the report, the panel recommends the Sheriff's Department continue its efforts to attract a bigger pool of candidates to create more diversity within the police force. What are the specific efforts being recommended to create a bigger, more diverse pool? How will those recommendations be effective?

Reform Implementation

While all the recommendations from the nine different subcommittees representing community stakeholders are included in the overall report, the reform portion of the report does not specifically state which recommendations will actually be put forth for adoption. If certain recommendations are NOT adopted, there is also no explanation given as to why they were not to be part of the reform.

Timeline for Adoption

Without a timeline for adoption of reform recommendations, it is difficult for the public as well as concerned stakeholders to understand when certain reform steps will be implemented or which recommendations have been considered or assessed.

Recommendations Out of Scope of Executive Order No. 203

Administration section brings up LEXIPOL consultation as part of the accreditation process. While accreditation is crucial to demonstrating compliance to state laws and law enforcement excellence, having accreditation alone is not a reform measure to address over-policing or racial tensions with communities of color. Using LEXIPOL to update police procedures emphasizes policy updates that minimize legal exposure and liability - not to address better policing to the needs of communities of color.

The Officer Wellness and Well-being section puts forth recommendations which are necessary and important for overall health and well-being of the police force. The specific recommendations do not address racial biases in policing or needs of communities of color.

Similarly, the recommendation for tuition reimbursement is a wonderful incentive for supporting higher education for police officers. That recommendation also does not address making reform changes to help improve policing issues in communities of color.

PROPOSED IMPLEMENTATION

Address the Two-Tier Hierarchy in Review Panel and Subcommittees

Clarify the difference between stakeholders and the review panel in the report. Promote collaboration and knowledge sharing between subcommittees and review panel members.

Create a Public Accountability Committee

It is crucial that the County create an independent Public Accountability Committee whose purpose is to continue the police reform process by working with the sheriff's department, legislature, and County Executive's office on policy, budget, personnel levels.

Below is the proposed structure of the Public Accountability Committee:

- Committee of 11 volunteers with at least 7 members from BIPOC communities
- BIPOC chairperson
- Members of the committee have to represent at least 3 of the legislative districts - in order to have proper geographical and proportionate representation to population from each area in Putnam County
- Recommended 3 year term - with staggered expiry terms
- Initial cohort of committee volunteers to come from recommendations from current police policy review subcommittee leader with Scott Rhodes as first chairperson
- Candidates for committee membership may be recommended by community organizations and nonprofits such as the NAACP, educators, or clergy, as well as the County Executive, legislators, town supervisors, village mayors, or local municipal boards, however they will ultimately be appointed by majority approval by the other members of the committee.
-

Update Reform Plan with Assessment, Timelines, Progress

The executive summary states that police reform efforts will be an ongoing process. We ask that this report be a living document of the process. Document the missteps that have been made, update with an implementation plan that will assess the feasibility of the recommendations, and truly address the need to improve law enforcement relationships with communities of color through transparency and accountability.

VII. Appendix

- Executive Order No. 203
- Putnam County Sheriff's Office Policies
- Updated and New Sheriff's Office Policies
- Final Reports from the Stakeholder Groups
- Quality of Service Evaluation Form
- FOIL Form



State of New York

Executive Chamber

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

Training

203.1 PURPOSE AND SCOPE

This policy establishes general guidelines for how training is to be identified, conducted and documented. This policy is not meant to address all specific training endeavors or identify every required training topic.

203.2 POLICY

The Office shall administer a training program that will meet the standards of federal, state, local and the New York State Division of Criminal Justice Services (DCJS) training requirements. It is a priority of this office to provide continuing education and training for the professional growth and development of its members.

203.3 OBJECTIVES

The objectives of the training program are to:

- (a) Enhance the level of law enforcement service to the public.
- (b) Increase the technical expertise and overall effectiveness of office members.
- (c) Provide for continued professional development of office members.
- (d) Ensure compliance with DCJS rules and regulations concerning law enforcement training.

203.4 TRAINING PLAN

It is the responsibility of the Division Captain or designee to develop, review, update and maintain a training plan and to ensure that mandated basic, in-service and office-required training is completed by all members as needed or required. The training plan should include the anticipated costs associated with each type of training, including attendee salaries and backfill costs. The plan should include a systematic and detailed method for recording and logging of all training for all members.

While updates and revisions may be made to any portion of the training plan at any time it is deemed necessary, the Division Captain or designee shall review the entire training plan on an annual basis.

The plan will include information on curriculum, training material, training facilities and scheduling. The plan will address federal, state and office-required, minimum-mandated training of deputies and other members.

203.4.1 MANDATED ANNUAL TRAINING

The annual training plan shall include a minimum of 21 hours of annual in-service training. At a minimum, the plan must include training in firearms, legal updates, and the use of force and deadly

Training

force. Firearms training must include actual range training. The Division Captain or designee should consider recommendations from the Training Committee to supplement these topics.

Only deputies who are certified as general topic or specific topic instructors, as the type of training necessitates, shall be utilized for the mandatory 21 hours of training within the annual training plan (9 NYCRR § 6023.1 et seq.; 9 NYCRR § 6024.1 et seq.).

The annual training plan must include training for all supervisors that is designed to enhance supervisory skills.

203.4.2 SPECIALIZED TRAINING

The Division Captain shall identify the positions that require specialized training beyond that provided in the Municipal Police Training Council (MPTC) Basic Course for Police Officers or the annual training plan. Specialized training may include technical and job specific subjects needed to provide skills, knowledge and ability to adequately perform the tasks required for the specific position.

Examples of specialized training may include, but are not limited to, firearms, defensive tactics, canine, Special Weapons and Tactics (SWAT), scuba, bomb disposal, mounted patrol, investigative specialists and field training officer (FTO). Specialized training will be conducted as soon as possible after appointment and will be periodically evaluated to determine if supplemental training is necessary.

203.5 GOVERNMENT-MANDATED TRAINING FOR POLICE OFFICERS

The following lists, while not all inclusive, identify training that is required under state and federal laws and regulations.

- (a) Federally mandated training:
 - 1. National Incident Management System (NIMS) training
- (b) State-mandated training (General Municipal Law § 209-q):
 - 1. Newly appointed deputies must successfully complete an MPTC-approved Basic Course for Police Officers. This training must be completed within the first year from the date of original appointment. Deputies may not carry or use any firearm in the performance of their duties, except for office firearms training, until they have successfully completed the MPTC Basic Course for Police Officers, or a program that meets or exceeds the basic course requirements in use of firearms and instruction in deadly physical force.
 - 2. Newly appointed first-line police supervisors of any rank must successfully complete the MPTC Course in Police Supervision within a year of their appointment (9 NYCRR § 6021.7).

Training

203.6 TRAINING COMMITTEE

The Division Captain may establish a Training Committee, on a temporary or as-needed basis, which will assist with identifying training needs.

The Training Committee should be comprised of at least three members, with the senior ranking member of the committee acting as the chairperson. Committee members should be selected based on their abilities at post-incident evaluation and at assessing related training needs. The Division Captain may remove or replace members of the committee at his/her discretion.

The Training Committee should review certain incidents to determine whether training would likely improve future outcomes or reduce or prevent the recurrence of the undesirable issues related to an incident. Specific incidents the Training Committee should review include, but are not limited to:

- (a) Any incident involving the death or serious injury of a member.
- (b) Incidents involving a high risk of death, serious injury or civil liability.
- (c) Incidents identified by the Office to determine possible training needs.

The Training Committee should convene on a regular basis, as determined by the Division Captain, to review the identified incidents. The committee shall determine by consensus whether a training need exists and then submit written recommendations of its findings to the Division Captain. The recommendation should not identify specific facts of any incidents, such as identities of members involved or the date, time and location of the incident, but should focus on the type of training being recommended.

The Division Captain will consider the recommendations of the committee and determine what training should be addressed, taking into consideration the mission of the Office and the available resources. Training recommendations as determined by the Division Captain shall be submitted to the command staff for review.

203.7 TRAINING ATTENDANCE

- (a) All members assigned to attend training shall attend as scheduled unless previously excused by their immediate supervisor. Excused absences should be limited to:
 - 1. Court appearances.
 - 2. Previously approved vacation or time off.
 - 3. Illness or medical leave.
 - 4. Physical limitations preventing the member's participation.
 - 5. Emergency situations or office necessity.
- (b) Any member who is unable to attend training as scheduled shall notify his/her supervisor as soon as practicable but no later than one hour and half prior to the start of training and shall:
 - 1. Document his/her absence in a memorandum to his/her supervisor.

Training

2. Make arrangements through his/her supervisor or the Division Captain to attend the required training on an alternate date.

203.8 DAILY TRAINING BULLETINS

The Lexipol Daily Training Bulletins (DTBs) are contained in a Web-accessed system that provides training on the Putnam County Sheriff's Office Policy Manual and other important topics. Generally, one training bulletin is available for each day of the month. However, the number of DTBs may be adjusted by the Division Captain or designee.

Members assigned to participate in DTBs shall only use the login credentials assigned to them by the Division Captain or designee. Members should not share their password with others and should frequently change their password to protect the security of the system. After each session, members should log off the system to prevent unauthorized access. The content of the DTBs is copyrighted material and shall not be shared with others outside of the Office.

Members who are assigned to participate in the DTB program should complete each DTB at the beginning of their shifts or as otherwise directed by their supervisor. Members should not allow uncompleted DTBs to build up over time, and may be required to complete DTBs missed during extended absences (e.g., vacation, medical leave) upon returning to duty. Although the DTB system can be accessed from any Internet-enabled computer, members shall only take DTBs as part of their on-duty assignments, unless directed otherwise by a supervisor.

Supervisors will be responsible for monitoring the progress of those under their command to ensure compliance with this policy.

203.9 TRAINING RECORDS

The Undersheriff is responsible for the creation, filing and storage of all training records. Training records shall be retained in accordance with the established records retention schedule. The Division Captain will ensure that all employee training records are up-to-date and properly documented for all sworn personnel. Such records will include the dates attended, the total amount of hours and the name of the course. The Division Captain will ensure that accurate records are on file for all training courses sponsored by the Putnam County Sheriff's Office and/or attended by sworn personnel, including copies of lesson plans, curricula or course descriptions. Such records shall be retained indefinitely.

203.9.1 MPTC RECORDS

In-service training conducted by the Office shall be reported to the DCJS within 10 days after the conclusion of the course (9 NYCRR § 6022.5; 9 NYCRR § 6022.5-a).

203.9.2 MPTC RECORDS FOR PEACE OFFICERS

The names and addresses of all peace officers that have completed training in deadly physical force and the use of firearms and other weapons shall be reported annually to the DCJS (9 NYCRR § 6025.9).

Use of Force

300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this office is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner (Executive Law § 840).

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the Control Devices and Conducted Energy Device policies.

300.1.1 DEFINITIONS

Definitions related to this policy include:

Deadly force - Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury. This includes force that, under the circumstances, is readily capable of causing death or serious physical injury (Executive Law § 840).

Feasible - Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the deputy or another person.

Force - The application of physical techniques or tactics, chemical agents, or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed, or restrained.

Imminent - Ready to take place; impending. Note that imminent does not mean immediate or instantaneous.

Totality of the circumstances - All facts and circumstances known to the deputy at the time, taken as a whole, including the conduct of the deputy and the subject leading up to the use of force.

300.2 POLICY

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Deputies are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Deputies must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

The Putnam County Sheriff's Office recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting deputies with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation, and a careful balancing of all interests.

Putnam County Sheriff's Office

Policy Manual

Use of Force

300.2.1 DUTY TO INTERCEDE AND REPORT

Any deputy present and observing another law enforcement officer or a member using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force.

Any deputy who observes another law enforcement officer or a member use force that is potentially beyond that which is objectively reasonable under the circumstances should report these observations to a supervisor as soon as feasible.

300.2.2 PERSPECTIVE

When observing or reporting force used by a law enforcement officer, each deputy should take into account the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject.

300.3 USE OF FORCE

Deputies shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the deputy at the time of the event to accomplish a legitimate law enforcement purpose and which is consistent with Article 35 of the Penal Law.

The reasonableness of force will be judged from the perspective of a reasonable deputy on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that deputies are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.

Given that no policy can realistically predict every possible situation a deputy might encounter, deputies are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

It is also recognized that circumstances may arise in which deputies reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided by this office. Deputies may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires a deputy to retreat or be exposed to possible physical injury before applying reasonable force.

300.3.1 ALTERNATIVE TACTICS - DE-ESCALATION

When circumstances reasonably permit, deputies should use non-violent strategies and techniques to decrease the intensity of a situation, improve decision-making, improve communication, reduce the need for force, and increase voluntary compliance (e.g., summoning additional resources, formulating a plan, attempting verbal persuasion).

Putnam County Sheriff's Office

Policy Manual

Use of Force

300.3.2 USE OF FORCE TO EFFECT AN ARREST

A police officer or a peace officer may use reasonable physical force to effect an arrest, prevent escape of a person from custody, or in defense of self or others from imminent physical force (Penal Law § 35.30).

Force shall not be used by an deputy to (Executive Law § 840):

- (a) Extract an item from the anus or vagina of a subject without a warrant, except where exigent circumstances are present.
- (b) Coerce a confession from a subject in custody.
- (c) Obtain blood, saliva, urine, or other bodily fluid or cells from an individual for scientific testing in lieu of a court order where required.

300.3.3 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether a deputy has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include but are not limited to:

- (a) Immediacy and severity of the threat to deputies or others.
- (b) The conduct of the individual being confronted, as reasonably perceived by the deputy at the time.
- (c) Deputy/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of deputies available vs. subjects).
- (d) The effects of suspected drug or alcohol use.
- (e) The individual's mental state or capacity.
- (f) The individual's ability to understand and comply with deputy commands.
- (g) Proximity of weapons or dangerous improvised devices.
- (h) The degree to which the individual has been effectively restrained and his/her ability to resist despite being restrained.
- (i) The availability of other reasonable and feasible options and their possible effectiveness.
- (j) Seriousness of the suspected offense or reason for contact with the individual.
- (k) Training and experience of the deputy.
- (l) Potential for injury to deputies, suspects, and others.
- (m) Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the deputy.
- (n) The risk and reasonably foreseeable consequences of escape.
- (o) The apparent need for immediate control of the individual or a prompt resolution of the situation.

Putnam County Sheriff's Office

Policy Manual

Use of Force

- (p) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the deputy or others.
- (q) Prior contacts with the individual or awareness of any propensity for violence.
- (r) Any other exigent circumstances.

300.3.4 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Deputies may only apply those pain compliance techniques for which they have successfully completed office-approved training. Deputies utilizing any pain compliance technique should consider:

- (a) The degree to which the application of the technique may be controlled given the level of resistance.
- (b) Whether the individual can comply with the direction or orders of the deputy.
- (c) Whether the individual has been given sufficient opportunity to comply.

The application of any pain compliance technique shall be discontinued once the deputy determines that compliance has been achieved.

300.3.5 USE OF FORCE TO SEIZE EVIDENCE

In general, deputies may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, deputies are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, deputies should not intentionally use any technique that restricts blood flow to the head, restricts respiration, or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Deputies are encouraged to use techniques and methods taught by the Putnam County Sheriff's Office for this specific purpose.

300.4 DEADLY FORCE APPLICATIONS

When reasonable, the deputy shall, prior to the use of deadly force, make efforts to identify him/herself as a peace officer and to warn that deadly force may be used, unless the deputy has objectively reasonable grounds to believe the person is aware of those facts.

Use of deadly force is justified in the following circumstances involving imminent threat or imminent risk:

- (a) A deputy may use deadly force to protect him/herself or others from what he/she reasonably believes is an imminent threat of death or serious bodily injury.
- (b) A deputy may use deadly force to stop a fleeing subject when the deputy has probable cause to believe that the individual has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the deputy reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the individual is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

Use of Force

Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if a deputy reasonably believes that the individual has a weapon or is attempting to access one and intends to use it against the deputy or another person. An imminent danger may also exist if the individual is capable of causing serious bodily injury or death without a weapon, and the deputy believes the individual intends to do so.

300.4.1 MOVING VEHICLES

Shots fired at or from a moving vehicle involve additional considerations and risks, and are rarely effective.

When feasible, deputies should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants.

A deputy should only discharge a firearm at a moving vehicle or its occupants when the deputy reasonably believes there are no other reasonable means available to avert the imminent threat of the vehicle, or if deadly force other than the vehicle is directed at the deputy or others.

Deputies should not shoot at any part of a vehicle in an attempt to disable the vehicle.

300.5 REPORTING THE USE OF FORCE

Any use of force by a member of this office shall be documented promptly, completely and accurately in an appropriate report, depending on the nature of the incident. The deputy should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis and related purposes, the Office may require the completion of additional report forms, as specified in office policy, procedure, or law (Executive Law § 840). See the Report Preparation Policy for additional circumstances that may require documentation.

[See attachment: PCSO Use of Force Report.pdf](#)

300.5.1 NOTIFICATIONS TO SUPERVISORS

Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable deputy to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of the TASER (TM) or control device.
- (f) Any application of a restraint device other than handcuffs, shackles, or belly chains.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.

Use of Force

- (i) An individual alleges unreasonable force was used or that any of the above has occurred.

300.6 MEDICAL CONSIDERATIONS

Once it is reasonably safe to do so, medical assistance shall be obtained for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed. Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe.

Based upon the deputy's initial assessment of the nature and extent of the individual's injuries, medical assistance may consist of examination by an emergency medical services provider or medical personnel at a hospital or jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another deputy and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling deputy shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the deputy reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Individuals who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain (sometimes called "excited delirium"), or who require a protracted physical encounter with multiple deputies to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Deputies who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away.

See the Medical Aid and Response Policy for additional guidelines.

300.7 SUPERVISOR RESPONSIBILITIES

See the Report Preparation Policy for additional circumstances that may require documentation. When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to (Executive Law § 840):

- (a) Obtain the basic facts from the involved deputies. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.

Putnam County Sheriff's Office

Policy Manual

Use of Force

- (c) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas.
 - 1. These photographs should be retained until all potential for civil litigation has expired.
- (d) Identify any witnesses not already included in related reports, including any deputies present at the incident.
- (e) Review and approve all related reports.
 - 1. Supervisors should require that deputies who engaged in the use of force submit the appropriate report.
- (f) Determine if there is any indication that the individual may pursue civil litigation.
 - 1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
- (g) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy noncompliance or if for any reason further investigation may be appropriate.
 - 1. Disciplinary actions will be consistent with any applicable disciplinary guidelines and collective bargaining agreements.

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

300.7.1 SUPERVISOR RESPONSIBILITIES

The Supervisor shall review each use of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues.

The Supervisor shall ensure that enough information to meet the use of force reporting requirements for the DCJS is in the report (Executive Law § 837-t; 9 NYCRR 6058.3).

The supervisor shall ensure that reports are submitted to the DCJS when a deputy (Executive Law § 837-t; 9 NYCRR 6058.3):

- (a) Brandishes, uses, or discharges a firearm at or in the direction of another person.
- (b) Uses a carotid control hold or similar restraint that applies pressure to the throat or windpipe of a person in a manner that is reasonably likely to hinder breathing or reduce intake of air.
- (c) Displays, uses, or deploys a chemical agent or control device, including but not limited to oleoresin capsicum (OC), pepper projectiles, tear gas, batons, or kinetic energy projectiles (see the Control Devices Policy).
- (d) Brandishes, uses, or deploys an impact weapon.

Use of Force

- (e) Brandishes, uses, or deploys an electronic control weapon, including an electronic stun gun, flash bomb, or long-range acoustic device (see the Conducted Energy Device Policy).
- (f) Engages in conduct which results in the death or serious bodily injury of another person.

300.8 TRAINING

Deputies will receive periodic training on this policy and demonstrate their knowledge and understanding.

Subject to available resources, deputies should receive periodic training on:

- (a) Guidelines regarding vulnerable populations, including but not limited to children, elderly, pregnant persons, and individuals with physical, mental, or intellectual disabilities.
- (b) De-escalation tactics, including alternatives to force.
- (c) Applications of use of force and conflict strategies as required by the state Use of Force Model Policy (Executive Law § 840).

300.9 POLICY AVAILABILITY

This policy shall be readily available to the public upon request and shall be posted on the office website (Executive Law § 840).

Attachments

PCSO Use of Force Report (rev 05062020).pdf

Date/Time of Occurrence:	MM/DD/YYYY	Time (Mil)	Location of Occurrence:			
Sworn Members Involved		PC#	Role	Name	PC#	Role
Name						
1				4		
2				5		
3				6		
Subject Name	D.O.B.	<input type="checkbox"/> Injured by Use of Force –Description of Injuries Caused by Use of Force				EMS Yes No
Race:	Sex:	Age:				Hospital Yes No
Clothing Worn By Subject:			First Aid to Subject:			

Mechanism 1 (order of deploy, if ascertainable)	Mechanism 2	Mechanism 3
Type:	Type:	Type:
Used By Sworn Member No:	Used By Sworn Member No:	Used By Sworn Member No:
Make:	Make:	Make:
Model:	Model:	Model:
S/N:	S/N:	S/N:
Approx. Dist. to Subject (feet):	Approx. Dist. to Subject (feet):	Approx. Dist. to Subject (feet):
Impact Location:	Impact Location:	Impact Location:
Taser – Drive–Stun or Probe:	Taser – Drive–Stun or Probe:	Taser – Drive–Stun or Probe:
Taser – Cartridge Type:	Taser – Cartridge Type:	Taser – Cartridge Type:
Taser – Cartridge S/N:	Taser – Cartridge S/N:	Taser – Cartridge S/N:
Brandished/Used	Brandished/Used	Brandished/Used
Brought Subject Under Control:	Brought Subject Under Control:	Brought Subject Under Control:

Justification for Use of Force	
Weapon Possessed by Subject:	Subject Involved In Offense (highest charge):
Actions of Subject Prompting Use of Force (including any escalation):	

Additional Narrative

Reporting Sworn Member			
Rank:	Name:	PC #:	Date:
			Time: (Mil)
Signature:		Reported to DCJS: Yes	
Reviewing Supervisor:	PC #:	Date:	Time: (Mil)

Discriminatory Harassment

315.1 PURPOSE AND SCOPE

The purpose of this policy is to prevent office members from being subjected to discriminatory harassment, including sexual harassment and retaliation (Labor Law § 201-g). Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

315.2 POLICY

The Putnam County Sheriff's Office is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation. The Office, in compliance with this policy and the Putnam County Sexual Harassment Policy, will not tolerate discrimination against a member in hiring, promotion, discharge, compensation, fringe benefits, and other privileges of employment. The Office will take preventive and corrective action to address any behavior that violates this policy or the rights and privileges it is designed to protect.

The nondiscrimination policies of the Office may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject a member to discipline.

315.3 DEFINITIONS

Definitions related to this policy include:

315.3.1 DISCRIMINATION

The Office prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and other classification or status protected by law (Executive Law § 296).

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment can include making derogatory comments; making crude and offensive statements or remarks; making slurs or off-color jokes; stereotyping; engaging in threatening acts; making indecent gestures, pictures, cartoons, posters, or material; making inappropriate physical contact; or using written material or office equipment and/or systems to transmit or receive offensive material, statements, or pictures. Such conduct is contrary to office policy and to a work environment that is free of discrimination.

Putnam County Sheriff's Office

Policy Manual

Discriminatory Harassment

315.3.2 RETALIATION

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because he/she has engaged in protected activity, filed a charge of discrimination, participated in an investigation, or opposed a discriminatory practice. Retaliation will not be tolerated (Executive Law § 296; Labor Law § 201-g).

315.3.3 DISCRIMINATORY HARASSMENT

The Office prohibits all forms of discrimination and discriminatory harassment, including sexual harassment (Executive Law § 296; Labor Law § 201-g). It is unlawful to harass an applicant or a member because of that person's sex.

Sexual harassment includes but is not limited to unwelcome sexual advances, requests for sexual favors, or other verbal, visual, or physical conduct of a sexual nature when:

- (a) Submission to such conduct is made either explicitly or implicitly as a term or condition of employment, position, or compensation.
- (b) Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the member.
- (c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile, or offensive work environment.

Sexual harassment also includes any other act or conduct deemed sexual harassment under the state sexual harassment policy (Labor Law § 201-g).

315.3.4 ADDITIONAL CONSIDERATIONS

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles or standards, including:

- (a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission and the New York State Department of Labor, Division of Equal Opportunity Development guidelines.
- (b) Bona fide requests or demands by a supervisor that a member improve his/her work quality or output, that the member report to the job site on time, that the member comply with County or office rules or regulations, or any other appropriate work-related communication between supervisor and member.

315.3.5 UNLAWFUL DISCRIMINATORY PRACTICES AGAINST NON-EMPLOYEES

Unlawful discriminatory practices against non-employees in the workplace or while on-duty (including contractors and persons conducting business with the office) are prohibited (Executive Law § 296-d).

315.4 RESPONSIBILITIES

This policy applies to all office members, who shall follow the intent of these guidelines in a manner that reflects office policy, professional law enforcement standards and the best interest of the Office and its mission.

Discriminatory Harassment

Members are encouraged to promptly report any discriminatory, retaliatory, or harassing conduct, or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to his/her immediate supervisor may bypass the chain of command and make the report to a higher-ranking supervisor or manager. Complaints may also be filed with the Sheriff, the Personnel Director, or the County Executive.

Any member who believes, in good faith, that he/she has been discriminated against, harassed, or subjected to retaliation, or who has observed harassment, discrimination, or retaliation, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with a resolution as stated below.

315.4.1 COMPLAINTS OF SEXUAL HARASSMENT

Members making a complaint of sexual harassment should be encouraged to use the state's standard complaint form. If a member making a complaint chooses not to use the form, supervisors or managers should document the complaint on the state's standard complaint form with the information provided by the complainant.

315.4.2 QUESTIONS OR CLARIFICATION

Members with questions regarding what constitutes discrimination, sexual harassment or retaliation are encouraged to contact a supervisor, a manager, the Sheriff, the Personnel Director or the County Executive for further information, direction or clarification.

315.4.3 SUPERVISOR RESPONSIBILITIES

The responsibilities of each supervisor and manager shall include but are not limited to (Labor Law § 201-g):

- (a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.
- (b) Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.
- (c) Ensuring that their subordinates understand their responsibilities under this policy.
- (d) Ensuring that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.
- (e) Making a timely determination regarding the substance of any allegation based upon all available facts.
- (f) Notifying the Sheriff and Personnel Director in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

Discriminatory Harassment

315.4.4 SUPERVISOR'S ROLE

Supervisors and managers shall be aware of the following:

- (a) Behavior of supervisors and managers should represent the values of the Office and professional law enforcement standards.
- (b) False or mistaken accusations of discrimination, harassment or retaliation can have negative effects on the careers of innocent members.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating or counseling members, or issuing discipline, in a manner that is consistent with established procedures.

315.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved member should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Office that all complaints of discrimination, retaliation or harassment shall be fully documented in a P-9 format and promptly and thoroughly investigated.

315.5.1 SUPERVISORY RESOLUTION

Members who believe they are experiencing discrimination, harassment or retaliation should be encouraged to inform the individual that his/her behavior is unwelcome, offensive, unprofessional or inappropriate. However, if the member feels uncomfortable or threatened or has difficulty expressing his/her concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

315.5.2 FORMAL INVESTIGATION

If the complaint cannot be satisfactorily resolved through the supervisory resolution process, a formal investigation will be conducted.

The person assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any members involved. No influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint or for offering testimony or evidence in any investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include but is not limited to details of the specific incident, frequency and dates of occurrences, and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Members who believe they have been discriminated against, or harassed or retaliated against because of their protected status, are encouraged to follow the chain of command but may also file a complaint directly with the Sheriff, Personnel Director, or the County Executive.

Discriminatory Harassment

315.5.3 INVESTIGATING COMPLAINTS OF SEXUAL HARASSMENT

All complaints of or information indicating sexual harassment, including those by or against non-employees, should be thoroughly investigated pursuant to the requirements of the State Sexual Harassment Policy for All Employers in New York State (Labor Law § 201-g).

315.5.4 ALTERNATIVE COMPLAINT PROCESS

No provision of this policy shall be construed to prevent any member from seeking legal redress outside the Office. Members who believe that they have been harassed, discriminated, or retaliated against are entitled to bring complaints of employment discrimination to federal, state, and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Members are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

Complaints at the state level may be filed with the New York State Division of Human Rights (DHR) or the New York State Supreme Court pursuant to the requirements of Executive Law, art. 15 § 290 et. seq. Complaints at the federal level may be filed with the Equal Employment Opportunity Commission (EEOC) pursuant to the requirements of Title VII of the Civil Rights Act of 1964, 42 USC § 2000e et. seq. More information regarding filing complaints under state and federal law can be found at the websites for DHR and the EEOC.

315.6 DOCUMENTATION OF COMPLAINTS

All complaints or allegations shall be thoroughly documented on the appropriate forms and in a manner designated by the Sheriff. The outcome of all reports shall be:

- (a) Approved by the Sheriff, the County Executive or the Personnel Director, depending on the ranks of the involved parties.
- (b) Maintained in accordance with the established records retention schedule.

315.6.1 NOTIFICATION OF DISPOSITION

The complainant and/or victim will be notified in writing of the disposition of the investigation and the actions taken to remedy or address the circumstances giving rise to the complaint.

315.7 POSTING OF POLICY

This policy and the standard complaint form should be available in all work locations (Labor Law § 201-g).

315.8 TRAINING

All new members shall be provided with a copy of this policy as part of their orientation (Labor Law § 201-g). The policy shall be reviewed with each new member. The member shall certify by signing the prescribed form that he/she has been advised of this policy, is aware of, and understands its contents, and agrees to abide by its provisions during his/her term with the Office.

Discriminatory Harassment

All members shall receive annual training on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents, and agree that they will continue to abide by its provisions.

315.8.1 SEXUAL HARASSMENT PREVENTION TRAINING

All members should also participate annually in sexual harassment prevention training. The Division Captain should develop this training consistent with the sexual harassment prevention training program established by the Department of Labor and the Division of Human Rights (Labor Law § 201-g).

Each member should receive an additional written copy of this policy at each annual sexual harassment prevention training as well as information presented at the training in writing. The policy and information should be provided in English and in any primary language identified by each member (Labor Law § 201-g).

Standards of Conduct

320.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Putnam County Sheriff's Office and are expected of all office members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this office or a member's supervisors.

320.2 POLICY

The continued employment or appointment of every member of this office shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

320.3 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any office supervisor or person in a law enforcement position of authority, absent a reasonable and bona fide justification.

320.3.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or office policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, office policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict will not be held accountable for disobedience of the lawful order or directive that was initially issued.

The person countermanding the original order shall notify the person issuing the original order, indicating the action taken and the reason.

Putnam County Sheriff's Office

Policy Manual

Standards of Conduct

320.3.2 SUPERVISOR RESPONSIBILITIES

Supervisors are required to follow all policies and procedures and may be subject to discipline for:

- (a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.
- (b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.
- (c) Directing a subordinate to violate a policy or directive, acquiescing to such a violation, or exhibiting indifference to such a violation.
- (d) Exercising unequal or disparate authority toward any member for malicious or other improper purpose.

320.4 GENERAL STANDARDS

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and New York Constitutions and all applicable laws, ordinances and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. This policy is not intended to cover every possible type of misconduct.

320.5 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient office service.

320.5.1 LAWS, RULES AND ORDERS

- (a) Violation of, or ordering or instructing a subordinate to violate, any policy, procedure, rule, order, directive or requirement, or failure to follow instructions contained in office or County manuals.
- (b) Disobedience of any legal directive or order issued by any office member of a higher rank.
- (c) Violation of federal, state, local or administrative laws, rules or regulations.

320.5.2 ETHICS

- (a) Using or disclosing one's status as a member of the Putnam County Sheriff's Office in any way that could reasonably be perceived as an attempt to gain influence or authority for non-office business or activity.

Putnam County Sheriff's Office

Policy Manual

Standards of Conduct

- (b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.
- (c) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).
- (d) Acceptance or solicitation of fees, gifts or money contrary to the rules of this office and/or laws of the state.
- (e) Offer or acceptance of a bribe or gratuity.
- (f) Misappropriation or misuse of public funds, property, personnel or services.
- (g) Any other failure to abide by the standards of ethical conduct.

320.5.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

320.5.4 RELATIONSHIPS

- (a) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.
- (b) Engaging in on-duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.
- (c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.
- (d) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this office.
- (e) Associating on a personal, rather than official, basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this office.

320.5.5 ATTENDANCE

- (a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness.
- (c) Excessive absenteeism or abuse of leave privileges.

Putnam County Sheriff's Office

Policy Manual

Standards of Conduct

- (d) Failure to report to work or to the place of assignment at the time specified and fully prepared to perform duties without reasonable excuse.

320.5.6 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

- (a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms, or reports obtained as a result of the member's position with this office.
- (b) Disclosing to any unauthorized person any active investigation information.
- (c) The use of any information, photograph, video, or other recording obtained or accessed as a result of employment or appointment to this office for personal or financial gain or without the express authorization of the Sheriff or the authorized designee.
- (d) Loaning, selling, allowing unauthorized use, giving away, or appropriating any office property for personal use, personal gain, or any other improper or unauthorized use or purpose.
- (e) Using office resources in association with any portion of an independent civil action. These resources include but are not limited to personnel, vehicles, equipment, and non-subpoenaed records.

320.5.7 EFFICIENCY

- (a) Neglect of duty.
- (b) Unsatisfactory work performance including but not limited to failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.
- (c) Concealing, attempting to conceal, removing, or destroying defective or incompetent work.
- (d) Unauthorized sleeping during on-duty time or assignments.
- (e) Failure to notify the Office within 24 hours of any change in residence address and emergency contact telephone numbers.
- (f) Failure to notify the Personnel Department of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

320.5.8 PERFORMANCE

- (a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work-related investigation.
- (b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive, or the willful and unauthorized removal, alteration, destruction and/or mutilation of any office record, public record, book, paper or document.

Putnam County Sheriff's Office

Policy Manual

Standards of Conduct

- (c) Failure to participate in investigations, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any office-related business.
- (d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this office or its members.
- (e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this office or subverts the good order, efficiency and discipline of this office or that would tend to discredit any of its members.
- (f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
 - 1. While on office premises.
 - 2. At any work site, while on-duty or while in uniform, or while using any office equipment or system.
 - 3. Gambling activity undertaken as part of a deputy's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.
- (g) Improper political activity including:
 - 1. Unauthorized attendance while on-duty at official legislative or political sessions.
 - 2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty or on office property.
- (h) Engaging in political activities during assigned working hours.
- (i) Any act on- or off-duty that brings discredit to this office.

320.5.9 CONDUCT

- (a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency and may result in criminal prosecution or discipline under this policy.
- (b) Unreasonable and unwarranted force to a person encountered or a person under arrest.
- (c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- (d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.
- (e) Engaging in horseplay on duty that reasonably could, and is likely to, result in injury or property damage.
- (f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this office or the County.

Putnam County Sheriff's Office

Policy Manual

Standards of Conduct

- (g) Criminal, dishonest or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this office.
- (h) Unauthorized possession of, loss of, or damage to office property or the property of others, or endangering it through carelessness or maliciousness.
- (i) Attempted or actual theft of office property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of office property or the property of another person.
- (j) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any collective bargaining agreement or contract, including fraud in securing the appointment or hire.
- (k) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Sheriff of such action.
- (l) Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this office, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this office or its members.

320.5.10 SAFETY

- (a) Failure to observe or violating office safety standards or safe working practices.
- (b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver license).
- (c) Failure to maintain a physical condition sufficient to adequately and safely perform law enforcement duties.
- (d) Unsafe firearm or other dangerous weapon handling including loading or unloading firearms in an unsafe manner, either on- or off-duty.
- (e) Carrying, while on the premises of the work site, any firearm or other lethal weapon that is not authorized by the member's appointing authority.
- (f) Unsafe or improper driving habits or actions in the course of employment or appointment.
- (g) Any personal action contributing to a preventable traffic accident.
- (h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

320.5.11 INTOXICANTS

- (a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.
- (b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.

Standards of Conduct

- (c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

320.5.12 LEGISLATIVE RESTRICTIONS

Deputies are prohibited from the following activities by New York statute:

- (a) Having an interest in the manufacture or sale of alcoholic beverages (Alcoholic Beverage Control Law § 128).
- (b) Using one's position or authority to aid or oppose any political party (Election Law § 17-110).
- (c) Holding an office in, being employed by, owning or conducting business at a pari-mutuel race track (Racing, Pari-Mutuel Wagering and Breeding Law § 107).
- (d) Violating any applicable provisions of Article 4 of the Public Officers Law and Article 18 of the General Municipal Law including:
 1. Accepting gifts of \$75 or more in value (General Municipal Law § 805-a)
 2. Disclosing confidential information obtained in the course of official duties (Public Officers Law § 96)
 3. Receiving payment for official acts except as authorized by law (Public Officers Law § 67)
 4. Failing to disclose an interest in any contract or business with the employing governmental entity (General Municipal Law § 801)
 5. Failing to disclose an interest in property for which a variance is requested (General Municipal Law § 809)

Limited English Proficiency Services

332.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

332.1.1 DEFINITIONS

Definitions related to this policy include:

Authorized interpreter - A person who has been screened and authorized by the Office to act as an interpreter and/or translator for others.

Interpret or interpretation - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

Limited English proficiency (LEP) individual - Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These individuals may be competent in certain types of communication (e.g., speaking or understanding) but still exhibit LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

Qualified bilingual member - A member of the Putnam County Sheriff's Office, designated by the Office, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

Translate or translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

332.2 POLICY

It is the policy of the Putnam County Sheriff's Office to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens on its members.

The Office will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right.

332.3 LEP COORDINATOR

The Sheriff shall delegate certain responsibilities to an LEP coordinator. The coordinator shall be appointed by, and directly responsible to, the Operations Captain or the authorized designee.

The responsibilities of the coordinator include, but are not limited to:

- (a) Coordinating and implementing all aspects of the Putnam County Sheriff's Office's LEP services to LEP individuals.

Limited English Proficiency Services

- (b) Developing procedures that will enable members to access LEP services, including telephonic interpreters, and ensuring the procedures are available to all members.
- (c) Ensuring that a list of all qualified bilingual members and authorized interpreters is maintained and available to each Supervisor and Communications Sergeant. The list should include information regarding:
 - 1. Languages spoken.
 - 2. Contact information.
 - 3. Availability.
- (d)
- (e) Reviewing existing and newly developed documents to determine which are vital documents and should be translated, and into which languages the documents should be translated.
- (f)
- (g) Identifying standards and assessments to be used by this office to qualify individuals as qualified bilingual members or authorized interpreters.
- (h) Periodically reviewing efforts of this office in providing meaningful access to LEP individuals, and, as appropriate, developing reports, developing new procedures or recommending modifications to this policy.
- (i) Receiving and responding to complaints regarding office LEP services.
- (j) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to office services, programs and activities.

332.4 FOUR-FACTOR ANALYSIS

Because there are many different languages that members could encounter, the Office will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of the following four factors, which are:

- (a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by office members, or who may benefit from programs or services within the jurisdiction of this office or a particular geographic area.
- (b) The frequency with which LEP individuals are likely to come in contact with office members, programs or services.
- (c) The nature and importance of the contact, program, information or service provided.
- (d) The cost of providing LEP assistance and the resources available.

Limited English Proficiency Services

332.5 TYPES OF LEP ASSISTANCE AVAILABLE

Putnam County Sheriff's Office members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Office will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Office will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept office-provided LEP services at no cost or they may choose to provide their own.

Office-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

332.6 WRITTEN FORMS AND GUIDELINES

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The LEP coordinator will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

332.7 AUDIO RECORDINGS

The Office may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

332.8 QUALIFIED BILINGUAL MEMBERS

Bilingual members may be qualified to provide LEP services when they have demonstrated through established office procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual members must be able to communicate technical and law enforcement terminology, and be sufficiently proficient in the non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence or conveying rights or responsibilities.

When a qualified bilingual member from this office is not available, personnel from other County departments who have been identified by the Office as having the requisite skills and competence may be requested.

332.9 AUTHORIZED INTERPRETERS

Any person designated by the Office to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the office case or investigation involving the LEP

Limited English Proficiency Services

individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process established by the LEP coordinator that demonstrates their skills and abilities in the following areas:

- (a) The competence and ability to communicate information accurately in both English and in the target language.
- (b) Knowledge, in both languages, of any specialized terms or concepts peculiar to this office and of any particularized vocabulary or phraseology used by the LEP individual.
- (c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (d) Knowledge of the ethical issues involved when acting as a language conduit.

332.9.1 SOURCES OF AUTHORIZED INTERPRETERS

The Office may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual members of this office or personnel from other County departments.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.
- Interpreters from other agencies who have been qualified as interpreters by this office, and with whom the Office has a resource-sharing or other arrangement that they will interpret according to office guidelines.

332.9.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the Office to communicate with LEP individuals.

Where qualified bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, office members must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such

Limited English Proficiency Services

individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations. Family members should not be used in cases of a domestic incident.

332.10 CONTACT AND REPORTING

Although all law enforcement contacts, services and individual rights are important, this office will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any member of this office is required to complete a report or other documentation that involves a situation in which interpretation services were provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services utilized, phone number utilized, the name of the interpreter contacted and whether the individual elected to use services provided by the Office or some other identified source.

332.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

The Putnam County Sheriff's Office will take reasonable steps and will work with the Personnel Department to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

332.11.1 EMERGENCY CALLS TO DISPATCH

Office members will make every reasonable effort to promptly accommodate LEP individuals utilizing Dispatch lines. When a dispatcher receives a call and determines that the caller is an LEP individual, the call-taker shall quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed, the language is known and a qualified bilingual member is available in Communications Center, the call shall immediately be handled by the qualified bilingual member.

If a qualified bilingual member is not available or the call-taker is unable to identify the caller's language, the call-taker will contact the contracted telephone interpretation service and establish a three-way call between the call-taker, the LEP individual and the interpreter.

Dispatchers will make every reasonable effort to dispatch a qualified bilingual member to the assignment, if available and appropriate.

Although 9-1-1 calls shall receive top priority, reasonable efforts should also be made to accommodate LEP individuals seeking routine access to services and information by utilizing the resources listed in this policy.

332.12 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary.

Limited English Proficiency Services

Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the deputy is unable to effectively communicate with an LEP individual.

If available, deputies should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

332.13 INVESTIGATIVE FIELD INTERVIEWS

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, deputies should consider calling for an authorized interpreter in the following order:

- An authorized office member or allied agency interpreter
- An authorized telephone interpreter
- Any other authorized interpreter

Any *Miranda* warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated *Miranda* warning card.

The use of an LEP individual's bilingual friends, family members, children, neighbors or bystanders may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.

332.14 CUSTODIAL INTERROGATIONS

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.

To ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

Limited English Proficiency Services

332.15 BOOKINGS

When gathering information during the booking process, members should remain alert to the impediments that language barriers can create. In the interest of the arrestee's health and welfare, to protect the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. Members should seek the assistance of a qualified bilingual member whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

332.16 COMPLAINTS

The Office shall ensure that LEP individuals who wish to file a complaint regarding members of this office are able to do so. The Office may provide an authorized interpreter or translated forms, as appropriate.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Authorized interpreters used for any interview with an LEP individual during a complaint investigation should not be members of this office.

Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

332.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this office are important to the ultimate success of more traditional law enforcement duties. This office will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

332.18 TRAINING

To ensure that all members who may have contact with LEP individuals are properly trained, the Office will provide periodic training on this policy and related procedures, including how to access office-authorized telephonic and in-person interpreters and other available resources.

The Division Captain shall be responsible for ensuring new members receive LEP training. Those who may have contact with LEP individuals should receive refresher training at least once every two years thereafter. The Division Captain shall maintain records of all LEP training provided, and will retain a copy in each member's training file in accordance with the established records retention schedule.

332.18.1 TRAINING FOR AUTHORIZED INTERPRETERS

All members on the authorized interpreter list must successfully complete prescribed interpreter training. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language,

Putnam County Sheriff's Office

Policy Manual

Limited English Proficiency Services

demonstrate knowledge in both languages of any specialized terms or phraseology, and understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

Members on the authorized interpreter list must receive refresher training annually or they will be removed from the authorized interpreter list. This annual training should include language skills competency (including specialized terminology) and ethical considerations.

The Division Captain shall be responsible for coordinating the annual refresher training and will maintain a record of all training the interpreters have received.

Communications with Persons with Disabilities

333.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind.

333.1.1 DEFINITIONS

Definitions related to this policy include:

Auxiliary aids - Tools used to communicate with people who have a disability or impairment. They include, but are not limited to, the use of gestures or visual aids to supplement oral communication; use of a notepad and pen or pencil to exchange written notes; use of a computer or typewriter; use of an assistive listening system or device to amplify sound; use of a teletypewriter (TTY) or videophones (video relay service or VRS); use of taped text or qualified readers; or use of a qualified interpreter.

Disability or impairment – An individual who has or is regarded as being substantially limited in a major life activity, including hearing or seeing, with or without assistance other than ordinary eyeglasses or contacts (42 USC § 12102). This includes a person who possesses visual acuity that is 20/200 or less in the better eye (corrected) or a field of vision 20 degrees or less in the better eye (18 NYCRR § 368.1; 18 NYCRR § 729.2).

Qualified interpreter - A person who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, transliterators, sign language interpreters and intermediary interpreters.

333.2 POLICY

It is the policy of the Putnam County Sheriff's Office to reasonably ensure that people with disabilities, including victims, witnesses, suspects and arrestees, have equal access to law enforcement services, programs and activities. Members must make efforts to communicate effectively with individuals with disabilities.

The Office will not discriminate against or deny any individual access to services, rights or programs based upon disabilities.

333.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

The Sheriff shall delegate certain responsibilities to an ADA coordinator (28 CFR 35.107). The coordinator shall be appointed by and directly responsible to the Civil Captain or the authorized designee.

The responsibilities of the coordinator include, but are not limited to:

- (a) Working with the County ADA coordinator regarding the Putnam County Sheriff's Office's efforts to ensure equal access to services, programs and activities.

Communications with Persons with Disabilities

- (b) Developing reports or new procedures or recommending modifications to this policy.
- (c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to office services, programs and activities.
- (d) Ensuring that a list of qualified interpreter services is maintained and available to each Supervisor and Communications Sergeant. The list should include information regarding:
 - 1. Contact information.
 - 2. Availability.
- (e) Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all members.
- (f) Ensuring signage is posted in appropriate areas indicating that auxiliary aids are available free of charge to individuals with disabilities.
- (g) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to office services, programs and activities.

333.4 FACTORS TO CONSIDER

Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this office should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members should carefully balance all known factors in an effort to reasonably ensure people who are disabled have equal access to services, programs and activities. These factors may include, but are not limited to:

- (a) Members should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not always mean he/she completely understands the message. When there is any doubt, members should ask the individual to communicate back or otherwise demonstrate his/her understanding.
- (b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).
- (c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).
- (d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.

333.5 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems.

Putnam County Sheriff's Office

Policy Manual

Communications with Persons with Disabilities

Members should exercise special care in the use of all gestures and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

In a non-emergency situation, when a member knows or suspects an individual requires assistance to effectively communicate, the member shall identify the individual's choice of auxiliary aid or service.

The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

- (a) The methods of communication usually used by the individual.
- (b) The nature, length and complexity of the communication involved.
- (c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

If an individual who is deaf, is hard of hearing or has impaired speech must be handcuffed while in the custody of the Putnam County Sheriff's Office, consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

333.6 TYPES OF ASSISTANCE AVAILABLE

Putnam County Sheriff's Office members shall never refuse an available service to an individual with disabilities who is requesting assistance. The Office will not charge anyone to receive auxiliary aids, nor shall it require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Office will make every reasonable effort to provide equal access and timely assistance to disabled individuals through a variety of services.

Disabled individuals may choose to accept office-provided auxiliary aids or services or they may choose to provide their own.

Office-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

Communications with Persons with Disabilities

333.7 AUDIO RECORDINGS AND ENLARGED PRINT

The Office may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, members may read aloud from the appropriate form (e.g., a personnel complaint form) or provide forms with enlarged print.

333.8 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee) if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or the investigation. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

- (a) Available within a reasonable amount of time.
- (b) Experienced in providing interpretation services related to law enforcement matters.
- (c) Familiar with the use of VRS and/or video remote interpreting services.
- (d) Certified in either American Sign Language (ASL) or Signed English (SE).
- (e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use office-approved procedures to request a qualified interpreter at the earliest reasonable opportunity. No individual who is disabled shall be required to provide his/her own interpreter (28 CFR 35.160).

333.9 TTY AND RELAY SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), members must also provide those who are deaf, are hard of hearing or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD). Members shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications.

The Office will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

Communications with Persons with Disabilities

333.10 COMMUNITY VOLUNTEERS

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the Office to provide interpreter services.

Where qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, office members must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

333.11 FAMILY AND FRIENDS

While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the individual with the disability and the person offering services must be carefully considered (e.g., victim/suspect).

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

- (a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.
- (b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

333.12 REPORTING

Whenever any member of this office is required to complete a report or other documentation, and communication assistance has been provided, such services should be noted in the related report. Members should document the type of communication services utilized and whether the individual elected to use services provided by the Office or some other identified source. If the individual's express preference is not honored, the member must document why another method of communication was used.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

333.13 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.

Communications with Persons with Disabilities

The Office recognizes that it would be virtually impossible to provide immediate access to complete communication services to every member of this office. Members and/or supervisors must assess each situation and consider the length, complexity and importance of the communication, as well as the individual's preferred method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the deputy is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

If available, deputies should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

333.13.1 FIELD RESOURCES

Examples of methods that may be sufficient for transactions, such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress, may, depending on the circumstances, include such simple things as:

- (a) Hand gestures or visual aids with an individual who is deaf, is hard of hearing or has impaired speech.
- (b) Exchange of written notes or communications.
- (c) Verbal communication with an individual who can speechread by facing the individual and speaking slowly and clearly.
- (d) Use of computer, word processing, personal communication device or similar device to exchange texts or notes.
- (e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

333.14 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals who are deaf, are hard of hearing or have speech impairment are protected during a custodial interrogation, this office will provide interpreter services before beginning an interrogation, unless exigent circumstances exist or the individual has made a clear indication that he/she understands the process and desires to proceed without an interpreter. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter or by providing a written *Miranda* warning card.

To ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

Communications with Persons with Disabilities

333.15 ARRESTS AND BOOKINGS

If an individual with speech or hearing disabilities is arrested, the arresting deputy shall use office-approved procedures to provide a qualified interpreter at the place of arrest or booking as soon as reasonably practicable, unless the individual indicates that he/she prefers a different auxiliary aid or service or the deputy reasonably determines another effective method of communication exists under the circumstances.

When gathering information during the booking process, members should remain alert to the impediments that often exist when communicating with those who are deaf, are hard of hearing, have impaired speech or vision, are blind or have other disabilities. In the interest of the arrestee's health and welfare, to protect the safety and security of the facility and to protect individual rights, it is important that accurate medical screening and booking information be obtained. If necessary, members should seek the assistance of a qualified interpreter whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by the individual.

Individuals who require and possess personally owned communication aids (e.g., hearing aids, cochlear processors) should be permitted to retain them while in custody.

Notification to the court should be made to allow for the appointment of a qualified interpreter prior to any legal proceeding (Judiciary Law § 390).

333.16 COMPLAINTS

The Office shall ensure that individuals with disabilities who wish to file a complaint regarding members of this office are able to do so. The Office may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the ADA coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Qualified interpreters used during the investigation of a complaint should not be members of this office.

333.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this office are important to the ultimate success of more traditional law enforcement duties. This office will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

333.18 TRAINING

To ensure that all members who may have contact with disabled individuals are properly trained, the Office will provide periodic training that should include:

- (a) Awareness and understanding of this policy and related procedures, related forms and available resources.
- (b) Procedures for accessing qualified interpreters and other available resources.

Communications with Persons with Disabilities

- (c) Working with in-person and telephone interpreters and related equipment.

The Division Captain shall be responsible for ensuring new members receive training related to interacting with individuals who have disabilities, including those who are deaf, are hard of hearing, have impaired speech or vision or are blind. Those who may have contact with such individuals should receive refresher training at least once every two years thereafter. The Division Captain shall maintain records of all training provided and will retain a copy in each member's training file in accordance with the established records retention schedule.

333.18.1 CALL-TAKER TRAINING

Emergency call-takers shall be trained in the use of TTY equipment protocols for communicating with individuals who are deaf, are hard of hearing or have speech impairments. Such training and information should include:

- (a) The requirements of the ADA and Section 504 of the Rehabilitation Act for telephone emergency service providers.
- (b) ASL syntax and accepted abbreviations.
- (c) Practical instruction on identifying and processing TTY or TDD calls, including the importance of recognizing silent TTY or TDD calls and using proper syntax, abbreviations and protocol when responding to TTY or TDD calls.
- (d) Hands-on experience in TTY and TDD communications, including identification of TTY or TDD tones.

Training should be mandatory for all Communications Center members who may have contact with individuals from the public who are deaf, are hard of hearing or have impaired speech. Refresher training should occur every six months.

Community Relations

341.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for community relationship-building.

Additional guidance on community relations and outreach is provided in other policies, including the:

- Hate Crimes Policy.
- Limited English Proficiency Services Policy.
- Communications with Persons with Disabilities Policy.
- Chaplains Policy.
- Patrol Policy.
- Suspicious Activity Reporting Policy.

341.2 POLICY

It is the policy of the Putnam County Sheriff's Office to promote positive relationships between office members and the community by treating community members with dignity and respect and engaging them in public safety strategy development and relationship-building activities, and by making relevant policy and operations information available to the community in a transparent manner.

341.3 MEMBER RESPONSIBILITIES

Deputies should, as time and circumstances reasonably permit:

- (a) Make casual and consensual contacts with community members to promote positive community relationships (see the Contacts and Temporary Detentions Policy).
- (b) Become reasonably familiar with the schools, businesses and community groups in their assigned jurisdictional areas.
- (c) Work with community members and the office community relations coordinator to identify issues and solve problems related to community relations and public safety.
- (d) Conduct periodic foot patrols of their assigned areas to facilitate interaction with community members. Deputies carrying out foot patrols should notify an appropriate supervisor and Communications Center of their status (i.e., on foot patrol) and location before beginning and upon completion of the foot patrol. They should also periodically inform Communications Center of their location and status during the foot patrol.

341.4 COMMUNITY RELATIONS COORDINATOR

The Sheriff or the authorized designee should designate a member of the Office to serve as the community relations coordinator. He/she should report directly to the Sheriff or authorized designee and is responsible for:

Community Relations

- (a) Obtaining office-approved training related to his/her responsibilities.
- (b) Responding to requests from office members and the community for assistance in identifying issues and solving problems related to community relations and public safety.
- (c) Working with community groups, office members and other community resources to:
 - 1. Identify and solve public safety problems within the community.
 - 2. Organize programs and activities that help build positive relationships between office members and the community and provide community members with an improved understanding of office operations.
- (d) Working with the Patrol Captain to develop patrol deployment plans that allow deputies the time to participate in community engagement and problem-solving activities.
- (e) Recognizing office and community members for exceptional work or performance in community relations efforts.
- (f) Attending County and other community meetings to obtain information on community relations needs.
- (g) Assisting with the office's response to events that may affect community relations, such as an incident where the conduct of a office member is called into public question.
- (h) Informing the Sheriff and others of developments and needs related to the furtherance of the office's community relations goals, as appropriate.

341.5 COMMUNITY AND YOUTH ACTIVITIES AND PROGRAMS

The community relations coordinator should organize or assist with programs and activities that create opportunities for office members and community members, especially youth, to interact in a positive setting. Examples of such programs and events include:

- (a) Office-sponsored athletic programs (e.g., baseball, basketball, soccer, bowling).
- (b) Police-community get-togethers (e.g., cookouts, meals, charity events).
- (c) Youth leadership and life skills mentoring.
- (d) School resource deputy/Drug Abuse Resistance Education (D.A.R.E.®) programs.
- (e) Neighborhood Watch and crime prevention programs.

341.6 INFORMATION SHARING

The community relations coordinator should work with the Public Information Officer to develop methods and procedures for the convenient sharing of information (e.g., major incident notifications, significant changes in office operations, comments, feedback, positive events) between the Office and community members. Examples of information-sharing methods include:

- (a) Community meetings.
- (b) Social media (see the Office Use of Social Media Policy).
- (c) Office website postings.

Community Relations

Information should be regularly refreshed, to inform and engage community members continuously.

341.7 LAW ENFORCEMENT OPERATIONS EDUCATION

The community relations coordinator should develop methods to educate community members on general law enforcement operations so they may understand the work that deputies do to keep the community safe. Examples of educational methods include:

- (a) Development and distribution of informational cards/flyers.
- (b) Office website postings.
- (c) Presentations to driver education classes.
- (d) Instruction in schools.
- (e) Office ride-alongs (see the Ride-Along Policy).
- (f) Scenario/Simulation exercises with community member participation.
- (g) Youth internships at the Office.
- (h) Citizen academies.

Instructional information should include direction on how community members should interact with the police during enforcement or investigative contacts and how community members can make a complaint to the Office regarding alleged misconduct or inappropriate job performance by office members.

341.8 SAFETY AND OTHER CONSIDERATIONS

Office members responsible for community relations activities should consider the safety of the community participants and, as much as reasonably practicable, should not allow them to be present in any location or situation that would jeopardize their safety.

Office members in charge of community relations events should ensure that participating community members have completed waiver forms before participation, if appropriate. A parent or guardian must complete the waiver form if the participating community member has not reached 18 years of age.

Community members are subject to a criminal history check before approval for participation in certain activities, such as citizen academies.

341.9 COMMUNITY ADVISORY COMMITTEE

The Sheriff should establish a committee of volunteers consisting of community members, community leaders and other community stakeholders (e.g., representatives from schools, churches, businesses, social service organizations). The makeup of the committee should reflect the demographics of the community as much as practicable.

The committee should convene regularly to:

Community Relations

- (a) Provide a public forum for gathering information about public safety concerns in the community.
- (b) Work with the Office to develop strategies to solve public safety problems.
- (c) Generate plans for improving the relationship between the Office and the community.
- (d) Participate in community outreach to solicit input from community members, including youth from the community.

The Division Captain should arrange for initial and ongoing training for committee members on topics relevant to their responsibilities.

The Sheriff may include the committee in the evaluation and development of office policies and procedures and may ask them to review certain personnel complaints for the purpose of providing recommendations regarding supervisory, training or other issues as appropriate.

341.9.1 LEGAL CONSIDERATIONS

The Sheriff and the community relations coordinator should work with the County Attorney as appropriate to ensure the committee complies with any legal requirements such as public notices, records maintenance and any other associated obligations or procedures.

341.10 TRANSPARENCY

The Office should periodically publish statistical data and analysis regarding the office's operations. The reports should not contain the names of deputy, suspects or case numbers. The community relations coordinator should work with the community advisory committee to identify information that may increase transparency regarding office operations.

341.11 TRAINING

Subject to available resources, members should receive training related to this policy, including training on topics such as:

- (a) Effective social interaction and communication skills.
- (b) Cultural, racial and ethnic diversity and relations.
- (c) Building community partnerships.
- (d) Community policing and problem-solving principles.
- (e) Enforcement actions and their effects on community relations.

Where practicable and appropriate, community members, especially those with relevant expertise, should be involved in the training to provide input from a community perspective.

Bias-Based Policing

401.1 PURPOSE AND SCOPE

This policy provides guidance to office members that affirms the Putnam County Sheriff's Office's commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the office's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach and partnerships).

401.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-based policing - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement.

401.2 POLICY

The Putnam County Sheriff's Office is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this office to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

401.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit a deputy from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

401.4 MEMBER RESPONSIBILITIES

Every member of this office shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any bias-based actions by another member.

401.4.1 REASON FOR CONTACT

Deputies contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

Bias-Based Policing

To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview (FI) card), the involved deputy should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any deputy to document a contact that would not otherwise require reporting.

401.4.2 REPORTING TRAFFIC STOPS

Each time a deputy makes a traffic stop, the deputy shall report any information as required in the Traffic and Parking Tickets Policy.

401.5 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

- (a) Supervisors should discuss any issues with the involved deputy and his/her supervisor in a timely manner.
 - 1. Supervisors should document these discussions, in the prescribed manner.
- (b) Supervisors shall initiate investigations of any actual or alleged violations of this policy.
- (c) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this office who discloses information concerning bias-based policing.

401.6 TRAINING

Training on fair and objective policing and review of this policy should be conducted as directed by the Division Captain.

Crisis Intervention Incidents

409.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires a deputy to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual.

409.1.1 DEFINITIONS

Definitions related to this policy include:

Person in crisis - A person whose level of distress or mental health symptoms have exceeded the person's internal ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; noncompliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

409.2 POLICY

The Putnam County Sheriff's Office is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Office will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

409.3 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

- (a) A known history of mental illness
- (b) Threats of or attempted suicide
- (c) Loss of memory
- (d) Incoherence, disorientation or slow response
- (e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas
- (f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt
- (g) Social withdrawal
- (h) Manic or impulsive behavior, extreme agitation or lack of control
- (i) Lack of fear
- (j) Anxiety, aggression, rigidity, inflexibility or paranoia

Crisis Intervention Incidents

Members should be aware that this list is not exhaustive. The presence or absence of any of these signs should not be treated as proof of the presence or absence of a mental health issue or crisis.

409.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS

The Sheriff or authorized designee should collaborate with mental health professionals and maintain a list of community resources to guide office interaction with those who may be suffering from mental illness or who appear to be in a mental health crisis.

409.5 FIRST RESPONDERS

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to deputies; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit a deputy's authority to use reasonable force when interacting with a person in crisis.

Deputies are reminded that mental health issues, mental health crises and unusual behavior are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

A deputy responding to a call involving a person in crisis should:

- (a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.
- (b) Request available backup deputies and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.
- (c) If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.
- (d) Attempt to determine if weapons are present or available.
- (e) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the deputy.
- (f) Secure the scene and clear the immediate area as necessary.
- (g) Employ tactics to preserve the safety of all participants.
- (h) Determine the nature of any crime.
- (i) Request a supervisor, as warranted.
- (j) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.
- (k) If circumstances reasonably permit, consider and employ alternatives to force.

Crisis Intervention Incidents

409.6 DE-ESCALATION

Deputies should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm and courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (i.e., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding deputies generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

409.7 INCIDENT ORIENTATION

When responding to an incident that may involve mental illness or a mental health crisis, the deputy should request that the dispatcher provide critical information as it becomes available. This includes:

- (a) Whether the person relies on drugs or medication, or may have failed to take his/her medication.
- (b) Whether there have been prior incidents or suicide threats/attempts, and whether there has been previous sheriff's response.
- (c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

Crisis Intervention Incidents

409.8 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:

- (a) Attempt to secure appropriate and sufficient resources.
- (b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).
- (c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.
- (d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.
- (e) Conduct an after-action tactical and operational debriefing, and prepare an after-action evaluation of the incident to be forwarded to the Captain.
- (f) Evaluate whether a critical incident stress management debriefing for involved members is warranted.

409.9 INCIDENT REPORTING

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to office reporting procedures or other official mental health or medical proceedings.

409.9.1 DIVERSION

Individuals who are not being arrested should be processed in accordance with the Emergency Admissions Policy.

409.10 CIVILIAN INTERACTION WITH PEOPLE IN CRISIS

Civilian or clerical members may be required to interact with persons in crisis in an administrative capacity, such as dispatching, records request and animal control issues.

- (a) Members should treat all individuals equally and with dignity and respect.
- (b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.
- (c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the

Putnam County Sheriff's Office

Policy Manual

Crisis Intervention Incidents

person may be harmful to him/herself or others, a deputy should be promptly summoned to provide assistance.

First Amendment Assemblies

431.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

431.2 POLICY

The Putnam County Sheriff's Office respects the rights of people to peaceably assemble. It is the policy of this office not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

431.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills, leafleting, disorderly conduct, unlawful assembly, inciting to riot, criminal interference with health care services or religious worship and loitering. However, deputies shall not take action or fail to take action based on the opinions being expressed. Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors deputies may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and to prevent the destruction of property. Deputies should not:

- (a) Engage in assembly or demonstration-related discussion with participants.
- (b) Harass, confront or intimidate participants.
- (c) Seize the cameras, cell phones or materials of participants or observers unless a deputy is placing a person under lawful arrest.

Supervisors should continually observe office members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

First Amendment Assemblies

431.3.1 PHOTOGRAPHS, VIDEO RECORDINGS AND OTHER INFORMATION

Photographs, video recordings and other information may be collected at assemblies and demonstrations as they can serve a number of purposes, such as support of criminal prosecutions, assistance in evaluating office performance, serving as training material, recording the use of dispersal orders and facilitating a response to allegations of improper law enforcement conduct.

Photographs, video recordings and other information shall not be maintained on the political, religious or social activities, views or associations of any individual, group or organization unless those activities, views or associations directly relate to an investigation of criminal activity and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

431.4 UNPLANNED EVENTS

When responding to an unplanned or spontaneous public gathering, the first responding deputy should conduct an assessment of conditions, including, but not limited to:

- Location.
- Number of participants.
- Apparent purpose of the event.
- Leadership (whether it is apparent and/or whether it is effective).
- Any initial indicators of unlawful or disruptive activity.
- Indicators that lawful use of public facilities, streets or walkways will be impacted.
- Ability and/or need to continue monitoring the incident.

Initial assessment information should be promptly communicated to the Communications Center, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

431.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

431.5.1 INFORMATION GATHERING AND ASSESSMENT

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.

First Amendment Assemblies

- The potential time, duration, scope, and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

431.5.2 OPERATIONAL PLANS

An operational planning team consisting of Division Captains and their designees with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide for:

- (a) Command assignments, chain of command structure, roles and responsibilities.
- (b) Staffing and resource allocation.
- (c) Management of criminal investigations.
- (d) Designation of uniform of the day and related safety equipment (helmets, shields, etc.).
- (e) Deployment of specialized resources.
- (f) Event communications and interoperability in a multijurisdictional event.
- (g) An established liaison with demonstration leaders and external agencies.
- (h) An established liaison with County government and legal staff.
- (i) Media relations.
- (j) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation.
- (k) Traffic management plans.
- (l) First aid and emergency medical service provider availability.
- (m) Prisoner transport and detention.
- (n) Review of policies regarding public assemblies and use of force in crowd control.
- (o) Parameters for declaring an unlawful assembly.
- (p) Arrest protocol, including management of mass arrests, to be coordinated with the District Attorney's Office.
- (q) Protocol for recording information flow and decisions.
- (r) Rules of engagement, including rules of conduct, protocols for arrests, and any authorization required for the use of force.

First Amendment Assemblies

- (s) Protocol for handling complaints during the event.
- (t) Parameters for the use of body-worn cameras and other portable recording devices.

431.5.3 MUTUAL AID AND EXTERNAL RESOURCES

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Outside Agency Assistance Policy).

431.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear, standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

431.7 USE OF FORCE

Use of force is governed by current office policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and TASER (TM)s should be considered only when the participants' conduct reasonably appears to present the potential to harm deputies, themselves or others, or will result in substantial property loss or damage (see the Control Devices and the Conducted Energy Device policies).

First Amendment Assemblies

Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by a member of this office shall be documented promptly, completely and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

431.8 ARRESTS

The Putnam County Sheriff's Office should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been or reasonably appear likely to be unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

- (a) Reasonable measures to address the safety of deputies and arrestees.
- (b) Dedicated arrest and booking teams.
- (c) Timely access to medical care.
- (d) Timely access to legal resources.
- (e) Timely processing of arrestees.
- (f) Full accountability for arrestees and evidence.
- (g) Coordination and cooperation with the prosecuting authority, jail, and courts (see the Appearance Tickets Policy).

431.9 MEDIA RELATIONS

The Public Information Officer should use all available avenues of communication, including press releases, briefings, press conferences and social media, to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy).

431.10 DEMOBILIZATION

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

First Amendment Assemblies

431.11 POST EVENT

The Incident Commander should designate a member to assemble full documentation of the event, to include:

- (a) Operational plan.
- (b) Any incident logs.
- (c) Any assignment logs.
- (d) Vehicle, fuel, equipment and supply records.
- (e) Incident, arrest, use of force, injury and property damage reports.
- (f) Photographs, audio/video recordings, Communications Center records/tapes.
- (g) Media accounts (print and broadcast media).

431.11.1 AFTER-ACTION REPORTING

The Incident Commander should prepare a comprehensive after-action report of the event, explaining all incidents where force was used, to include:

- (a) Date, time and description of the event.
- (b) Actions taken and outcomes (e.g., injuries, property damage, arrests, costs).
- (c) Problems identified.
- (d) Significant events.
- (e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

431.12 TRAINING

Office members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management. The Office should, when practicable, train with its external and mutual aid partners.

Recruitment and Selection

1000.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Putnam County Sheriff's Office and that are promulgated and maintained by the Personnel Department.

1000.2 POLICY

In accordance with applicable federal, state, and local law, the Putnam County Sheriff's Office provides equal opportunities for applicants and employees regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The Office does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Office will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

1000.3 RECRUITMENT

The Undersheriff should employ a comprehensive recruitment and selection strategy to recruit candidates who qualify for the Civil Service exam and select employees from a qualified and diverse pool of candidates.

The strategy should include:

- (a) Identification of racially and culturally diverse target markets.
- (b) Use of marketing strategies to target diverse applicant pools.
- (c) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive office website and the use of office-managed social networking sites, if resources permit.
- (d) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities and the military.
- (e) Employee referral and recruitment incentive programs.
- (f) Consideration of shared or collaborative regional testing processes.

The Undersheriff shall avoid advertising, recruiting and screening practices that tend to stereotype, focus on homogeneous applicant pools or screen applicants in a discriminatory manner.

All job announcements must include a description of the duties of the position.

The Office should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of his/her status in the recruiting process.

Recruitment and Selection

1000.4 SELECTION PROCESS

Upon the certification of a civil service list and following the laws and rules guiding selection from the list, the Office shall actively strive to identify the candidates who have in some manner distinguished themselves as being outstanding prospects. Minimally, the Office should employ a comprehensive screening, background investigation and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

- (a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)
- (b) Driving record
- (c) Reference checks
- (d) Employment eligibility, including U.S. Citizenship and Immigration Services Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.
- (e) Information obtained from public internet sites
- (f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)
- (g) Local, state and federal criminal history record checks
- (h)
- (i) An impartial medical exam by a licensed physician or practitioner that meets the Municipal Police Training Council standards (may only be given after a conditional offer of employment)
- (j) A psychological examination administered by qualified professionals to ensure psychological fitness (may only be given after a conditional offer of employment)
- (k) Oral interview with Command Staff

1000.4.1 VETERAN PREFERENCE

The Office will provide veteran preference credits as required (Civil Service Law § 85).

1000.5 BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the Putnam County Sheriff's Office.

Background investigators will be provided with instructions and checklists to ensure thorough, comprehensive and objective investigations of candidates. Elements of the background investigation will include verification of employment, education and residences; interviews with previous and current employers, family members, neighbors, social contacts, provided references,

Recruitment and Selection

developed references and organizations; and review of credit history, military records, and other public records searches.

1000.5.1 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA and the New York Fair Credit Reporting Act (15 USC § 1681d; General Business Law § 380-c).

1000.5.2 STATE NOTICES

Every applicant disqualified due to facts discovered during the background investigation by the Putnam County Sheriff's Office will be provided a written statement specifying the reasons for the disqualification and allowed an opportunity for rebuttal (Civil Service Law § 50).

Applicants who are or were subject to an extreme risk protection order (temporary or final) should be afforded an opportunity to explain the circumstances and provided with copies of records related to the order that are obtained by the Office (CPLR § 6346).

1000.5.3 REVIEW OF SOCIAL MEDIA SITES

Due to the potential for accessing unsubstantiated, private or protected information, the Undersheriff should not require candidates to provide passwords, account information or access to password-protected social media accounts.

The Undersheriff should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches and/or review information from social media sites to ensure that:

- (a) The legal rights of candidates are protected.
- (b) Material and information to be considered are verified, accurate and validated.
- (c) The Office fully complies with applicable privacy protections and local, state and federal law.

Regardless of whether a third party is used, the Undersheriff should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

1000.5.4 RECORDS RETENTION

The background report and all supporting documentation shall be maintained in accordance with the established records retention schedule.

1000.5.5 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions.

Recruitment and Selection

The report and all supporting documentation shall be included in the candidate's background investigation file.

1000.6 DISQUALIFICATION GUIDELINES

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework. State law provides for statutory minimal standards for disqualification as prescribed by Civil Service Law § 50.

1000.7 EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards required by state law. Candidates will be evaluated based on merit, ability, competence and experience, in accordance with the high standards of integrity and ethics valued by the Office and the community.

Validated, job-related and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Personnel Department should maintain validated standards for all positions.

1000.7.1 STANDARDS FOR DEPUTIES

Candidates shall meet the following minimum standards:

- (a) Free of any felony convictions
- (b) Citizen of the United States or permanent resident alien eligible for and has applied for citizenship
- (c) At least 20 years of age and no more than 35 years of age with certain exceptions (Civil Service Law § 58)
- (d) Fingerprinted for local, state and national fingerprint check

Recruitment and Selection

- (e) Good moral character as determined by a thorough background investigation
- (f) High School graduate, passed the GED or obtained a two year, four year or advanced degree from an accredited or approved institution
- (g) Free from any physical, emotional or mental condition which might adversely affect the exercise of police powers
- (h) Candidates must also satisfy the Municipal Police Training Council (MPTC) selection requirements

In addition to the above minimum MPTC required standards, candidates should be subjected to additional evaluations including physical ability testing, drug screening, polygraph and/or pre-offer personality test.

1000.8 PROBATIONARY PERIODS

The Undersheriff should coordinate with the Putnam Personnel Department to identify positions subject to probationary periods and procedures for:

- (a) Appraising performance during probation.
- (b) Assessing the level of performance required to complete probation.
- (c) Extending probation.
- (d) Documenting successful or unsuccessful completion of probation.

Anti-Retaliation

1004.1 PURPOSE AND SCOPE

This policy prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of members.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit members' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, state and local law, ordinance or collective bargaining agreement.

1004.2 POLICY

The Putnam County Sheriff's Office has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation members who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

1004.3 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.

Anti-Retaliation

1004.4 COMPLAINTS OF RETALIATION

Any member who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, command staff member, Sheriff or the County Personnel Director.

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false or with willful or reckless disregard for the truth or falsity of the information, or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting member is known, thereby allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member is part of the investigative process.

1004.5 SUPERVISOR RESPONSIBILITIES

Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.
- (b) Receiving all complaints in a fair and impartial manner.
- (c) Documenting the complaint and any steps taken to resolve the problem.
- (d) Acknowledging receipt of the complaint, notifying the Sheriff via the chain of command and explaining to the member how the complaint will be handled.
- (e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.
- (f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.
- (g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.
- (h) Not interfering with or denying the right of a member to make any complaint.
- (i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

Anti-Retaliation

1004.6 COMMAND STAFF RESPONSIBILITIES

The Sheriff should communicate to all supervisors the prohibition against retaliation.

Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

- (a) Communicating to all members the prohibition against retaliation.
- (b) The timely review of complaint investigations.
- (c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.
- (d) The timely communication of the outcome to the complainant.

1004.7 WHISTLE-BLOWING

State law protects employees who disclose a violation of law which creates a danger to public safety, who testifies before a public body investigating such a violation, or who objects to participating in such an activity. Members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Sheriff for investigation pursuant to the Personnel Complaints Policy (Labor Law § 740; Civil Service Law § 75-b).

1004.8 RECORDS RETENTION AND RELEASE

The Senior Office Assistant shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

1004.9 TRAINING

This policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.

Personnel Complaints

1010.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Putnam County Sheriff's Office. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

1010.2 POLICY

The Putnam County Sheriff's Office takes seriously all complaints regarding the service provided by the Office and the conduct of its members.

The Office will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law and municipal and county rules and the requirements of any collective bargaining agreements.

It is also the policy of this office to ensure that the community can report misconduct without concern for reprisal or retaliation.

1010.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of office policy or federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate office policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Office.

1010.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

Informal - A matter in which the Supervisor is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member.

Formal - A matter in which a supervisor determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member or referred to the Sheriff's designee, depending on the seriousness and complexity of the investigation.

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Sheriff's designee, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

Personnel Complaints

1010.3.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

- (a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.
- (b) Any office member becoming aware of alleged misconduct shall immediately notify a supervisor.
- (c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.
- (d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.
- (e) Tort claims and lawsuits may generate a personnel complaint.

1010.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1010.4.1 COMPLAINT FORMS (QUALITY OF SERVICE EVALUATION FORM)

Personnel complaint forms will be available in the public area of the sheriff's facility and be accessible through the office website.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

[See attachment: Quality of Service Evaluation Form](#)

1010.4.2 ACCEPTANCE

All complaints will be courteously accepted by any office member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs or physical evidence may be obtained as necessary.

1010.5 DOCUMENTATION

Supervisors shall ensure that all formal and informal complaints are documented on a Quality of Service Evaluation Form and that a Quality of Service Report (QSR) event is generated in the CAD system with the event being assigned to the appropriate supervisor. No other information should be in the event. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible on the Service Evaluation Form.

The supervisor will forward the complaint form to the division Captain for endorsement. The division Captain will forward all complaint forms to the Undersheriff for retention.

Personnel Complaints

On an annual basis, the Office should audit the QSR events and send an audit report to the Sheriff or the authorized designee.

1010.6 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows.

1010.6.1 SUPERVISOR RESPONSIBILITIES

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Sheriff or the authorized designee may direct that another supervisor investigates any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of the immediate supervisors include, but are not limited to:

- (a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed and a QSR event is generated in the CAD system and assigned to the appropriate supervisor.
 - 1. The original complaint form will be directed to the immediate Supervisor of the accused member, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.
 - 2. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the member's Captain or the Sheriff, who will initiate appropriate action.
- (b) Responding to all complaints in a courteous and professional manner.
- (c) Resolving those personnel complaints that can be resolved immediately.
 - 1. Follow-up contact with the complainant should be made within 24 hours of the Office receiving the complaint.
 - 2. If the matter is resolved and no further action is required, the supervisor will note the resolution on a complaint form and forward it through the chain of command.
- (d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, a Captain will be notified as soon as practicable.
- (e) Promptly contacting a Captain for direction regarding the supervisor's role in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.
- (f) Investigating a complaint as follows:
 - 1. Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.

Putnam County Sheriff's Office

Policy Manual

Personnel Complaints

2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.
- (g) Ensuring that the procedural rights of the accused member are followed.
- (h) Ensuring interviews of the complainant are generally conducted during reasonable hours.

1010.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES UNDER CIVIL SERVICE LAW
Whether conducted by a supervisor or a member of the Sheriff's designee, the following applies to employees covered by Civil Service Law (Civil Service Law § 75):

- (a) Interviews of an accused employee shall be conducted during reasonable hours and preferably when the employee is on-duty. If the employee is off-duty, he/she shall be compensated.
- (b) Unless waived by the employee, interviews of an accused employee shall be at the Putnam County Sheriff's Office or other reasonable and appropriate place.
- (c) No more than two interviewers should ask questions of an accused employee.
- (d) Prior to any interview, an employee should be informed of the nature of the investigation.
- (e) All interviews should be for a reasonable period and the employee's personal needs should be accommodated.
- (f) No employee should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers.
- (g) Any employee refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.
 - (a) An employee should be given an order to answer questions in an administrative investigation that might incriminate the employee in a criminal matter only after the employee has been given a *Garrity* advisement. Administrative investigators should consider the impact that compelling a statement from the employee may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).
 - (b) No information or evidence administratively coerced from an employee may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.
- (h) All employees subjected to interviews that could result in discipline have the right to have a certified or recognized union representative present during the interview. However, in order to maintain the integrity of each individual's statement, involved employees shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

Putnam County Sheriff's Office

Policy Manual

Personnel Complaints

1. The employee shall be informed in advance and in writing of the right to representation.
2. If the employee is unable to find representation within a reasonable time, the interview will proceed.
 - (i) All employees shall provide complete and truthful responses to questions posed during interviews.
 - (j) No employee may be compelled to submit to a psychological stress evaluator examination, nor shall any refusal to submit to such examination be mentioned in any investigation (Labor Law § 735).

1010.6.3 ADMINISTRATIVE INVESTIGATION PROCEDURES OTHER EMPLOYEES

Whether conducted by a supervisor or a member of the Sheriff's designee, the following applies to employees:

- (a) Interviews of an accused employee shall be conducted during reasonable hours and preferably when the employee is on-duty. If the employee is off-duty, he/she shall be compensated.
- (b) Unless waived by the employee, interviews of an accused employee shall be at the Putnam County Sheriff's Office or other reasonable and appropriate place.
- (c) No more than two interviewers should ask questions of an accused employee.
- (d) Prior to any interview, an employee should be informed of the nature of the investigation.
- (e) All interviews should be for a reasonable period and the employee's personal needs should be accommodated.
- (f) No employee should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers.
- (g) Any employee refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.
 - (a) An employee should be given an order to answer questions in an administrative investigation that might incriminate the employee in a criminal matter only after the employee has been given a *Garrity* advisement. Administrative investigators should consider the impact that compelling a statement from the employee may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).
 - (b) No information or evidence administratively coerced from an employee may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.
- (h) All employees subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, in order

Personnel Complaints

to maintain the integrity of each individual's statement, involved employees shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

- (i) All employees shall provide complete and truthful responses to questions posed during interviews.
- (j) No employee may be compelled to submit to a psychological stress evaluator examination, nor shall any refusal to submit to such examination be mentioned in any investigation (Labor Law § 735).

1010.6.4 NOTICE OF CHARGES

Any charges brought against an employee shall be in writing and within the time frame prescribed by law (Civil Service Law § 75), and the collective bargaining agreement.

1010.6.5 ADMINISTRATIVE INVESTIGATION FORMAT (P-9)

Formal investigations of personnel complaints shall be thorough, complete and essentially follow this format:

Introduction - Include the identity of the members, the identity of the assigned investigators, the initial date and source of the complaint.

Synopsis - Provide a brief summary of the facts giving rise to the investigation.

Summary - List the allegations separately, including applicable policy sections, with a brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

Evidence - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of member and witness statements. Other evidence related to each allegation should also be detailed in this section.

Conclusion - A recommendation regarding further action or disposition should be provided.

Exhibits - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

1010.6.6 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged acts did not occur or did not involve office members. Complaints that are determined to be frivolous will fall within the classification of unfounded.

Exonerated - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.

Unsubstantiated - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

Personnel Complaints

Substantiated - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

1010.6.7 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within one year from the date of discovery by an individual authorized to initiate an investigation.

1010.6.8 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS

The member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate.

1010.7 ADMINISTRATIVE SEARCHES

Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

1010.8 ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Office, the Sheriff or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

- (a) May be required to relinquish any office badge, identification, assigned weapons and any other office equipment.
- (b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.
- (c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.
- (d) May be on leave without pay for no more than 30 days (Civil Service Law § 75).

1010.9 CRIMINAL INVESTIGATION

Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

Putnam County Sheriff's Office

Policy Manual

Personnel Complaints

The Sheriff shall be notified as soon as practicable when a member is accused of criminal conduct. The Sheriff may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be provided with all rights afforded to a civilian. The member should not be administratively ordered to provide any information in the criminal investigation.

The Putnam County Sheriff's Office may release information concerning the arrest or detention of any member, including a deputy, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

1010.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, an investigation report (P-9) should be forwarded to the Sheriff through the chain of command. Each level of command should review the report and include their comments in writing before forwarding the report. The Sheriff may accept or modify any classification or recommendation for administrative action.

1010.10.1 CAPTAIN RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Captain of the involved member shall review the entire investigative file, the member's personnel file and any other relevant materials.

The Captain may make recommendations regarding the disposition of any allegations and whether or not to recommend administrative action.

Prior to forwarding recommendations to the Sheriff, the Captain may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

When forwarding any written recommendation to the Sheriff, the Captain shall include all relevant materials supporting the recommendation. Actual copies of a member's existing personnel file need not be provided and may be incorporated by reference.

1010.10.2 SHERIFF RESPONSIBILITIES

Upon receipt of any written recommendation for administrative action, the Sheriff shall review the recommendation and all accompanying materials. The Sheriff may modify any recommendation and/or may return the file to the Captain for further investigation or action.

Once the Sheriff is satisfied that no further investigation or action is required by staff, the Sheriff shall determine the amount of discipline, if any, that should be imposed. In the event disciplinary action is proposed, the Sheriff shall provide the employee with a written notice that includes the reasons for the proposed disciplinary action and a copy of the charges (Civil Service Law § 75).

The employee shall be given an opportunity to respond in writing to the Sheriff within eight days of receiving the notice. Upon a showing of good cause by the employee, the Sheriff may grant a reasonable extension of time for the employee to respond.

Once the employee has completed his/her response, or if the employee has elected to waive any such response, the Sheriff shall consider all information received in regard to the recommended

Personnel Complaints

discipline. The Sheriff shall designate a hearing officer or hearing board pursuant to the applicable Collective Bargaining Agreement, in writing, when there is a recommendation for disciplinary action or termination of an employee. Upon completion of the hearing, the Sheriff shall review the record of the hearing and recommendations of the hearing officer or board and shall render a timely written decision to the employee and specify the grounds and reasons for discipline and the effective date of the discipline. Once the Sheriff has issued a written decision, the discipline shall become effective.

1010.10.3 HEARING BY HEARING BOARD / OFFICER

The hearing shall be conducted by the designated hearing officer as provided in Civil Service Law § 75 or as otherwise provided in the applicable collective bargaining agreement or personnel rules. The hearing officer / board shall make a record of the proceedings.

The employee, upon request, may be represented by counsel, or by a representative of a recognized or certified employee organization. The employee shall be allowed to summon witnesses on his/her behalf. Judicial rules of evidence do not apply.

The hearing officer / board shall consider all information received in regard to the recommended discipline and shall forward his/her recommendations to the Sheriff.

If the employee is found guilty, a copy of the charges, the employee's written response to the charges, a transcript of the hearing and the determination shall be retained by the Office. A copy shall be filed with the civil service commission having jurisdiction over the employee. A copy shall also be provided to the employee upon request without charge.

1010.10.4 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

The Sheriff or the authorized designee should ensure that the complainant is notified of the disposition (i.e., substantiated, unsubstantiated, exonerated, unfounded) of the complaint.

1010.11 PRE-DISCIPLINE EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Sheriff after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

- (a) The response is not intended to be an adversarial or formal hearing.
- (b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.
- (c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Sheriff to consider.
- (d) In the event that the Sheriff elects to conduct further investigation, the employee shall be provided with the results prior to the imposition of any discipline.

Personnel Complaints

- (e) The employee may thereafter have the opportunity to further respond orally or in writing to the Sheriff on the limited issues of information raised in any subsequent materials.

1010.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline.

1010.13 POST-DISCIPLINE APPEAL RIGHTS

Non-probationary employees have the right to appeal a suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment. The employee has the right to appeal using the procedures established by Civil Service Law § 76, any collective bargaining agreement and/or personnel rules.

1010.14 PROBATIONARY EMPLOYEES AND OTHER MEMBERS

At-will and probationary employees and members other than non-probationary employees may be disciplined and/or released from employment without adherence to any of the procedures set out in this policy, and without notice or cause at any time. These individuals are not entitled to any rights under this policy. However, any of these individuals released for misconduct should be afforded an opportunity solely to clear their names through a liberty interest hearing, which shall be limited to a single appearance before the Sheriff or the authorized designee.

In cases where an individual has been absent for more than a week or when additional time to review the individual is considered to be appropriate, the probationary period may be extended at the discretion of the Sheriff.

1010.15 RETENTION OF PERSONNEL INVESTIGATION FILES

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Records Policy.

Attachments

Quality of Service Evaluation Form.pdf



PUTNAM COUNTY SHERIFF'S OFFICE

Attn: Command Staff
3 County Center
Carmel, New York 10512
845-225-4300

SHERIFF
Robert L. Langley Jr.

Quality of Service Evaluation Form

Instructions: Please take the time to _____ about the Putnam County Sheriff's Office. We encourage you to _____ about _____ experience _____ with our member(s). The information you provide is appreciated and will be used to improve the quality of service we provide. Please complete as many of the below fields as possible so that we can properly evaluate your comments. *Personal information will not be disclosed to the public, unless required by law.*

I wish to file a (please check one): Commendation Complaint

Information about you:

Last Name: _____ First Name: _____ M.I.: _____ Date of Birth: _____
Street Address: _____ City: _____ State: _____ Zip Code: _____
Home Phone: _____ Work Phone: _____ Cell Phone: _____ Male Female

Are you filing this on behalf of someone else? Yes No **If yes, then complete this section.**

Last Name: _____ First Name: _____ M.I.: _____ Date of Birth: _____
Street Address: _____ City: _____ State: _____ Zip Code: _____
Home Phone: _____ Work Phone: _____ Cell Phone: _____ Male Female
What is their relationship to you? _____

Witness Information (if applicable):

Last Name: _____ First Name: _____ M.I.: _____ Date of Birth: _____
Street Address: _____ City: _____ State: _____ Zip Code: _____
Home Phone: _____ Work Phone: _____ Cell Phone: _____ Male Female

Putnam County Sheriff's Office Employee Information:

Name and or Badge # _____ Car number employee was driving: _____
Name and or Badge # _____ Car number employee was driving: _____

Provide your comments in the space provided below. Please tell us if you prefer to be contacted by a supervisor.

** Email completed form to commandstaff@putnamcountyny.gov - OR - print and mail to the address listed above*

Updated and/or New Sheriff's Office Policies

Discriminatory Harassment

315.1 PURPOSE AND SCOPE

The purpose of this policy is to prevent office members from being subjected to discriminatory harassment, including sexual harassment and retaliation (Labor Law § 201-g). Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

315.2 POLICY

The Putnam County Sheriff's Office is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation. The Office, in compliance with this policy and the Putnam County Sexual Harassment Policy, will not tolerate discrimination against a member in hiring, promotion, discharge, compensation, fringe benefits, and other privileges of employment. The Office will take preventive and corrective action to address any behavior that violates this policy or the rights and privileges it is designed to protect.

The nondiscrimination policies of the Office may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject a member to discipline.

315.3 DEFINITIONS

Definitions related to this policy include:

315.3.1 DISCRIMINATION

The Office prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and other classification or status protected by law (Executive Law § 296).

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment can include making derogatory comments; making crude and offensive statements or remarks; making slurs or off-color jokes; stereotyping; engaging in threatening acts; making indecent gestures, pictures, cartoons, posters, or material; making inappropriate physical contact; or using written material or office equipment and/or systems to transmit or receive offensive material, statements, or pictures. Such conduct is contrary to office policy and to a work environment that is free of discrimination.

Putnam County Sheriff's Office

Policy Manual

Discriminatory Harassment

315.3.2 RETALIATION

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because he/she has engaged in protected activity, filed a charge of discrimination, participated in an investigation, or opposed a discriminatory practice. Retaliation will not be tolerated (Executive Law § 296; Labor Law § 201-g).

315.3.3 DISCRIMINATORY HARASSMENT

The Office prohibits all forms of discrimination and discriminatory harassment, including sexual harassment (Executive Law § 296; Labor Law § 201-g). It is unlawful to harass an applicant or a member because of that person's sex.

Sexual harassment includes but is not limited to unwelcome sexual advances, requests for sexual favors, or other verbal, visual, or physical conduct of a sexual nature when:

- (a) Submission to such conduct is made either explicitly or implicitly as a term or condition of employment, position, or compensation.
- (b) Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the member.
- (c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile, or offensive work environment.

Sexual harassment also includes any other act or conduct deemed sexual harassment under the state sexual harassment policy (Labor Law § 201-g).

315.3.4 ADDITIONAL CONSIDERATIONS

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles or standards, including:

- (a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission and the New York State Department of Labor, Division of Equal Opportunity Development guidelines.
- (b) Bona fide requests or demands by a supervisor that a member improve his/her work quality or output, that the member report to the job site on time, that the member comply with County or office rules or regulations, or any other appropriate work-related communication between supervisor and member.

315.3.5 UNLAWFUL DISCRIMINATORY PRACTICES AGAINST NON-EMPLOYEES

Unlawful discriminatory practices against non-employees in the workplace or while on-duty (including contractors and persons conducting business with the office) are prohibited (Executive Law § 296-d).

315.4 RESPONSIBILITIES

This policy applies to all office members, who shall follow the intent of these guidelines in a manner that reflects office policy, professional law enforcement standards and the best interest of the Office and its mission.

Discriminatory Harassment

Members are encouraged to promptly report any discriminatory, retaliatory, or harassing conduct, or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to his/her immediate supervisor may bypass the chain of command and make the report to a higher-ranking supervisor or manager. Complaints may also be filed with the Sheriff, the Personnel Director, or the County Executive.

Any member who believes, in good faith, that he/she has been discriminated against, harassed, or subjected to retaliation, or who has observed harassment, discrimination, or retaliation, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with a resolution as stated below.

315.4.1 COMPLAINTS OF SEXUAL HARASSMENT

Members making a complaint of sexual harassment should be encouraged to use the state's standard complaint form. If a member making a complaint chooses not to use the form, supervisors or managers should document the complaint on the state's standard complaint form with the information provided by the complainant.

[See attachment: Harassment Complaint Form.pdf](#)

315.4.2 QUESTIONS OR CLARIFICATION

Members with questions regarding what constitutes discrimination, sexual harassment or retaliation are encouraged to contact a supervisor, a manager, the Sheriff, the Personnel Director or the County Executive for further information, direction or clarification.

315.4.3 SUPERVISOR RESPONSIBILITIES

The responsibilities of each supervisor and manager shall include but are not limited to (Labor Law § 201-g):

- (a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.
- (b) Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.
- (c) Ensuring that their subordinates understand their responsibilities under this policy.
- (d) Ensuring that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.
- (e) Making a timely determination regarding the substance of any allegation based upon all available facts.

Discriminatory Harassment

- (f) Notifying the Sheriff and Personnel Director in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

315.4.4 SUPERVISOR'S ROLE

Supervisors and managers shall be aware of the following:

- (a) Behavior of supervisors and managers should represent the values of the Office and professional law enforcement standards.
- (b) False or mistaken accusations of discrimination, harassment or retaliation can have negative effects on the careers of innocent members.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating or counseling members, or issuing discipline, in a manner that is consistent with established procedures.

315.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved member should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Office that all complaints of discrimination, retaliation or harassment shall be fully documented in a P-9 format and promptly and thoroughly investigated.

315.5.1 SUPERVISORY RESOLUTION

Members who believe they are experiencing discrimination, harassment or retaliation should be encouraged to inform the individual that his/her behavior is unwelcome, offensive, unprofessional or inappropriate. However, if the member feels uncomfortable or threatened or has difficulty expressing his/her concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

315.5.2 FORMAL INVESTIGATION

If the complaint cannot be satisfactorily resolved through the supervisory resolution process, a formal investigation will be conducted.

The person assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any members involved. No influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint or for offering testimony or evidence in any investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include but is not limited to details of the specific incident, frequency and dates of occurrences, and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Discriminatory Harassment

Members who believe they have been discriminated against, or harassed or retaliated against because of their protected status, are encouraged to follow the chain of command but may also file a complaint directly with the Sheriff, Personnel Director, or the County Executive.

315.5.3 INVESTIGATING COMPLAINTS OF SEXUAL HARASSMENT

All complaints of or information indicating sexual harassment, including those by or against non-employees, should be thoroughly investigated pursuant to the requirements of the State Sexual Harassment Policy for All Employers in New York State (Labor Law § 201-g).

315.5.4 ALTERNATIVE COMPLAINT PROCESS

No provision of this policy shall be construed to prevent any member from seeking legal redress outside the Office. Members who believe that they have been harassed, discriminated, or retaliated against are entitled to bring complaints of employment discrimination to federal, state, and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Members are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

Complaints at the state level may be filed with the New York State Division of Human Rights (DHR) or the New York State Supreme Court pursuant to the requirements of Executive Law, art. 15 § 290 et. seq. Complaints at the federal level may be filed with the Equal Employment Opportunity Commission (EEOC) pursuant to the requirements of Title VII of the Civil Rights Act of 1964, 42 USC § 2000e et. seq. More information regarding filing complaints under state and federal law can be found at the websites for DHR and the EEOC.

315.6 DOCUMENTATION OF COMPLAINTS

All complaints or allegations shall be thoroughly documented on the appropriate forms and in a manner designated by the Sheriff. The outcome of all reports shall be:

- (a) Approved by the Sheriff, the County Executive or the Personnel Director, depending on the ranks of the involved parties.
- (b) Maintained in accordance with the established records retention schedule.

315.6.1 NOTIFICATION OF DISPOSITION

The complainant and/or victim will be notified in writing of the disposition of the investigation and the actions taken to remedy or address the circumstances giving rise to the complaint.

315.7 POSTING OF POLICY

This policy and the standard complaint form should be available in all work locations (Labor Law § 201-g).

315.8 TRAINING

All new members shall be provided with a copy of this policy as part of their orientation (Labor Law § 201-g). The policy shall be reviewed with each new member. The member shall certify by signing

Putnam County Sheriff's Office

Policy Manual

Discriminatory Harassment

the prescribed form that he/she has been advised of this policy, is aware of, and understands its contents, and agrees to abide by its provisions during his/her term with the Office.

All members shall receive annual training on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents, and agree that they will continue to abide by its provisions.

315.8.1 SEXUAL HARASSMENT PREVENTION TRAINING

All members should also participate annually in sexual harassment prevention training. The Division Captain should develop this training consistent with the sexual harassment prevention training program established by the Department of Labor and the Division of Human Rights (Labor Law § 201-g).

Each member should receive an additional written copy of this policy at each annual sexual harassment prevention training as well as information presented at the training in writing. The policy and information should be provided in English and in any primary language identified by each member (Labor Law § 201-g).

Attachments

CombatHarassmentComplaintForm.pdf

Model Complaint Form for Reporting Sexual Harassment



Putnam County Sheriff's Office

New York State Labor Law requires all employers to adopt a sexual harassment prevention policy that includes a complaint form to report alleged incidents of sexual harassment.

If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form and submit it to your immediate Supervisor or any member in Command, the Sheriff, the Personnel Director or the County Executive. You will not be retaliated against for filing a complaint.

If you are more comfortable reporting verbally or in another manner, your employer should complete this form, provide you with a copy and follow its sexual harassment prevention policy by investigating the claims as outlined at the end of this form.

For additional resources, visit: ny.gov/programs/combating-sexual-harassment-workplace

COMPLAINANT INFORMATION

Name:

Work Address:

Work Phone:

Job Title:

Email:

Select Preferred Communication Method:

Email Phone In person

SUPERVISORY INFORMATION

Immediate Supervisor's Name:

Title:

Work Phone:

Work Address:

Adoption of this form does not constitute a conclusive defense to charges of unlawful sexual harassment. Each claim of sexual harassment will be determined in accordance with existing legal standards, with due consideration of the particular facts and circumstances of the claim, including but not limited to the existence of an effective anti-harassment policy and procedure.

COMPLAINT INFORMATION

1. Your complaint of Sexual Harassment is made about:

Name:

Title:

Work Address:

Work Phone:

Relationship to you: Supervisor Subordinate Co-Worker Other

2. Please describe what happened and how it is affecting you and your work. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

3. Date(s) sexual harassment occurred:

Is the sexual harassment continuing? Yes No

4. Please list the name and contact information of any witnesses or individuals who may have information related to your complaint:

The last question is optional, but may help the investigation.

5. Have you previously complained or provided information (verbal or written) about related incidents? If yes, when and to whom did you complain or provide information?

If you have retained legal counsel and would like us to work with them, please provide their contact information.

Signature: _____ Date: _____

Instructions for Employers

If you receive a complaint about alleged sexual harassment, follow your sexual harassment prevention policy.

An investigation involves:

- Speaking with the employee
- Speaking with the alleged harasser
- Interviewing witnesses
- Collecting and reviewing any related documents

While the process may vary from case to case, all allegations should be investigated promptly and resolved as quickly as possible. The investigation should be kept confidential to the extent possible.

Document the findings of the investigation and basis for your decision along with any corrective actions taken and notify the employee and the individual(s) against whom the complaint was made. This may be done via email.

First Amendment Assemblies

431.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

431.2 POLICY

The Putnam County Sheriff's Office respects the rights of people to peaceably assemble. It is the policy of this office not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

431.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills, leafleting, disorderly conduct, unlawful assembly, inciting to riot, criminal interference with health care services or religious worship and loitering. However, deputies shall not take action or fail to take action based on the opinions being expressed. Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors deputies may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and to prevent the destruction of property. Deputies should not:

- (a) Engage in assembly or demonstration-related discussion with participants.
- (b) Harass, confront or intimidate participants.
- (c) Seize the cameras, cell phones or materials of participants or observers unless a deputy is placing a person under lawful arrest.

Supervisors should continually observe office members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

First Amendment Assemblies

431.3.1 PHOTOGRAPHS, VIDEO RECORDINGS AND OTHER INFORMATION

Photographs, video recordings and other information may be collected at assemblies and demonstrations as they can serve a number of purposes, such as support of criminal prosecutions, assistance in evaluating office performance, serving as training material, recording the use of dispersal orders and facilitating a response to allegations of improper law enforcement conduct.

Photographs, video recordings and other information shall not be maintained on the political, religious or social activities, views or associations of any individual, group or organization unless those activities, views or associations directly relate to an investigation of criminal activity and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

431.4 UNPLANNED EVENTS

When responding to an unplanned or spontaneous public gathering, the first responding deputy should conduct an assessment of conditions, including, but not limited to:

- Location.
- Number of participants.
- Apparent purpose of the event.
- Leadership (whether it is apparent and/or whether it is effective).
- Any initial indicators of unlawful or disruptive activity.
- Indicators that lawful use of public facilities, streets or walkways will be impacted.
- Ability and/or need to continue monitoring the incident.

Initial assessment information should be promptly communicated to the Communications Center, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

431.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

431.5.1 INFORMATION GATHERING AND ASSESSMENT

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.

First Amendment Assemblies

- The potential time, duration, scope and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or the race, ethnicity, national origin or religion of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

431.5.2 OPERATIONAL PLANS

An operational planning team consisting of Division Captains and their designees with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide for:

- (a) Command assignments, chain of command structure, roles and responsibilities.
- (b) Staffing and resource allocation.
- (c) Management of criminal investigations.
- (d) Designation of uniform of the day and related safety equipment (helmets, shields, etc.).
- (e) Deployment of specialized resources.
- (f) Event communications and interoperability in a multijurisdictional event.
- (g) An established liaison with demonstration leaders and external agencies.
- (h) An established liaison with County government and legal staff.
- (i) Media relations.
- (j) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation.
- (k) Traffic management plans.
- (l) First aid and emergency medical service provider availability.
- (m) Prisoner transport and detention.
- (n) Review of policies regarding public assemblies and use of force in crowd control.
- (o) Parameters for declaring an unlawful assembly.
- (p) Arrest protocol, including management of mass arrests, to be coordinated with the District Attorney's Office.
- (q) Protocol for recording information flow and decisions.
- (r) Rules of engagement, including rules of conduct, protocols for arrests, and any authorization required for the use of force.

First Amendment Assemblies

- (s) Protocol for handling complaints during the event.
- (t) Parameters for the use of body-worn cameras and other portable recording devices.

431.5.3 MUTUAL AID AND EXTERNAL RESOURCES

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Outside Agency Assistance Policy).

431.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear, standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

431.7 USE OF FORCE

Use of force is governed by current office policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and TASER (TM)s should be considered only when the participants' conduct reasonably appears to present the potential to harm deputies, themselves or others, or will result in substantial property loss or damage (see the Control Devices and the Conducted Energy Device policies).

First Amendment Assemblies

Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by a member of this office shall be documented promptly, completely and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

431.8 ARRESTS

The Putnam County Sheriff's Office should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been or reasonably appear likely to be unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

- (a) Reasonable measures to address the safety of deputies and arrestees.
- (b) Dedicated arrest and booking teams.
- (c) Timely access to medical care.
- (d) Timely access to legal resources.
- (e) Timely processing of arrestees.
- (f) Full accountability for arrestees and evidence.
- (g) Coordination and cooperation with the prosecuting authority, jail, and courts (see the Appearance Tickets Policy).

431.9 MEDIA RELATIONS

The Public Information Officer should use all available avenues of communication, including press releases, briefings, press conferences and social media, to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy).

431.10 DEMOBILIZATION

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

First Amendment Assemblies

431.11 POST EVENT

The Incident Commander should designate a member to assemble full documentation of the event, to include:

- (a) Operational plan.
- (b) Any incident logs.
- (c) Any assignment logs.
- (d) Vehicle, fuel, equipment and supply records.
- (e) Incident, arrest, use of force, injury and property damage reports.
- (f) Photographs, audio/video recordings, Communications Center records/tapes.
- (g) Media accounts (print and broadcast media).

431.11.1 AFTER-ACTION REPORTING

The Incident Commander should prepare a comprehensive after-action report of the event, explaining all incidents where force was used, to include:

- (a) Date, time and description of the event.
- (b) Actions taken and outcomes (e.g., injuries, property damage, arrests, costs).
- (c) Problems identified.
- (d) Significant events.
- (e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

431.12 TRAINING

Office members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management. The Office should, when practicable, train with its external and mutual aid partners.

Personnel Complaints

1010.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Putnam County Sheriff's Office. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

1010.2 POLICY

The Putnam County Sheriff's Office takes seriously all complaints regarding the service provided by the Office and the conduct of its members.

The Office will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law and municipal and county rules and the requirements of any collective bargaining agreements.

It is also the policy of this office to ensure that the community can report misconduct without concern for reprisal or retaliation.

1010.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of office policy or federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate office policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Office.

1010.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

Informal - A matter in which the Supervisor is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member.

Formal - A matter in which a supervisor determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member or referred to the Sheriff's designee, depending on the seriousness and complexity of the investigation.

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Sheriff's designee, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

Personnel Complaints

1010.3.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

- (a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.
- (b) Any office member becoming aware of alleged misconduct shall immediately notify a supervisor.
- (c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.
- (d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.
- (e) Tort claims and lawsuits may generate a personnel complaint.

1010.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1010.4.1 COMPLAINT FORMS (QUALITY OF SERVICE EVALUATION FORM)

Personnel complaint forms will be available in the public area of the sheriff's facility and be accessible through the office website.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

[See attachment: Quality of Service Evaluation Form](#)

1010.4.2 ACCEPTANCE

All complaints will be courteously accepted by any office member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs or physical evidence may be obtained as necessary.

1010.5 DOCUMENTATION

Supervisors shall ensure that all formal and informal complaints are documented on a Quality of Service Evaluation Form and that a Quality of Service Report (QSR) event is generated in the CAD system with the event being assigned to the appropriate supervisor. No other information should be in the event. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible on the Service Evaluation Form.

The supervisor will forward the complaint form to the division Captain for endorsement. The division Captain will forward all complaint forms to the Undersheriff for retention.

Personnel Complaints

On an annual basis, the Office should audit the QSR events and send an audit report to the Sheriff or the authorized designee.

1010.6 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows.

1010.6.1 SUPERVISOR RESPONSIBILITIES

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Sheriff or the authorized designee may direct that another supervisor investigates any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of the immediate supervisors include, but are not limited to:

- (a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed and a QSR event is generated in the CAD system and assigned to the appropriate supervisor.
 - 1. The original complaint form will be directed to the immediate Supervisor of the accused member, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.
 - 2. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the member's Captain or the Sheriff, who will initiate appropriate action.
- (b) Responding to all complaints in a courteous and professional manner.
- (c) Resolving those personnel complaints that can be resolved immediately.
 - 1. Follow-up contact with the complainant should be made within 24 hours of the Office receiving the complaint.
 - 2. If the matter is resolved and no further action is required, the supervisor will note the resolution on a complaint form and forward it through the chain of command.
- (d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, a Captain will be notified as soon as practicable.
- (e) Promptly contacting a Captain for direction regarding the supervisor's role in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.
- (f) Investigating a complaint as follows:
 - 1. Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.

Putnam County Sheriff's Office

Policy Manual

Personnel Complaints

2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.
- (g) Ensuring that the procedural rights of the accused member are followed.
- (h) Ensuring interviews of the complainant are generally conducted during reasonable hours.

1010.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES UNDER CIVIL SERVICE LAW
Whether conducted by a supervisor or a member of the Sheriff's designee, the following applies to employees covered by Civil Service Law (Civil Service Law § 75):

- (a) Interviews of an accused employee shall be conducted during reasonable hours and preferably when the employee is on-duty. If the employee is off-duty, he/she shall be compensated.
- (b) Unless waived by the employee, interviews of an accused employee shall be at the Putnam County Sheriff's Office or other reasonable and appropriate place.
- (c) No more than two interviewers should ask questions of an accused employee.
- (d) Prior to any interview, an employee should be informed of the nature of the investigation.
- (e) All interviews should be for a reasonable period and the employee's personal needs should be accommodated.
- (f) No employee should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers.
- (g) Any employee refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.
 - (a) An employee should be given an order to answer questions in an administrative investigation that might incriminate the employee in a criminal matter only after the employee has been given a *Garrity* advisement. Administrative investigators should consider the impact that compelling a statement from the employee may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).
 - (b) No information or evidence administratively coerced from an employee may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.
- (h) All employees subjected to interviews that could result in discipline have the right to have a certified or recognized union representative present during the interview. However, in order to maintain the integrity of each individual's statement, involved employees shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

Putnam County Sheriff's Office

Policy Manual

Personnel Complaints

1. The employee shall be informed in advance and in writing of the right to representation.
2. If the employee is unable to find representation within a reasonable time, the interview will proceed.
 - (i) All employees shall provide complete and truthful responses to questions posed during interviews.
 - (j) No employee may be compelled to submit to a psychological stress evaluator examination, nor shall any refusal to submit to such examination be mentioned in any investigation (Labor Law § 735).

1010.6.3 ADMINISTRATIVE INVESTIGATION PROCEDURES OTHER EMPLOYEES

Whether conducted by a supervisor or a member of the Sheriff's designee, the following applies to employees:

- (a) Interviews of an accused employee shall be conducted during reasonable hours and preferably when the employee is on-duty. If the employee is off-duty, he/she shall be compensated.
- (b) Unless waived by the employee, interviews of an accused employee shall be at the Putnam County Sheriff's Office or other reasonable and appropriate place.
- (c) No more than two interviewers should ask questions of an accused employee.
- (d) Prior to any interview, an employee should be informed of the nature of the investigation.
- (e) All interviews should be for a reasonable period and the employee's personal needs should be accommodated.
- (f) No employee should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers.
- (g) Any employee refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.
 - (a) An employee should be given an order to answer questions in an administrative investigation that might incriminate the employee in a criminal matter only after the employee has been given a *Garrity* advisement. Administrative investigators should consider the impact that compelling a statement from the employee may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).
 - (b) No information or evidence administratively coerced from an employee may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.
- (h) All employees subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, in order

Personnel Complaints

to maintain the integrity of each individual's statement, involved employees shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

- (i) All employees shall provide complete and truthful responses to questions posed during interviews.
- (j) No employee may be compelled to submit to a psychological stress evaluator examination, nor shall any refusal to submit to such examination be mentioned in any investigation (Labor Law § 735).

1010.6.4 NOTICE OF CHARGES

Any charges brought against an employee shall be in writing and within the time frame prescribed by law (Civil Service Law § 75), and the collective bargaining agreement.

1010.6.5 ADMINISTRATIVE INVESTIGATION FORMAT (P-9)

Formal investigations of personnel complaints shall be thorough, complete and essentially follow this format:

Introduction - Include the identity of the members, the identity of the assigned investigators, the initial date and source of the complaint.

Synopsis - Provide a brief summary of the facts giving rise to the investigation.

Summary - List the allegations separately, including applicable policy sections, with a brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

Evidence - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of member and witness statements. Other evidence related to each allegation should also be detailed in this section.

Conclusion - A recommendation regarding further action or disposition should be provided.

Exhibits - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

1010.6.6 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged acts did not occur or did not involve office members. Complaints that are determined to be frivolous will fall within the classification of unfounded.

Exonerated - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.

Unsubstantiated - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

Personnel Complaints

Substantiated - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

1010.6.7 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within one year from the date of discovery by an individual authorized to initiate an investigation.

1010.6.8 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS

The member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate.

1010.7 ADMINISTRATIVE SEARCHES

Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

1010.8 ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Office, the Sheriff or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

- (a) May be required to relinquish any office badge, identification, assigned weapons and any other office equipment.
- (b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.
- (c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.
- (d) May be on leave without pay for no more than 30 days (Civil Service Law § 75).

1010.9 CRIMINAL INVESTIGATION

Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

Putnam County Sheriff's Office

Policy Manual

Personnel Complaints

The Sheriff shall be notified as soon as practicable when a member is accused of criminal conduct. The Sheriff may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be provided with all rights afforded to a civilian. The member should not be administratively ordered to provide any information in the criminal investigation.

The Putnam County Sheriff's Office may release information concerning the arrest or detention of any member, including a deputy, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

1010.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, an investigation report (P-9) should be forwarded to the Sheriff through the chain of command. Each level of command should review the report and include their comments in writing before forwarding the report. The Sheriff may accept or modify any classification or recommendation for administrative action.

1010.10.1 CAPTAIN RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Captain of the involved member shall review the entire investigative file, the member's personnel file and any other relevant materials.

The Captain may make recommendations regarding the disposition of any allegations and whether or not to recommend administrative action.

Prior to forwarding recommendations to the Sheriff, the Captain may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

When forwarding any written recommendation to the Sheriff, the Captain shall include all relevant materials supporting the recommendation. Actual copies of a member's existing personnel file need not be provided and may be incorporated by reference.

1010.10.2 SHERIFF RESPONSIBILITIES

Upon receipt of any written recommendation for administrative action, the Sheriff shall review the recommendation and all accompanying materials. The Sheriff may modify any recommendation and/or may return the file to the Captain for further investigation or action.

Once the Sheriff is satisfied that no further investigation or action is required by staff, the Sheriff shall determine the amount of discipline, if any, that should be imposed. In the event disciplinary action is proposed, the Sheriff shall provide the employee with a written notice that includes the reasons for the proposed disciplinary action and a copy of the charges (Civil Service Law § 75).

The employee shall be given an opportunity to respond in writing to the Sheriff within eight days of receiving the notice. Upon a showing of good cause by the employee, the Sheriff may grant a reasonable extension of time for the employee to respond.

Once the employee has completed his/her response, or if the employee has elected to waive any such response, the Sheriff shall consider all information received in regard to the recommended

Personnel Complaints

discipline. The Sheriff shall designate a hearing officer or hearing board pursuant to the applicable Collective Bargaining Agreement, in writing, when there is a recommendation for disciplinary action or termination of an employee. Upon completion of the hearing, the Sheriff shall review the record of the hearing and recommendations of the hearing officer or board and shall render a timely written decision to the employee and specify the grounds and reasons for discipline and the effective date of the discipline. Once the Sheriff has issued a written decision, the discipline shall become effective.

1010.10.3 HEARING BY HEARING BOARD / OFFICER

The hearing shall be conducted by the designated hearing officer as provided in Civil Service Law § 75 or as otherwise provided in the applicable collective bargaining agreement or personnel rules. The hearing officer / board shall make a record of the proceedings.

The employee, upon request, may be represented by counsel, or by a representative of a recognized or certified employee organization. The employee shall be allowed to summon witnesses on his/her behalf. Judicial rules of evidence do not apply.

The hearing officer / board shall consider all information received in regard to the recommended discipline and shall forward his/her recommendations to the Sheriff.

If the employee is found guilty, a copy of the charges, the employee's written response to the charges, a transcript of the hearing and the determination shall be retained by the Office. A copy shall be filed with the civil service commission having jurisdiction over the employee. A copy shall also be provided to the employee upon request without charge.

1010.10.4 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

The Sheriff or the authorized designee should ensure that the complainant is notified of the disposition (i.e., substantiated, unsubstantiated, exonerated, unfounded) of the complaint.

1010.11 PRE-DISCIPLINE EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Sheriff after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

- (a) The response is not intended to be an adversarial or formal hearing.
- (b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.
- (c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Sheriff to consider.
- (d) In the event that the Sheriff elects to conduct further investigation, the employee shall be provided with the results prior to the imposition of any discipline.

Personnel Complaints

- (e) The employee may thereafter have the opportunity to further respond orally or in writing to the Sheriff on the limited issues of information raised in any subsequent materials.

1010.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline.

1010.13 POST-DISCIPLINE APPEAL RIGHTS

Non-probationary employees have the right to appeal a suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment. The employee has the right to appeal using the procedures established by Civil Service Law § 76, any collective bargaining agreement and/or personnel rules.

1010.14 PROBATIONARY EMPLOYEES AND OTHER MEMBERS

At-will and probationary employees and members other than non-probationary employees may be disciplined and/or released from employment without adherence to any of the procedures set out in this policy, and without notice or cause at any time. These individuals are not entitled to any rights under this policy. However, any of these individuals released for misconduct should be afforded an opportunity solely to clear their names through a liberty interest hearing, which shall be limited to a single appearance before the Sheriff or the authorized designee.

In cases where an individual has been absent for more than a week or when additional time to review the individual is considered to be appropriate, the probationary period may be extended at the discretion of the Sheriff.

1010.15 RETENTION OF PERSONNEL INVESTIGATION FILES

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Records Policy.

Attachments

Quality of Service Evaluation Form.pdf



PUTNAM COUNTY SHERIFF'S OFFICE

Attn: Command Staff
3 County Center
Carmel, New York 10512
845-225-4300

SHERIFF
Robert L. Langley Jr.

Quality of Service Evaluation Form

Instructions: Please take the time to provide feedback about the Putnam County Sheriff's Office. We encourage you to share your experience with our member(s). The information you provide is appreciated and will be used to improve the quality of service we provide. Please complete as many of the below fields as possible so that we can properly evaluate your comments. *Personal information will not be disclosed to the public, unless required by law.*

I wish to file a (please check one): Commendation Complaint

Information about you:

Last Name: _____ First Name: _____ M.I.: _____ Date of Birth: _____
Street Address: _____ City: _____ State: _____ Zip Code: _____
Home Phone: _____ Work Phone: _____ Cell Phone: _____ Male Female

Are you filing this on behalf of someone else? Yes No **If yes, then complete this section.**

Last Name: _____ First Name: _____ M.I.: _____ Date of Birth: _____
Street Address: _____ City: _____ State: _____ Zip Code: _____
Home Phone: _____ Work Phone: _____ Cell Phone: _____ Male Female
What is their relationship to you? _____

Witness Information (if applicable):

Last Name: _____ First Name: _____ M.I.: _____ Date of Birth: _____
Street Address: _____ City: _____ State: _____ Zip Code: _____
Home Phone: _____ Work Phone: _____ Cell Phone: _____ Male Female

Putnam County Sheriff's Office Employee Information:

Name and or Badge # _____ Car number employee was driving: _____
Name and or Badge # _____ Car number employee was driving: _____

Provide your comments in the space provided below. Please tell us if you prefer to be contacted by a supervisor.

** Email completed form to commandstaff@putnamcountyny.gov - OR - print and mail to the address listed above*

Standards of Conduct

320.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Putnam County Sheriff's Office and are expected of all office members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this office or a member's supervisors.

320.2 POLICY

The continued employment or appointment of every member of this office shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

320.3 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any office supervisor or person in a law enforcement position of authority, absent a reasonable and bona fide justification.

320.3.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or office policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, office policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict will not be held accountable for disobedience of the lawful order or directive that was initially issued.

The person countermanding the original order shall notify the person issuing the original order, indicating the action taken and the reason.

Standards of Conduct

320.3.2 SUPERVISOR RESPONSIBILITIES

Supervisors are required to follow all policies and procedures and may be subject to discipline for:

- (a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.
- (b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.
- (c) Directing a subordinate to violate a policy or directive, acquiescing to such a violation, or exhibiting indifference to such a violation.
- (d) Exercising unequal or disparate authority toward any member for malicious or other improper purpose.

320.4 GENERAL STANDARDS

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and New York Constitutions and all applicable laws, ordinances and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. This policy is not intended to cover every possible type of misconduct.

320.5 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient office service.

320.5.1 LAWS, RULES AND ORDERS

- (a) Violation of, or ordering or instructing a subordinate to violate, any policy, procedure, rule, order, directive or requirement, or failure to follow instructions contained in office or County manuals.
- (b) Disobedience of any legal directive or order issued by any office member of a higher rank.
- (c) Violation of federal, state, local or administrative laws, rules or regulations.

320.5.2 ETHICS

- (a) Using or disclosing one's status as a member of the Putnam County Sheriff's Office in any way that could reasonably be perceived as an attempt to gain influence or authority for non-office business or activity.

Putnam County Sheriff's Office

Policy Manual

Standards of Conduct

- (b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.
- (c) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).
- (d) Acceptance or solicitation of fees, gifts or money contrary to the rules of this office and/or laws of the state.
- (e) Offer or acceptance of a bribe or gratuity.
- (f) Misappropriation or misuse of public funds, property, personnel or services.
- (g) Any other failure to abide by the standards of ethical conduct.

320.5.3 DISCRIMINATION, OPPRESSION OR FAVORITISM

Discriminating against, oppressing or providing favoritism to any person because of age, race, color, creed, religion, sex, sexual orientation, gender identity or expression, national origin, ancestry, marital status, physical or mental disability, medical condition or other classification protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power or immunity, knowing the conduct is unlawful.

320.5.4 RELATIONSHIPS

- (a) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.
- (b) Engaging in on-duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.
- (c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.
- (d) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this office.
- (e) Associating on a personal, rather than official, basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this office.

320.5.5 ATTENDANCE

- (a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness.
- (c) Excessive absenteeism or abuse of leave privileges.

Putnam County Sheriff's Office

Policy Manual

Standards of Conduct

- (d) Failure to report to work or to place of assignment at time specified and fully prepared to perform duties without reasonable excuse.

320.5.6 UNAUTHORIZED ACCESS, DISCLOSURE OR USE

- (a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms or reports obtained as a result of the member's position with this office.
- (b) Disclosing to any unauthorized person any active investigation information.
- (c) The use of any information, photograph, video or other recording obtained or accessed as a result of employment or appointment to this office for personal or financial gain or without the express authorization of the Sheriff or the authorized designee.
- (d) Loaning, selling, allowing unauthorized use, giving away or appropriating any Putnam County Sheriff's Office badge, uniform, identification card or office property for personal use, personal gain or any other improper or unauthorized use or purpose.
- (e) Using office resources in association with any portion of an independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenaed records.

320.5.7 EFFICIENCY

- (a) Neglect of duty.
- (b) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or the instructions of supervisors without a reasonable and bona fide excuse.
- (c) Concealing, attempting to conceal, removing or destroying defective or incompetent work.
- (d) Unauthorized sleeping during on-duty time or assignments.
- (e) Failure to notify the Office within 24 hours of any change in residence address and emergency contact telephone numbers.

320.5.8 PERFORMANCE

- (a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work-related investigation.
- (b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive, or the willful and unauthorized removal, alteration, destruction and/or mutilation of any office record, public record, book, paper or document.
- (c) Failure to participate in investigations, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any office-related business.

Putnam County Sheriff's Office

Policy Manual

Standards of Conduct

- (d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this office or its members.
- (e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this office or subverts the good order, efficiency and discipline of this office or that would tend to discredit any of its members.
- (f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
 - 1. While on office premises.
 - 2. At any work site, while on-duty or while in uniform, or while using any office equipment or system.
 - 3. Gambling activity undertaken as part of a deputy's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.
- (g) Improper political activity including:
 - 1. Unauthorized attendance while on-duty at official legislative or political sessions.
 - 2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty or on office property.
- (h) Engaging in political activities during assigned working hours.
- (i) Any act on- or off-duty that brings discredit to this office.

320.5.9 CONDUCT

- (a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency and may result in criminal prosecution or discipline under this policy.
- (b) Unreasonable and unwarranted force to a person encountered or a person under arrest.
- (c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- (d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.
- (e) Engaging in horseplay on duty that reasonably could, and is likely to, result in injury or property damage.
- (f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this office or the County.
- (g) Criminal, dishonest or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this office.

Putnam County Sheriff's Office

Policy Manual

Standards of Conduct

- (h) Unauthorized possession of, loss of, or damage to office property or the property of others, or endangering it through carelessness or maliciousness.
- (i) Attempted or actual theft of office property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of office property or the property of another person.
- (j) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any collective bargaining agreement or contract, including fraud in securing the appointment or hire.
- (k) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Sheriff of such action.
- (l) Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this office, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this office or its members.

320.5.10 SAFETY

- (a) Failure to observe or violating office safety standards or safe working practices.
- (b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver license).
- (c) Failure to maintain a physical condition sufficient to adequately and safely perform law enforcement duties.
- (d) Unsafe firearm or other dangerous weapon handling including loading or unloading firearms in an unsafe manner, either on- or off-duty.
- (e) Carrying, while on the premises of the work site, any firearm or other lethal weapon that is not authorized by the member's appointing authority.
- (f) Unsafe or improper driving habits or actions in the course of employment or appointment.
- (g) Any personal action contributing to a preventable traffic accident.
- (h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

320.5.11 INTOXICANTS

- (a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.
- (b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.
- (c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

Putnam County Sheriff's Office

Policy Manual

Standards of Conduct

320.5.12 LEGISLATIVE RESTRICTIONS

Deputies are prohibited from the following activities by New York statute:

- (a) Having an interest in the manufacture or sale of alcoholic beverages (Alcoholic Beverage Control Law § 128).
- (b) Using one's position or authority to aid or oppose any political party (Election Law § 17-110).
- (c) Holding an office in, being employed by, owning or conducting business at a pari-mutuel race track (Racing, Pari-Mutuel Wagering and Breeding Law § 107).
- (d) Violating any applicable provisions of Article 4 of the Public Officers Law and Article 18 of the General Municipal Law including:
 1. Accepting gifts of \$75 or more in value (General Municipal Law § 805-A)
 2. Disclosing confidential information obtained in the course of official duties (Public Officers Law § 96)
 3. Receiving payment for official acts except as authorized by law (Public Officers Law § 67)
 4. Failing to disclose an interest in any contract or business with the employing governmental entity (General Municipal Law § 801)
 5. Failing to disclose an interest in property for which a variance is requested (General Municipal Law § 809)

Use of Force

300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this office is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner (Executive Law § 840).

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the Control Devices and Conducted Energy Device policies.

300.1.1 DEFINITIONS

Definitions related to this policy include:

Deadly Physical force - Physical force which, under the circumstances which it is used, is readily capable of causing death or serious physical injury (Executive Law 840) [NYS Penal Law Article 10, Section 10 [11].

Feasible - Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the deputy or another person.

Force - The application of physical techniques or tactics, chemical agents, or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed, or restrained.

Imminent - Ready to take place; impending. Note that imminent does not mean immediate or instantaneous.

Totality of the circumstances - All facts and circumstances known to the deputy at the time, taken as a whole, including the conduct of the deputy and the subject leading up to the use of force.

Objectively Reasonable - An objective standard used to judge a deputy's actions. Under this standard, a particular application of force must be judged through the perspective of a reasonable deputy facing the same set of circumstances, without the benefit of 20/20 hindsight, and based on the totality of the facts that are known to the deputy at the time that the force was used.

300.2 POLICY

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Deputies are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Deputies must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

Putnam County Sheriff's Office

Policy Manual

Use of Force

The Putnam County Sheriff's Office recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting deputies with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation, and a careful balancing of all interests.

300.2.1 DUTY TO INTERCEDE AND REPORT

Any deputy present and observing another law enforcement officer or a member using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force.

Any deputy who observes another law enforcement officer or a member use force that is potentially beyond that which is objectively reasonable under the circumstances should report these observations to a supervisor as soon as feasible.

300.2.2 PERSPECTIVE

When observing or reporting force used by a law enforcement officer, each deputy should take into account the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject.

300.3 USE OF FORCE

Deputies shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the deputy at the time of the event to accomplish a legitimate law enforcement purpose and which is consistent with Article 35 of the Penal Law.

The reasonableness of force will be judged from the perspective of a reasonable deputy on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that deputies are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.

Given that no policy can realistically predict every possible situation a deputy might encounter, deputies are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

It is also recognized that circumstances may arise in which deputies reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided by this office. Deputies may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires a deputy to retreat or be exposed to possible physical injury before applying reasonable force.

Use of Force

300.3.1 ALTERNATIVE TACTICS - DE-ESCALATION

When circumstances reasonably permit, deputies should use non-violent strategies and techniques to decrease the intensity of a situation, improve decision-making, improve communication, reduce the need for force, and increase voluntary compliance (e.g., summoning additional resources, formulating a plan, attempting verbal persuasion).

300.3.2 USE OF FORCE TO EFFECT AN ARREST

A police officer or a peace officer in the course of effecting or attempting to effect an arrest, or of preventing or attempting to prevent the escape from custody, of a person he or she reasonably believes to have committed an offense, may use physical force when and to the extent he or she reasonably believes such to be necessary to effect an arrest, or to prevent escape of a person from custody, or in self-defense or to defend a third person from what he or she reasonably believes to be the use or imminent use physical force (Penal Law § 35.30).

Force shall not be used by an deputy (Executive Law § 840):

- (a) To extract an item from the anus or vagina of a subject without a warrant, except where exigent circumstances are present.
- (b) To coerce a confession from a subject in custody.
- (c) To obtain blood, saliva, urine, or other bodily fluid or cells from an individual for scientific testing in lieu of a court order where required.
- (d) Against persons who are handcuffed or restrained unless it is used to prevent injury, escape, or otherwise overcome active or passive resistance posed by the subject.

300.3.3 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether a deputy has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include but are not limited to:

- (a) Immediacy and severity of the threat to deputies or others.
- (b) The conduct of the individual being confronted, as reasonably perceived by the deputy at the time.
- (c) Deputy/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of deputies available vs. subjects).
- (d) The effects of suspected drug or alcohol use.
- (e) The individual's mental state or capacity.
- (f) The individual's ability to understand and comply with deputy commands.
- (g) Proximity of weapons or dangerous improvised devices.
- (h) The degree to which the individual has been effectively restrained and his/her ability to resist despite being restrained.
- (i) The availability of other reasonable and feasible options and their possible effectiveness.

Use of Force

- (j) Seriousness of the suspected offense or reason for contact with the individual.
- (k) Training and experience of the deputy.
- (l) Potential for injury to deputies, suspects, and others.
- (m) Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the deputy.
- (n) The risk and reasonably foreseeable consequences of escape.
- (o) The apparent need for immediate control of the individual or a prompt resolution of the situation.
- (p) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the deputy or others.
- (q) Prior contacts with the individual or awareness of any propensity for violence.
- (r) Any other exigent circumstances.

300.3.4 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Deputies may only apply those pain compliance techniques for which they have successfully completed office-approved training. Deputies utilizing any pain compliance technique should consider:

- (a) The degree to which the application of the technique may be controlled given the level of resistance.
- (b) Whether the individual can comply with the direction or orders of the deputy.
- (c) Whether the individual has been given sufficient opportunity to comply.

The application of any pain compliance technique shall be discontinued once the deputy determines that compliance has been achieved.

300.3.5 CAROTID CONTROL HOLD

A carotid control hold is a technique designed to control an individual by temporarily restricting blood flow through the application of pressure to the side of the neck and, unlike a chokehold, does not restrict the airway. The proper application of the carotid control hold may be effective in restraining a violent or combative individual. However, due to the potential for injury, the use of the carotid control hold is limited to those circumstances where deadly force is authorized and is subject to the following:

- (a) At all times during the application of the carotid control hold, the response of the individual should be monitored. The carotid control hold should be discontinued when circumstances indicate that the application no longer reasonably appears necessary.
- (b) Any individual who has had the carotid control hold applied, regardless of whether he/she was rendered unconscious, shall be promptly examined by paramedics or other qualified medical personnel and should be monitored until such examination occurs.

Use of Force

- (c) The deputy shall inform any person receiving custody, or any person placed in a position of providing care, that the individual has been subjected to the carotid control hold and whether the individual lost consciousness as a result.
- (d) Any deputy attempting or applying the carotid control hold shall promptly notify a supervisor of the use or attempted use of such hold.
- (e) The use or attempted use of the carotid control hold shall be thoroughly documented by the deputy in any related reports.

300.3.6 STATE RESTRICTIONS ON THE USE OF OTHER RESTRAINTS

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 or reduce intake of air is prohibited unless deadly physical force is authorized (Exec. Law § 840).

This application is subject to the same guidelines and requirements as a carotid control hold.

300.3.7 USE OF FORCE TO SEIZE EVIDENCE

In general, deputies may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, deputies are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, deputies should not intentionally use any technique that restricts blood flow to the head, restricts respiration, or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Deputies are encouraged to use techniques and methods taught by the Putnam County Sheriff's Office for this specific purpose.

300.4 DEADLY FORCE APPLICATIONS

When reasonable, the deputy shall, prior to the use of deadly force, make efforts to identify him/herself as a peace officer and to warn that deadly force may be used, unless the deputy has objectively reasonable grounds to believe the person is aware of those facts.

Use of deadly force is justified in the following circumstances involving imminent threat or imminent risk:

- (a) A deputy may use deadly force to protect him/herself or others from what he/she reasonably believes is an imminent threat of death or serious bodily injury.
- (b) A deputy may use deadly force to stop a fleeing subject when the deputy has probable cause to believe that the individual has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the deputy reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the individual is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if a deputy reasonably believes that the individual has a weapon or is attempting to access one and intends to use it against the deputy or another person. An imminent danger may

Use of Force

also exist if the individual is capable of causing serious bodily injury or death without a weapon, and the deputy believes the individual intends to do so.

300.4.1 MOVING VEHICLES

Shots fired at or from a moving vehicle involve additional considerations and risks, and are rarely effective.

When feasible, deputies should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants.

A deputy should only discharge a firearm at a moving vehicle or its occupants when the deputy reasonably believes there are no other reasonable means available to avert the imminent threat of the vehicle, or if deadly force other than the vehicle is directed at the deputy or others.

Deputies should not shoot at any part of a vehicle in an attempt to disable the vehicle.

300.5 REPORTING THE USE OF FORCE

Any use of force by a member of this office shall be documented promptly, completely and accurately in an appropriate report, depending on the nature of the incident. The deputy should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis and related purposes, the Office may require the completion of additional report forms, as specified in office policy, procedure, or law (Executive Law § 840). See the Report Preparation Policy for additional circumstances that may require documentation.

[See attachment: PCSO Use of Force Report.pdf](#)

300.5.1 NOTIFICATIONS TO SUPERVISORS

Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable deputy to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of the TASER (TM) or control device.
- (f) Any application of a restraint device other than handcuffs, shackles, or belly chains.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.
- (i) An individual alleges unreasonable force was used or that any of the above has occurred.

Use of Force

300.6 MEDICAL CONSIDERATIONS

Once it is reasonably safe to do so, medical assistance shall be obtained for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed. Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe.

Based upon the deputy's initial assessment of the nature and extent of the individual's injuries, medical assistance may consist of examination by an emergency medical services provider or medical personnel at a hospital or jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another deputy and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling deputy shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the deputy reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Individuals who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain (sometimes called "excited delirium"), or who require a protracted physical encounter with multiple deputies to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Deputies who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away.

See the Medical Aid and Response Policy for additional guidelines.

300.6.1 ADDITIONAL STATE REQUIREMENTS

A deputy should take steps to obtain medical attention for a person who reasonably appears to be mentally ill and is behaving in a manner that is likely to result in serious harm to the person or to others.

Deputies should document requests for medical or mental health treatment as well as efforts to arrange for such treatment.

300.7 SUPERVISOR RESPONSIBILITIES

See the Report Preparation Policy for additional circumstances that may require documentation. When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to (Executive Law § 840):

Putnam County Sheriff's Office

Policy Manual

Use of Force

- (a) Obtain the basic facts from the involved deputies. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas.
 - 1. These photographs should be retained until all potential for civil litigation has expired.
- (d) Identify any witnesses not already included in related reports, including any deputies present at the incident.
- (e) Review and approve all related reports.
 - 1. Supervisors should require that deputies who engaged in the use of force submit the appropriate report
- (f) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy noncompliance or if for any reason further investigation may be appropriate.
 - 1. Disciplinary actions will be consistent with any applicable disciplinary guidelines and collective bargaining agreements.

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

300.7.1 ADDITIONAL SUPERVISOR RESPONSIBILITIES

The Division Captain shall review each use of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues.

The Supervisor shall ensure that enough information to meet the use of force reporting requirements for the DCJS is in the report (Executive Law § 837-t; 9 NYCRR 6058.3).

The Supervisor shall ensure that reports are submitted to the DCJS when a deputy (Executive Law § 837-t; 9 NYCRR 6058.3):

- (a) Brandishes, uses, or discharges a firearm at or in the direction of another person.
- (b) Uses a carotid control hold or similar restraint that applies pressure to the throat or windpipe of a person in a manner that is reasonably likely to hinder breathing or reduce intake of air.
- (c) Displays, uses, or deploys a chemical agent or control device, including but not limited to oleoresin capsicum (OC), pepper projectiles, tear gas, batons, or kinetic energy projectiles (see the Control Devices Policy).
- (d) Brandishes, uses, or deploys an impact weapon.

Putnam County Sheriff's Office

Policy Manual

Use of Force

- (e) Brandishes, uses, or deploys an electronic control weapon, including an electronic stun gun, flash bomb, or long-range acoustic device (see the Conducted Energy Device Policy).
- (f) Engages in conduct which results in the death or serious bodily injury of another person.

The Supervisor shall forward a copy the Use of Force form to the Undersheriff for retention.

300.8 TRAINING

Deputies will receive periodic training on this policy and demonstrate their knowledge and understanding.

Subject to available resources, deputies should receive periodic training on:

- (a) Guidelines regarding vulnerable populations, including but not limited to children, elderly, pregnant persons, and individuals with physical, mental, or intellectual disabilities.
- (b) De-escalation tactics, including alternatives to force.
- (c) Applications of use of force and conflict strategies as required by the state Use of Force Model Policy (Executive Law § 840).

300.9 POLICY AVAILABILITY

This policy shall be readily available to the public upon request and shall be posted on the office website (Executive Law § 840).

Attachments

PCSO Use of Force Report (rev 05062020).pdf

Date/Time of Occurrence:	MM/DD/YYYY	Time (Mil)	Location of Occurrence:			
Sworn Members Involved		PC#	Role	Name	PC#	Role
Name						
1				4		
2				5		
3				6		
Subject Name	D.O.B.	<input type="checkbox"/> Injured by Use of Force –Description of Injuries Caused by Use of Force				EMS Yes No
Race:	Sex:	Age:				Hospital Yes No
Clothing Worn By Subject:			First Aid to Subject:			

Mechanism 1 (order of deploy, if ascertainable)	Mechanism 2	Mechanism 3
Type:	Type:	Type:
Used By Sworn Member No:	Used By Sworn Member No:	Used By Sworn Member No:
Make:	Make:	Make:
Model:	Model:	Model:
S/N:	S/N:	S/N:
Approx. Dist. to Subject (feet):	Approx. Dist. to Subject (feet):	Approx. Dist. to Subject (feet):
Impact Location:	Impact Location:	Impact Location:
Taser – Drive–Stun or Probe:	Taser – Drive–Stun or Probe:	Taser – Drive–Stun or Probe:
Taser – Cartridge Type:	Taser – Cartridge Type:	Taser – Cartridge Type:
Taser – Cartridge S/N:	Taser – Cartridge S/N:	Taser – Cartridge S/N:
Brandished/Used	Brandished/Used	Brandished/Used
Brought Subject Under Control:	Brought Subject Under Control:	Brought Subject Under Control:

Justification for Use of Force	
Weapon Possessed by Subject:	Subject Involved In Offense (highest charge):
Actions of Subject Prompting Use of Force (including any escalation):	

Additional Narrative

Reporting Sworn Member			
Rank:	Name:	PC #:	Date:
			Time: (Mil)
Signature:		Reported to DCJS: Yes	
Reviewing Supervisor:	PC #:	Date:	Time: (Mil)

Use of Force Review Boards

301.1 PURPOSE AND SCOPE

This policy establishes a process for the Putnam County Sheriff's Office to review the use of force by its members.

This review process shall be in addition to any other review or investigation that may be conducted by any outside or multi-agency entity having jurisdiction over the investigation or the evaluation of the use of force.

301.2 POLICY

The Putnam County Sheriff's Office will objectively evaluate the use of force by its members to ensure that their authority is used appropriately and consistent with training and policy.

301.3 REMOVAL FROM LINE DUTY ASSIGNMENT

Generally, whenever a member's actions or use of force in an official capacity, or while using office equipment, results in death or serious physical injury to another, that member will be placed in a temporary administrative assignment pending an administrative review. The Sheriff may exercise discretion and choose not to place a member in an administrative assignment.

301.4 REVIEW BOARD

The Use of Force Review Board will be convened when the use of force by a member results in serious physical injury or death to another person.

The Use of Force Review Board will also investigate and review the circumstances surrounding every discharge of a firearm, whether the member was on- or off-duty, excluding training, termination of sick or injured wildlife, or recreational use.

The Sheriff may request the Use of Force Review Board to investigate the circumstances surrounding any use of force incident.

The Undersheriff will convene the Use of Force Review Board as necessary. It will be the responsibility of the Captain or Supervisor of the involved member to notify the Undersheriff of any incidents requiring board review. The involved member's Captain or Supervisor will also ensure that all relevant reports, documents and materials are available for consideration and review by the board.

301.4.1 COMPOSITION OF THE BOARD

The Undersheriff should staff the Use of Force Review Board with five individuals chosen from the following, as appropriate:

- Representative(s) from another division
- Command staff representative from the involved member's chain of command
- Division Captain

Use of Force Review Boards

- A supervisor
- A peer deputy/office member
- A law enforcement officer from an outside law enforcement agency, as appropriate
- Office instructor for the type of weapon, device or technique used

The senior ranking command staff representative who is not in the same division as the involved member will serve as chairperson.

301.4.2 RESPONSIBILITIES OF THE BOARD

The Use of Force Review Board is empowered to conduct an administrative review and inquiry into the circumstances of an incident.

The board members may request further investigation, request reports be submitted for the board's review, call persons to present information and request the involved member to appear. The involved member will be notified of the meeting of the board and may choose to have a representative through all phases of the review process.

The board does not have the authority to recommend discipline.

The Sheriff will determine whether the board should delay its review until after completion of any criminal investigation, review by any prosecutorial body, filing of criminal charges, the decision not to file criminal charges or any other action. The board should be provided all relevant available material from these proceedings for its consideration.

Absent an express waiver from the involved member, no more than two designated board members may ask questions of the involved member. Other board members may provide questions to the designated board members.

The review shall be based upon those facts which were reasonably believed or known by the deputy at the time of the incident, applying any legal requirements, office policies, procedures and approved training to those facts. Facts later discovered but unknown to the involved member at the time shall neither justify nor call into question a member's decision regarding the use of force.

Any questioning of the involved member conducted by the board will be in accordance with Putnam County Sheriff's Office disciplinary procedures, the Personnel Complaints Policy, the current collective bargaining agreement and any applicable state or federal law.

The board shall make one of the following recommended findings:

- (a) The member's actions were within office policy and procedure.
- (b) The member's actions were in violation of office policy and procedure.

A recommended finding requires a majority vote of the board. The board may also recommend additional investigations or reviews, such as disciplinary investigations, training reviews to consider whether training should be developed or revised, and policy reviews, as may be appropriate. The board chairperson will submit the written recommendation to the Sheriff.

Putnam County Sheriff's Office

Policy Manual

Use of Force Review Boards

The Sheriff shall review the recommendation, make a final determination as to whether the member's actions were within policy and procedure, and determine whether any additional actions, investigations or reviews are appropriate. Those findings will be forwarded to the involved member's Captain for review and appropriate action. If the Sheriff concludes that discipline should be considered, a disciplinary process will be initiated.

At the conclusion of any additional reviews, copies of all relevant reports and information will be filed with the Sheriff.

Putnam County Police Policy Review
Putnam Families Sub-Group Recommendations
January 2021

The Putnam Families sub-group, representing a patchwork of family types from Brewster to Cold Spring, is thankful for the opportunity to voice our perspective and recommendations for the Putnam County Police Policy Review.

This wasn't an easy process. Given the time constraints, we felt that it didn't reflect a good faith effort to look at policing in Putnam. To truly propose meaningful police reform in a department that spans an area with roughly 100,000 residents, it's essential to capture as many viewpoints as possible beyond our own neighborhoods. This really wasn't feasible given the breadth of data necessary to understand how the Putnam County Sheriff's Department operates within each different community.

We decided to focus on a community-based outreach angle. Specifically, since it's a major touchpoint for many Putnam County families and police, we looked at the PCSO's School Resource Officer (SRO) program. Most of our recommendations revolve around mandated training in diversity and inclusion as well as better publicization of the program—making sure families are aware not only that it exists, but that they're aware of the recent [amendment](#) to New York State Educational Law 2801-A that, for school districts that employ SROs, delegates the task of school discipline to school administration.

Many Putnam County families are uninformed about the SRO program at their local schools.

Being in the dark about the parameters in which a uniformed Deputy serves a school can foster distrust and confusion. According to a small [survey](#) we circulated in late fall of 2020—roughly three dozen families from the Brewster, Carmel and Haldane School Districts responded—some parents are unaware that a uniformed Deputy Sheriff is present all day at their kids' schools. Others reported being uncomfortable with armed SROs, citing [research](#) showing that police presence in schools can result in unnecessary contact between youth and the criminal justice system. Some families reported knowing nothing about SRO duties. When asked to identify a function or two of an SRO's daily role at their family's school(s), some said: "Drug searches," "monitoring who comes in and out," "sitting around and doing nothing," "just walking around," and "being generally awesome."

The majority of respondents to our survey called for more input from schools and families when selecting an SRO. They also asked for more public forums/community engagement with the SROs. We feel that ongoing community-based events with SROs, if architected the right way—less "Coffee with a Cop" and more drop-ins at local gatherings—could go a long way in establishing the type of synergistic rapport between local police and families that fosters trust on both sides.

Based on our panel’s weekly discussions and data we gathered from the PCSO and community members—and in accordance with “The Workbook” from the New York State Police Reform and Reinvention Collaborative and the discussion guidelines from the PCSO/Putnam County—here are our recommendations for policy and procedures change.

Respectfully,

Team Members

Maggie Overfelt Valentine
Dina Carreras
Peter Andrews
Ellie Gisler Murphy
Christine Powers
Zachary Goldfeder
Matt Monroe
Christine Powers
Anthony Zito
Scott Reing

Community Based Outreach and Conflict Resolution

1. **Establish a task force to continue police policy reform.** The PCSO should establish a committee made up of Deputies, County personnel and community residents to continue the research necessary for meaningful police policy and procedures reform. Community members should represent all the different voices in Putnam County and will continue to gather data and collaborate with the PCSO on implementing solutions that produce consequential results for the community.
2. **Form a community advisory board.** If it doesn’t have one already, the County should launch a committee made up of local citizens that meets regularly to provide advice and perspectives to the PCSO. Part of this group’s job would be to assess the task force’s work on continuing police policy reform and to hold Putnam County and the PCSO accountable in executing meaningful policing and policy reform.

School Resource Officers

1. **Publicize the State-mandated memorandum of agreement between school districts and the PCSO that establishes SRO responsibilities.** Make sure families know the scope and limits of police involvement in their schools’ student discipline plans. Many families believe that an SRO plays a role in school discipline; the State mandates that they don’t. Clearly lay out the division of duties between a school’s administration, social workers and SROs.

2. **Publicize the SRO program.** Many families, especially those new to a school, don't know that their school employs a uniformed Deputy. Working with schools, the PCSO should develop a publicity campaign—a social media and flyer operation that points to some type of in-person meeting for families—to introduce the SRO and the program. The PCSO should outline all training that SROs undertake, highlighting any courses that involve de-escalation, anti-bias and working with youth. List all SRO duties: how they're supposed to be mentoring students, what they're teaching, how they're working with school administration regarding social service situations. How many "calls" do they perform weekly in a school? What type of situations are they mostly dealing with?
3. **Require SROs to participate in Equity, Diversity and Inclusion training.** Given the diverse nature of a school's student body, SROs should take training courses on diversity and inclusion topics including unconscious bias and microaggressions. Anti-racist courses would also help Deputies be mindful of everyone they protect and would help them understand how discipline along racial lines contributes to the ["school to prison pipeline,"](#) in which trouble at school can lead certain students to their first contact with the criminal justice system.
4. **Require SROs to establish an ongoing presence via public forums and community events.** The PCSO should work with schools/PTAs/PTOs and other community groups to involve SROs in non-adversarial events where they can mingle and answer questions casually from families—committee meetings, cultural happenings, local library gatherings. Encourage SROs to coach athletic teams, serve as advisors to clubs and foster read-alouds to younger students. **Require that the SRO reach out to school inclusion and diversity groups.** Encourage the SRO to hold open office hours for families.
5. **Allow schools more choice in SRO selection.** An SRO should be an apt reflection of the student body they serve or better yet, represent a window into a more diverse world. The PCSO should work with schools and families to facilitate successful personality matches and curb SRO turnover. Share applicable job performance statistics of Deputies applying for SRO positions to the school hiring committee. Recruit and then place bilingual Deputies in schools with large numbers of ESL students to help foster trust and add resources.
6. **Establish metrics to evaluate SRO programs annually.** The PCSO should work with students, families, school personnel and other community members to develop meaningful metrics that outline and measure an SRO's performance each year. The report would capture what was done and where the program saw success. The report should also track positive interactions between officers and students/families and incorporate input and stories from students and families to help measure social cohesion. Community policing measures should be incorporated into an SRO's performance evaluation process.

7. **Provide a regular forum for family feedback on the SRO program.** Students and families should have an official and transparent way outside of a school to report concerns, complaints and any other feedback about their SRO to the PCSO. The PCSO should review the feedback regularly to notice where the complaints/concerns are coming from and what type of conduct or events are commonly being complained about.

**PUTNAM COUNTY POLICE POLICY REVIEW PANEL
MENTAL HEALTH AND SUBSTANCE USE DISORDER COMMITTEE RECOMMENDATIONS**

Committee Members:

Co-Chairs:

Dennis Ullman, Crisis Coordinator, Putnam Hospital Center
Kristin McConnell, Director, Prevention Council of Putnam

James O. Carmody
Baila Lemonik
Edward Murphy, Past President of NAMI in Putnam County
Naura Slivinsky, Arms Acres, Director of Community Relations

Thank you for the opportunity to participate in this initiative. We also want to acknowledge other individuals that participated in these discussions and asked to remain anonymous. In addition, all participants were encouraged to solicit input from colleagues, stakeholders, service recipients etc. Please note that the issues and recommendations that have been identified are not necessarily representative of the entire committee's views, but rather a culmination of suggestions and concerns brought forth by those involved. As such, please note the following may feel disjointed.

Issues identified:

Varied stakeholders shared their own personal experiences both positive and negative as well as those they have heard from others in their respective roles. In general, these themes emerged:

There appears to be a lack of consistency among departments and even among responding officers within a department and how they respond or react to behavioral health related incidents. These can range from extremely skilled individuals offering supportive encouragement, utilizing de-escalation techniques to extreme autocratic responses where authority and power are paramount. Bottom line, it feels as if the officer's personality plays a predominant role in how they respond versus clear procedural protocols. At times individuals felt that they were in fact being harassed for simply asking for assistance. During those times if empathy respect or common courtesy were paramount things may have gone substantially better.

Transparency and accountability was highlighted throughout many of our discussions. Media coverage of officers with "known" negative interactions but little if any disciplinary actions until a major violation, they simply moved on. If misconduct is noted in one area, it should be noted and become part of a permanent file or at least education and training initiatives need to be noted and reviewed in a P file.

Members noted their concern in officers not following appropriate health and safety procedures which can lead to citizen/police altercations and increased risk of public fear, anxiety and safety. Having clearly defined Pandemic Procedures to improve mental health during a public health crisis (i.e.) wearing masks and physically distancing is prudent.

Solutions discussed:

The idea of a requirement from an outside state licensing agency for police similar to other professions thus ensuring minimum standards and the use of ongoing education to keep one skills honed.

During each of our sessions common themes were again echoed: the word like transparency, accountability, enhance training were always forefront. Specific suggestions were made to mandate ongoing training such as Crisis Intervention Training (CIT). We developed a brief survey to poll the Police departments as to what would assist them. Unfortunately, only one department responded and as such the following contains some of that feedback.

Consider developing a Community Police Review Board to assist with transparency and accountability.

In an attempt to support law enforcement, 911 dispatchers can be trained to use a decision tree and where appropriate avoid a police response entirely. As an alternative to a police response, a 24/7 Mobile Crisis Team could be deployed. Putnam previously had this and would benefit from it, as it would significantly support local law enforcement. If a Mobile Crisis Team is not possible, we recommend funding to embed permanent trained personnel (civilian or officers) during each shift to assist in responding to calls of this nature. Finally, another alternative is specialized staff that could operate across police jurisdictions and work collaboratively with law enforcement. This could a similar model to what currently exists at Putnam County Department of Social Services, Adult Protective Services and Child Protective Services Units.

Other discussions centered around a collaborative team consisting of mental health and substance use disorder professionals including peers to assist in dealing with individuals under emotional stress. Specifically, we recommend funding positions such as Mental Health Peer Support Specialists and Certified Recovery Peer Advocates for departments. These individuals build capacity among law enforcement agencies to support their law enforcement by assisting individuals struggling with substance use disorders and/or mental illness by making referrals to treatment, removing barriers to recovery support services, and providing hope, optimism, and encouragement. Activities could include making treatment referrals for individuals who present to the station or in the field for help, and actively outreaching to individuals and encouraging them to seek services.

When it is clear that the issues are one driven by “behavioral health” perhaps at a minimum, officers would only respond after they have been trained in de-escalation techniques or at least are ones who have a sensitivity for that population.

Community engagement: discussions on ways to enhance general perception of the police can be very simple like open visits to stations, ongoing PAL events and/or coffee with a cop.

Consider funding for body cameras. Research suggests placing body-worn cameras on police officers improves the civility of police-citizen encounters and enhances citizen perceptions of police transparency and legitimacy (Colorado Senate Bill 20-217).

Trainings:

The committee recommends at a minimum annual cultural sensitivity, de-escalation and Crisis Intervention Training to ensure police are aware of all resources and have opportunity to ask questions and explore real life issues. It may be required for individuals in the academy now, but all law enforcement should take this training. In sum, the concept is could enhance community policing in our community. Consider reallocating funding spent on excessive firearms training for de-escalation and mental health retraining.

Other resources we believe would be useful for law enforcement include the opportunity for Police to review behavioral events in near real time by calling a central hotline and review what occurred thus creating a learning opportunity for the next event. The use of virtual simulations via computer could be used frequently as initial training and refreshers as needed. The police can be trained in varied de-escalation techniques specific programs already occur by the Crisis Prevention Institute out of Milwaukee.

Existing Best Practices for Consideration

We recommend that Putnam utilizes the multiple electronic bulletin boards throughout the county in a coordinated effort to disseminate mental health/substance use prevention and information to reduce calls to local law enforcement. By people having these resources, could prevent them from over utilizing law enforcement resources.

The committee reviewed best practices and models from neighboring counties and communities across the United States and included them below as recommendations for Putnam to consider.

DUTCHESS COUNTY POLICE REFORM AND MODERNIZATION COLLABORATIVE

Best Practice Concept: Crisis Assistance Helping Out On the Streets (CAHOOTS)

- “In Eugene and Springfield, Oregon, local police and social service providers collaborate to reroute calls that do not involve a legal issue or extreme threat of violence or risk to the individual or others. In these instances, officials send a team comprised of a medic and a crisis worker to respond to these calls. The responders assess the situation, assist the individual, and connect that individual with a higher level of care or services as needed. City officials estimate that this program, named CAHOOTS, has saved Eugene more than \$15 million a year. The program is also safe, as police backup was called 150 times out of a total of about 24,000 calls, only 0.6% of calls.” “Each team consists of a medic (either a nurse or an EMT) & a crisis worker (who has at least several years’ experience in the mental health field).”
- “CAHOOTS provides immediate stabilization in case of urgent medical need or psychological crisis, assessment, information, referral, advocacy & (in some cases)

Transportation to the next step in treatment. Any person who reports a crime in progress, violence, or a life-threatening emergency may receive a response from the police or emergency medical services instead of or in addition to CAHOOTS. The program offers a broad range of services, including but not limited to:

- o Crisis Counseling
- o Suicide Prevention, Assessment, and Intervention
- o Conflict Resolution and Mediation
- o Grief and loss
- o Substance Abuse
- o Housing Crisis
- o First Aid and Non-Emergency Medical Care
- o Resource Connection and Referrals
- o Transportation to Services”¹⁴

CAHOOTS diverts 5-8 percent of calls from Police.

- CAHOOTS' Funding in Eugene: "The City funds CAHOOTS through the Eugene Police Department. In Fiscal Year 2018 (July 2017 to June 2018) the contract budget for the CAHOOTS program was approximately \$798,000 which funded 31 hours of service per day (this includes overlapping coverage), seven days a week. One van was on duty 24 hours a day and another provided overlap coverage 7 hours per day. § Over the last several years, the City has increased funding to add more hours of service. The Fiscal Year 2020 (July 2019 to June 2020) budget included an additional \$281,000 on a one-time basis to add 11 additional hours of coverage to the existing CAHOOTS contract. CAHOOTS was able to add 5 of the 11 hours of service to bridge an afternoon gap to maintain two-van coverage. The City carried over the funding for the 5-hour expansion through Fiscal Year 2021 (July 2020 to June 2021)."

Best Practice Concept: Behavioral Evaluation & Assistance Team (BEAT) Patrols

- The BEAT patrol pairs a member of the County Mobile Crisis Intervention Team (MCIT) with police officers in the cities of Beacon and Poughkeepsie and towns of Poughkeepsie and Hyde Park. The teams are out in the community visiting sites where at-risk people congregate and building relationships while also connecting those in need to vital addiction, mental health, and housing services.

Other Examples

- "Denver recently launched a six-month pilot program named Support Team Assisted Response (STAR) which deploys teams of these professionals to respond to 911 calls for people experiencing mental health crises, homelessness, or drug addiction."

- "Since 2013, Austin's Expanded Mobile Crisis Outreach Team (EMCOT) has similarly handled crisis calls and behavioral health situations directly instead of the police. The city recently added funding for mental health professionals to work at its 911 call center to ensure the EMCOT team is able to divert and respond to these calls immediately."

- "Among the most ambitious local initiatives is Albuquerque, New Mexico's new Community Safety Department, which will be staffed by social workers, housing and homelessness specialists, and violence prevention experts. Emergency dispatchers will have the option to send Community Safety representatives, rather than police or firefighters, to the scene of an emergency." Focuses on responding to calls on inebriation, homelessness, substance-use, and mental health.

- "Rapid City, South Dakota and the Rapid City Police Department's Quality of Life Unit that engages police officers and caseworkers to connect those experiencing homelessness and other vulnerable members of the Rapid City community to support and social services."

- "Fort Collins, Colorado and the Fort Collins Police Force's mental health co-responder program in which behavioral health professionals respond to the scene of mental health/substance use disorder emergencies and help individuals get treatment and support services."

- "San Antonio, Texas and the San Antonio Police Department's Mental Health Detail that works to provide services for those experiencing behavioral health emergencies."

- "Wake County, North Carolina and Wake County's Enhanced Mobile Crisis Pilot Program that works together with a local behavioral health managed care organization to send mobile crisis clinicians to emergency calls that may involve mental illness."

Dutchess County continues to look for ways to more directly intervene with individuals experiencing homelessness, substance-use disorders, and mental health crises. The County has partnered with local agencies to support the aforementioned BEAT patrol. Additionally, the County Department of Behavioral and Community Health (DBCH) operates the Mobile Crisis Intervention Team (MCIT). The MCIT is a team of professionals who respond to people in crisis in the community, de-escalate situations involving people in crisis, and connect them to services. In 2021, Mental Health America is taking on the lead in staffing the team, the change will allow for more fluidity in practice, meaning the MCIT will be out in the community operating more visibly, proactively, and with a greater emphasis on case management.

PUTNAM COUNTY POLICE POLICY REVIEW PANEL VETERAN'S COMMITTEE RECOMMENDATION REPORT

SUB-COMMITTEE VOLUNTEERS

John Bourges-Program Coordinator PFC Joseph P. Dwyer Vet2Vet in Putnam

John Cinquemani-Putnam County Police Review Panel Volunteer

Dale Cusack-Chairman Putnam County Joint Veteran's Council

Arthur Hanley-Deputy Director Putnam County Veteran's Service Agency

Lou Liotti-Putnam County Police Review Panel Volunteer

Ricardo Lopez-Putnam County Police Review Panel Veteran's Representative

Karl Rhode-Director Putnam County Veteran's Service Agency

INTRODUCTION

After being assigned the position to represent Veteran's concerns toward evaluating Police reform on a myriad of issues I was luckily enough to be directed to Karl Rhode and Arthur Hanley, listed above. Utilizing Karl and Arthur's resources I was able to contact the other sub-committee members with also have a wealth of experience in Veteran's concerns. The additional volunteers were given to me from the list of residents trying to help Putnam County as it evaluates Police procedures and makes recommendations regarding reform, if necessary.

Personally, I am a four-year Veteran of the United States Army (Honorably Discharged in 1988 as an 11B20) and a twenty-two-year veteran of the New York City Police Department (Retired in 2012 as a Lieutenant). I am honored to be the 'voice' of the Veteran's committee and express any concerns that Veterans may need addressed when considering Police reform in Putnam County. Lastly, in my personal experience any encounters I or my family have had with any Police Officer serving the Community in Putnam County has been positive.

The committee kept a narrow perspective on the analysis of Police reform by specifically looking through the lens of a Veteran. We did not make specific recommendations on Police Policies allowing experts in the field to decide what solution is best for each situation. We recognize that Police Departments serving Putnam County vary on their response, personnel, staffing, budgets, etc. due to their differences, an example is suburban versus urban area policing techniques.

RESOURCES

The process to review the current police policies and procedures begins with reading the current policies and procedures. I have reviewed all the below resources and recognize all the questions raised by the reports to consider. The committee and I have stayed focused on the concerns of veterans and not get lost. The following resources are available for review:

1-‘Outline for Community Discussions on Reform and Reinvention of Policing in Putnam County’.

<https://www.putnamcountyny.com/wordpress/wp-content/uploads/2020/09/Putnam-County-Outline-for-Community-Discussions-on-Reform-and-Reinvention-of-Policing.pdf>

2-‘New York State Police Reform and Reinvention Collaborative’.

(https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police_Reform_Workbook81720.pdf)

3-The ‘Putnam County Police Policy Review Panel’ where all the necessary information is provided to the volunteers. On this website are the links for the specific procedures utilized by the local Law Enforcement Agency.

(<https://www.putnamcountyny.com/policereviewpanel/>)

RECOMMENDATIONS

The **first** recommendation that the Committee makes is that Putnam County should institute a Court or Judge to specifically address Veterans in the Criminal Justice system. Other Counties in the State of New York have proven that it is better for the Veteran and the County to address Veterans who have special concerns and part of the Criminal Justice system as early as possible. This idea was brought to light by recommendations from feedback received from the other committee members.

The ‘Directory of Veterans Resources for New York State Courts’, states on page #81, that the 9th Judicial District consists of the Counties of Dutchess, Orange, Putnam, Rockland and Westchester Counties. The Veterans Benefits Administration Regional Office is located in Buffalo. In the County of Putnam there is the Carmel Community Clinic located in Carmel, NY which treats veterans for various conditions. But at NYCourts.Gov it is stated that there are four courts already in use in the 9th Judicial District. They are located in the towns of Middletown, Newburgh, White Plains, and Yonkers. Presently there isnt a Veteran Court located in Putnam County but the successful implantation can be mirrored by the examples stated above.

<https://nysba.org/NYSBA/Committees/Committee%20on%20Veterans/Resources/DirectoryofVeteransResourcesforNYSCourts.pdf>

[BA/Committees/Committee%20on%20Veterans/Resources/DirectoryofVeteransResourcesforNYSCourts.pdf](https://nysba.org/NYSBA/Committees/Committee%20on%20Veterans/Resources/DirectoryofVeteransResourcesforNYSCourts.pdf)

http://ww2.nycourts.gov/courts/problem_solving/vet/courts.shtml

When looking at the National Center for State Courts they identify the first New York State Veteran's Court opened in 2008 in the city of Buffalo. Its is based on a 'drug treatment and/or mental health treatment court'. The court offers the alternative to incarceration by offering treatment for specified issues. They also mention the use of Veteran Mentors to better assist with the subject succeeding in the program. The issue of acceptance into being treated by the Veteran court should be discussed and decided whether all crimes such as domestic violence and violent crimes allow acceptance into the program.

<https://www.ncsc.org/topics/alternative-dockets/problem-solving-courts/veterans-court/resource-guide>)

In the 'Veteran's Treatment Court Mentor Program Handbook' Honorable Judge Judy Harris Kluger states 'The goal of these courts is to address these underlying issues and link veterans to the services and support they need. The Veterans Treatment Courts strike a balance between upholding the rule of law and providing treatment services to these men and women to whom society owes a debt of gratitude.'

<https://nysba.org/NYSBA/Committees/Committee%20on%20Veterans/Resources/VeteransTreatmentCourtMentorProgramHandbook.pdf>

The **second** recommendation that the Committee makes is that Putnam County Officers should receive training in identifying actions that Veterans may suffer from such as PTSD (Post Traumatic Stress Disorder). Officers should receive specific training in identifying possible mental conditions related to Veterans. In theory, Officers would be able to identify Veteran related disorders and act accordingly with resources available to resolve the situation.

<https://www.putnamcountyny.com/wordpress/wp-content/uploads/2020/10/Policy-203-Training.pdf>

The **third** recommendation that the Committee makes is that Putnam County should be able to make a specific notification whenever a subject who is a Veteran is involved in a Police interaction, unrelated as to whether they are the victim or perpetrator. To clarify, this notification should be made at the scene if possible or after the individual enters the Criminal Justice system. The goal is to help Veteran receive the necessary and proper treatment or help. In review of Putnam County Sheriff's Office Policy 409-Crisis Intervention Incidents in step 409.5 Step (b) it states 'Request available backup deputies and *specialized resources* as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-

escalation techniques to stabilize the incident as appropriate.’ This procedure could easily ensure a representative of the Veteran or Mental Health Community with veteran needs training could be notified.

In addition, Policy 409 in step 409.5 states ‘Safety is a priority for first responders.’ The Committee wholeheartedly agrees that Officer Safety should never be in jeopardy and always a priority. This gives the Officer the discretion to make the notification at the appropriate time.

https://www.putnamcountyny.com/wordpress/wp-content/uploads/2020/10/Policy-409-Crisis_Intervention_Incidents.pdf

CONCLUSION

The Veteran’s committee acknowledges the crossover of Veteran’s issues into the other subcommittees. Specifically, Veterans issues overlap into the Mental Health and Substance Use Disorder and Community Outreach/Homeless Committees. We did not make recommendations on what other subcommittees should do to address the issues.

In Putnam County Sheriff’s Office Policy 300-Use of Force in step 300.3.1 Alternative Tactics and De-Escalation are discussed. Specifically, it states ‘When circumstances reasonably permit, deputies should use non-violent strategies and techniques to decrease the intensity of a situation, improve decision-making, improve communication, reduce the need for force, to increase voluntary compliance.’ This procedure would be a perfect fit to support the utilization of a vet representative as a possible de-escalation option.

As a Committee we believe the interaction between the Veteran Community and Police can only be strengthened with the implementation of the above recommendations. It is staggering to recognize that our society contains a populace where ‘one in five Veterans has symptoms of a mental health disorder or cognitive impairment.’ This further supports the reasoning behind providing additional support for the **One Percent** of the United States population that volunteers to serve in the Armed Forces of this Country.

<https://justiceforvets.org/what-is-a-veterans-treatment-court/>

Sincerely

Ricardo Lopez-Putnam County Police Review Panel Veteran’s Representative

MEMORANDUM

To: Putnam County Police Review Panel

From: People of Color Subcommittee

Date: 1.10.2021

Re: Report and Recommendation

I. Introduction:

This Memorandum is being presented by the People of Color Subcommittee of the Putnam County Police Review Panel, (hereinafter referred to as the “Panel”), which was formed by Putnam County Executive Mary Ellen O’Dell as a result of the Executive Order Number 203 of New York State Governor Andrew Cuomo pertaining to New York State Police Reform and Reinvention Collaborative, a copy of which is attached as **Exhibit “1”**, (hereinafter referred to as the “Order”).

A. Mandates of the Order To Be Accomplished By The Panel

As this Panel is aware, the order requires every municipality in the State of New York which has a law enforcement agency (police department or sheriff’s department) to engage in a comprehensive review of the “current police force deployments, strategies, policies, procedures, and practices, and develop a plan to improve such deployments, strategies, policies, procedures, and practices, (“Police Policies”), 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.”

To complete this required comprehensive review, the chief executive officer of each municipality (Town Supervisors, Village or City Mayors, County Executives) having law enforcement agencies are directed to form a panel.

The panels are to consist of the following community stakeholders:

1. Membership and Leadership of the Local Police Force;
2. Interested Non-Profit and Faith-Based Community Groups;
3. District Attorney;
4. Public Defender;
5. Members of the community, with emphasis in areas with high numbers of police and community interactions;
6. Local Elected Officials.

The panels are then directed how the comprehensive review will take place as the Order requires, at a minimum, that the following fourteen (14) areas be reviewed when each panel examines the police procedures of each respective communities Police Policies, (collectively referred to as “Evidence-Based Policing Strategies”):

1. Use of force policies, procedural justice;
2. Any studies addressing systemic racial bias or racial justice in policing;
3. Implicit bias awareness training;
4. De-escalation training and practices;
5. Law enforcement assisted diversion programs;
6. Restorative justice practices;
7. Community-based outreach and conflict resolution;
8. Problem-oriented policing;
9. Hot spots policing;
10. Focused deterrence;
11. Crime prevention through environmental design;
12. Violence prevention and reduction interventions;
13. Model policies and guidelines promulgated by the New York State Municipal Police Training Council; and
14. Standards promulgated by the New York State Law Enforcement Accreditation Program.

Following the review of the Police Policies of each respective municipality considering each of the Police Policy Subject Areas as to if any suggested improvements may be made, each panel is then directed to create a plan. Specifically, the Order directs that the panel:

“...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.

The plan is then to be offered for public comment, after which the municipalities are to adopt the plan by resolution or local law, followed by a certification being sent to the New York State Office of Budget to confirm that each municipality has complied with the Order.

B. Assistance Has Been Provided By the New York State Guide

In an effort to facilitate the proper and complete implementation of the Order, the New York State Police Reform and Reinvention Collaborative Resources & Guide for Public Officials and Citizens was issued and made available to all municipalities throughout the State of New York in or about August 2020, a copy of which is attached as **Exhibit “2”**, (hereinafter referred to as the “State Guide”).

The State Guide stresses that the ***comprehensive review*** that is mandated by the Order by the Panel include an evaluation of all of the Putnam County Sheriff’s Department Police Policies, and some examples include the following directives:

“The Collaborative Process should: Review the needs of the community served by its police agency, and evaluate the department’s current policies and practices;...(Page 2)”

* * *

“Advocates, experts and some in the law enforcement community have drawn attention to a number of specific policing strategies that they believe pose an undue risk of harm to the public. Your police department may use some or all of these strategies. As discussed here, some strategies that are currently in use may have a record of causing harm to individuals in your community. You should examine the practices of your police department to determine which, if any, of these strategies are in use and you should consider whether any of them need to be reformed, curtailed or discontinued. (Page 24)”

* * *

“Law enforcement experts have also suggested that various policing and criminal justice strategies can reduce racial disparities and build trust between police departments and the community. You should consider which, if any, of these strategies would help your department achieve these goals. (Page 35)”

The State Guide includes a Suggested Workplan which includes in Phase 1, which was projected to take place on August-September of 2020, the following:

“Assess where you are now: Gather information on how your police department currently operates including data, policies, procedures, prior complaint history, budget, contracts, equipment, etc. Share this information with the public. This self-assessment will help focus the conversation on what you and your community wants to change. (Page 113)”

C. Putnam County Has Acknowledged the Mandates of the Order to Be Accomplished by This Panel

At the Organizational Meeting of this Panel a presentation was provided by County Executive Mary Ellen O’Dell wherein Putnam County acknowledged the mandates set forth within the Order which are to be accomplished by this Panel through both what was discussed at the Organizational Meeting and through the communications contained within the slide-show presentation attached hereto as **Exhibit “2”**, (hereinafter referred to as the “Presentation”).

Page 8 of the Presentation includes the following statement:

“This directs the director of the Division of Budget, in consultation with the DCJS to shall promulgate guidance to be sent to all local governments directing that:

1. Local governments must perform a comprehensive review of current police force deployments, strategies, policies, procedures and practices
2. 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
3. Promote community engagement to foster trust, fairness and legitimacy and to address any racial bias and disproportionate policing of communities of color.”

Page 9 of the Presentation then references the fourteen Evidence-Based Policing Strategies to be considered when developing the plan referenced in Page 8, and then Page 9 of the Presentation goes into further detail as to how the plan shall be prepared:

“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.”

Notably, the website created for the Panel by the County of Putnam also has a link to the State Guide.

D. Putnam County Has Failed to Comply With the Mandates of the Order Thereby Limiting the Nature and Scope of the Panel Review, and Recommendations To Be Provided

As noted above, the Order requires a comprehensive review of the Police Policies of the Putnam County Sheriff's Department by the Panel and the State Guide further directs that this process should include a self-assessment to have been completed months ago in the early phase of this process wherein the Panel would have been provided by the Office of the County Executive, as the Chief Executive Officer of Putnam County who by way of the Order is required to convene the Panel, information on how the Putnam County Sheriff's Department currently operates including data, policies, procedures, prior complaint history, budget, contracts, equipment, etc.

Despite this initial foundational requirement being needed, a clear review of the website established for the Panel by the Office of the County Executive located at <https://www.putnamcountyny.com/policereviewpanel/#top>, (hereinafter referred to as the "Panel Website"), a copy of which has been attached as **Exhibit "3"**, does not include any of the following:

1. Prior Complaint History of the Putnam County Sheriff's Department;
2. Budget of the Putnam County Sheriff's Department;
3. Contracts of the Putnam County Sheriff's Department;
4. Itemized Equipment of the Putnam County Sheriff's Department, or;
5. Complete Policies and Procedures of the Putnam County Sheriff's Department.

A clear reading of the Panel Website and the resources provided within the Panel Website, provides links to only the following policies and procedures of the Putnam County Sheriff's Department:"

1. Policy 203 Training;
2. Policy 300 Use of Force;
3. Policy 315 Discriminatory Harassment;
4. Policy 320 Standards of Conduct;
5. Policy 332 Limited English Proficiency Services;
6. Policy 333 Communications with Persons with Disabilities;
7. Policy 341 Community Relations;
8. Policy 401 Bias-Based Policing;
9. Policy 409 Crisis Intervention Incidents;
10. Policy 431 First Amendment Assemblies;
11. Policy 1000 Recruitment and Selection;
12. Policy 1004 Anti-Retaliation: and

13. Policy 1010 Personnel Complaints

(hereinafter collectively referred to as the “Select Policies and Procedures”), a copy of which have collectively been attached as **Exhibit “4”**.

Upon information and belief, that Select Policies and Procedures represent only a small fraction of the entire Police Policies of the Putnam County Sheriff’s Department, and by limiting the Panel’s review to only the Select Policies and Procedures the Putnam County Executive’s Office has failed to comply with the Order by preventing the Panel from completing the comprehensive review of the Police Policies of the Putnam County Sheriff’s Department.

The Panel has further been prevented from meeting its mandate under the Order by not having been provided access by the County Executive’s Office of the Prior Complaint History of the Putnam County Sheriff’s Department; Budget of the Putnam County Sheriff’s Department; Contracts of the Putnam County Sheriff’s Department; and an Itemized Equipment of the Putnam County Sheriff’s Department.

E. Limitation of the Report and Recommendations Set Forth Herein & Suggested that a Request for Extension Be Submitted to the State of New York

Based upon the foregoing outlined lack of complete and required disclosure of the Police Policies and related information by the Putnam County Executive’s Office, being the entity required to convene the Panel and which did convene the Panel, it is respectfully submitted that Putnam County has failed to comply with the mandates set forth in the Order and which are further described in the State Guide. This process has amounted to proverbial “cherry picking” engaged in by the Office of the County Executive and prevented the comprehensive review by this Panel as the members cannot review Police Policies which are not provided to them.

Accordingly, the Report and Recommendations set forth within this Memorandum by the Subcommittee are based upon the limited information that was made available to the Subcommittee and greater Panel, and presented with the hope and expectation that the Office of the County Executive will request that the State of New York provide an extension of time for the submission of a County Resolution and/or Local Law to the New York State Office of Budget for a period of six (6) months. This extension, if granted, will permit the additional time needed for the Office of the County Executive to engage in a complete disclosure of all information required by the Order, allow for this Subcommittee and greater Panel to engage in the mandated comprehensive review of the Police Policies of the Putnam County Sheriff’s Department, and to meaningfully prepare a plan for submission for consideration to the Putnam County Executive, Legislature and Sheriff’s Department, followed by timely submission of a County Resolution and/or Local Law to the State of New York.

II. Recommendations:

Even without complete access to the Police Policies of the Putnam County Sheriff’s Department, our Subcommittee engaged in a review of the general principals and merit of the fourteen Evidence-Based Policing Strategies outlined in the Order with the intent of identifying if any of the individual Evidence-Based Policing Strategies could be utilized in the Putnam County Sheriff’s Department.

Therefore, the Subcommittee has set forth our report and recommendations by outlining the following recommendations for adoption by the Panel and inclusion into the final report of the Panel which take into consideration a review of each of the fourteen Evidence-Based Policing Strategies and have further attached materials referenced as additional exhibits to this Memorandum so that the greater Panel may easily review the reference materials noted to confirm the merit and need for the recommendations presented.

1. Law enforcement assisted diversion programs

A. What Are Law Enforcement Assisted Diversion Programs?

Law Enforcement Assisted Diversion (hereinafter referred to as “LEAD”), programs are pre-booking diversion programs for low-level offenders in which a trained officer may screen and divert to case management for housing, treatment, and other services rather than processing the individuals through the traditional manner of arrest, prosecution and incarceration.

One scholarly article described the goals of LEAD programs:

“LEAD is based upon the belief that addiction shouldn’t be criminalized, rather, addressed as a public health issue through a harm reduction approach. LEAD aims to increase access to community-based supports to improve quality of life and public safety for illicit opiate drug users. It also aims to reduce illicit opiate drug overdoses, reduce recidivism, property crimes, and ultimately, costs to the criminal justice and health systems (LEAD Santa Fe, 2015).

* * *

Pre-booking and early diversion typically targets a specific population, for example, mentally ill offenders or drug offenders.

* * *

The diversion goals include street-level safety, reduced pressure on booking and holding jails, reduced court and docket pressure, reduced costs, and increased access to medical, mental, and substance abuse/dependence treatment and services. Other services include housing placement, legal advocacy, education, transportation, food assistance, and job training. Programs have been shifting away from an “enforcement first” approach, and are placing more emphasis on individual wellness and harm reduction (Drug Policy Alliance, 2015)

* * *

More recently, programs have expanded the ways in which contact is made with potential participants. Initially, individuals were identified and referred through a routine police contact that would have most likely resulted in an arrest. Oftentimes this individual has had prior arrests and might even be identified as a “high utilizer.” Newer programs are now looking at ways to identify and engage potential participants with drug addiction prior to entering the criminal justice system, either through treatment referrals, or self-initiated “turn-in’s” (Gloucester, Massachusetts, “Angel Program”) whereby a drug addict may hand over their drugs to the police department and are then assigned an ‘angel,’ or volunteer peer, to assist in treatment navigation. Such examples can be thought of as hybrid programs, based upon research and evidence, and tailored to the particular resources and needs of those communities.

See, “Law Enforcement Assisted Diversion (LEAD) Programs, by Alexandra Tonigan, B.A., Institute for Social Research, UNM, April 04, 2017, a copy of which is attached as **Exhibit “5”**.

Another scholarly article notes that many LEAD programs have three specifically defined stages:

“LEAD comprises three primary components: 1) an initial program entry process, which includes diversion from the criminal justice and legal systems; 2) harm reduction case management (i.e., low-barrier counseling and connection to social and clinical services that is offered with neither requirement or nor pressure towards substance-use treatment or abstinence); and 3) higher-level coordination of legal system involvement.

* * *

People suspected of violations of the uniform controlled substances act (VUCSA) and/or prostitution offenses are arrested as usual and brought to the police precinct. There, they are screened for LEAD eligibility by an on-duty officer. Eligible individuals are offered the option of participating in LEAD instead of undergoing standard criminal booking and prosecution. Interested individuals are referred to an intake with a LEAD case manager.

* * *

A harm reduction approach entails meeting individuals ‘where they are at’ in their communities and in their own motivation to change substance use, even if they are not yet ready, willing or able to stop using controlled substances. In this highly individualized, collaborative approach, the goals are to engage and retain individuals in services by listening attentively to clients’ needs and connecting them with appropriate community resources, such as housing placement, medical care, legal advocacy, job training, mental health counseling, and chemical dependency treatment.

* * *

Legal advocacy, which features coordination with the legal system for cases that are not eligible for diversion, is a particularly important aspect of the LEAD program. Prosecutors make discretionary decisions about whether to file charges, recommend pretrial detention or release conditions, reduce charges, recommend incarceration after conviction, and/or dismiss charges for LEAD participants”.

See, “Seattle’s Law Enforcement Assisted Diversion (LEAD): Program effects on recidivism outcomes,” by Susan E. Collins, Heather S. Lonczak, Seema L. Clifasefi, 5.1.2017, a copy of which is attached as **Exhibit “6”**.

As LEAD programs have been adopted throughout the United States of America, Seattle is but one example of many municipal law enforcement agencies who have been able to successfully implement pre-booking programs with the objective of diverting low-level offenders from incarceration.

As will be set forth below, LEAD programs have been successful, are financially beneficial to the communities they are implemented and should be adopted in Putnam County.

B. What Results Have Law Enforcement Assisted Diversion Programs Obtained?

A 2015 University of Washington study confirmed that those participating in LEAD programs were far less likely to engage in recidivism, that those who were not involved in LEAD programs:

“-Compared to the control group, the LEAD group had 58% lower odds of at least one arrest subsequent to evaluation entry. The LEAD effect on arrests over time was statistically significant ($p = .001$).

-This finding reflected the fact that the proportion of control participants who were arrested at least once subsequent to evaluation entry increased by 4%, whereas the proportion of LEAD participants who were arrested subsequent to evaluation entry decreased by 30%.

-Analyses indicated that, compared to control participants, LEAD participants had 34% lower odds of being arrested at least once when warrant-related arrests were removed. This effect was marginally significant ($p = .09$).

-Although there was no statistically significant effect for total charges, the LEAD group had 39% lower odds of being charged with a felony subsequent to evaluation entry compared to the control group. This effect was statistically significant ($p = .03$).

-The proportion of LEAD participants charged with at least one felony decreased by 52% subsequent to evaluation entry. The proportion of control group participants receiving felony charges decreased by 18%”.

See, “LEAD Program Evaluation Recidivism Report,” by Susan E. Collins, Heather S. Lonczak, Seema L. Clifasefi, 5.27.2015, a copy of which is attached as **Exhibit “7”**.

In addition to a reduction in recidivism, participants in LEAD programs were also found to have housing, employment and legitimate income:

“Primary Analyses: Participants were significantly more likely to obtain housing, employment and legitimate income in any given month subsequent to their LEAD referral (i.e., during the 18-month follow-up) compared to the month prior to their referral (i.e., baseline).

Housing:

- LEAD participants were over twice as likely to be sheltered (e.g., permanent housing, temporary housing, emergency shelter, motel/hotel) versus unsheltered (e.g., sleeping on the streets, in abandoned buildings) during the follow-up. Further, each contact participants had with LEAD case managers was associated with a 2% increase in the likelihood of obtaining shelter during the follow-up.
- Participants were 89% more likely to obtain permanent housing during the follow-up, and each contact they had with their LEAD case manager translated to a 5% higher likelihood of being housed during follow-up.

Employment: LEAD participants were 46% more likely to be on the employment continuum (i.e., in vocational training, employed in the legitimate market, retired) at follow-up versus baseline.

Income/benefits: LEAD participants were 33% more likely to have income/benefits at follow-up versus baseline.”

See, “LEAD Program Evaluation: The Impact of LEAD on Housing, Employment and Income/Benefits,” by Susan E. Collins, Heather S. Lonczak, Seema L. Clifasefi, 5.27.2015, a copy of which is attached as **Exhibit “8”**.

Based upon the above empirical data, LEAD programs have been successful in both preventing individuals from returning to jail, and in improving their lives through enhanced opportunities for housing, employment and income.

C. What Are The Financial Considerations of Law Enforcement Assisted Diversion Programs?

Although there are costs associated with the establishment and operation of a LEAD program, there were significant savings in use of public funds due to LEAD participants having a decreased rate of recidivism resulting in government funds used for law enforcement, prosecution and incarceration. One report had the following findings:

“The cost of the LEAD program averaged \$899 per person per month. However, these costs included program start-up and decreased to \$532 per month towards the end of the evaluation.

-Across nearly all outcomes, we observed statistically significant reductions for the LEAD group compared to the control group on average yearly criminal justice and legal system utilization and associated costs.

-Jail bookings: Compared to the control group, LEAD program participants had 1.4 fewer jail bookings on average per year subsequent to their evaluation entry.

-Jail days: Compared to the control group, the LEAD group spent 39 fewer days in jail per year subsequent to their evaluation entry.

-Prison incarceration: Compared to the control group, the LEAD group had 87% lower odds of at least one prison incarceration subsequent to evaluation entry.

-Misdemeanor and felony cases: There were no statistically significant LEAD effects on the average yearly number of misdemeanor cases. Compared to control participants, however, LEAD participants showed significant reductions in felony cases.

-Costs associated with criminal justice and legal system utilization: From pre- to post evaluation entry, LEAD participants showed substantial cost reductions (-\$2100), whereas control participants showed cost increases (+\$5961).”

See, “LEAD Program Evaluation: Criminal Justice and Legal System Utilization and Associated Costs,” by Susan E. Collins, Heather S. Lonczak, Seema L. Clifasefi, 6.24.2015, a copy of which is attached as **Exhibit “9”**.

D. Recommendations For A Putnam County Law Enforcement Assisted Diversion Program.

It is recommended that the Putnam County Sheriff’s Department adopt and implement a LEAD Program which shall take into consideration the Essential Principals for Successful Lead Implementation and Core Principles for Policing Role issued by the LEAD National Support Bureau, copies of which are attached collectively as **Exhibit “10”**. The suggested LEAD program would have the following components:

1. Hiring of a LEAD Program Coordinator – This coordinator would be a person with intimate knowledge of the criminal justice system and be tasked with the management of the LEAD program under the direct supervision of the Putnam County Sheriff, responsible for LEAD training for the Sheriff’s Deputies and staff, coordinating LEAD services with outside agencies and the Courts, and for assisting with securing and managing grants.

2. Establishing a LEAD Advisory Panel – This panel would consist of a representative from the Sheriff’s Department Management Staff, the LEAD Program Coordinator, a representative from the Court system, and representatives from each of the outside agencies working with the LEAD program (i.e.: housing, employment, mental health counseling, etc.) to meet no less than quarterly to offer advice and recommendations on how to further develop and enhance the efficiency of the LEAD Program.

3. Establishing Protocols for Implementation of the LEAD Program –

[a] Determine what scope of offenses will be covered within the program so that individuals who are arrested may be eligible for the program. The suggestion is that these offenses include: a) prostitution, b) drug offenses, with the following additional criteria:

- The amount of drugs involved exceeded 3 grams, except where an individual was arrested for delivery of or possession with intent to deliver marijuana or possession, delivery or possession with intent to deliver prescription controlled substances (pills).
- The individual did not appear amenable to diversion.
- The suspected drug activity involved delivery or possession with intent to deliver (PWI), and there was reason to believe the suspect was dealing for profit above a subsistence income.
- The individual appeared to exploit minors or others in a drug dealing enterprise.
- The individual was suspected of promoting prostitution.
- The individual had a disqualifying criminal history as follows:
 - o Without time limitation: Any conviction for murder 1 or 2, arson 1 or 2, robbery 1, assault 1, kidnapping, Violation of the Uniform Firearms Act (VUFA) 1, any sex offense, or attempt of any of these crimes.
 - o Within the past 10 years: Any conviction for a domestic violence offense, robbery 2, assault 2 or 3, burglary 1 or 2, or VUFA 2.

[b] Determine the Harm Reduction Case Management to be offered including services such as housing assistance and location, employment assistance and job placement, mental health counseling, medical health assistance, etc. Then, locate not-for-profit groups, houses of worship and other community partners to participate in the LEAD program and join the membership of the LEAD Advisory Board.

[c] Develop Procedures and Forms to be used by the Putnam Sheriff's Department in implementing the LEAD Program.

[d] Communicate with the stakeholders in the legal system to obtain input and discuss the program, including: District Attorney, Legal Aid, Bar Association and Magistrates Association.

[e] Request that the Department of Finance work in concert with the Sheriff's Department to develop a budget for this program, allocate the funds for the first year and direct the county grant writer to research possible State and Federal grants to assist in the funding of the program.

Based upon the research conducted as noted herein and attached hereto, it is the position of this Subcommittee that adopting and implementing a LEAD Program in the Putnam County Sheriff's Office will both reduce the recidivism of participants and provide them with access to resources needed for them to become successful in their lives by gaining access to housing, employment and legitimate income. We further believe that while there is a cost to such a program, that the savings resulting from the Program being implemented would in the long-term save the taxpayers of Putnam significant funds.

2. Purchase and Implementation of an Enhanced Records Management System by the Putnam Sheriff's Department.

A. Background.

Police records management systems (RMS) enable law enforcement agencies to store, retrieve, retain, archive, and view information, records, or files pertaining to law enforcement operations. These tools automate vital processes that enhance day-to-day operations.

Police RMS solutions manage the development of records from initial generation to completion, and include common documents such as investigation reports, 911/CAD reports, booking and arrest reports, criminal identification, detention records, and citations and tickets. These solutions may also provide functionality to manage personnel files and other administrative documentation for law enforcement employee operations. Law enforcement officials use these tools to document information that constitutes as evidence of suggested or proven criminal activity.

Robust police RMS tools may provide basic evidence management features, or integrate directly with devoted solutions that do so. Many of these solutions support agency-to-agency data sharing to share multi-jurisdictional information on persons, organizations, locations, and vehicle items, increasing the effectiveness of solving crimes. Modern police RMS solutions offer mobile record generation and storage, allowing officers to track activities while out in the field. It is also common for these tools to have access to public national registries for sex offenders, vehicle plate identification, and master person indices, and to have a public portal for citizens to access crime-related data that is populated from records.

Since 2006, the Putnam County Sheriff's Department currently uses the MobileTech RMS system. More information pertaining to this system is available at <https://www.mobiletec.net/en/product/in-motion-mobile>, and copies of select materials pertaining to this system are annexed hereto as **Exhibit "11"**.

The system has not been upgraded and is not useful in present day police practice.

Policing in the 21st century requires evidence-based and data-driven strategies. The current Reports Management System is antiquated and does not allow for data driven policing.

B. Recommendation for an updated CAD/RMS system for the Sheriff's Department.

An updated CAD/RMS system will provide an invaluable resource to all of the stakeholders involved in law enforcement within Putnam County. The Sheriff's Department will be able to better gather and manage data to permit review of the department's needs, operations and possible changes required to meet the demands of the community. The County Executive and Legislature will have access to this information to engage in their mandated oversight of the Sheriff's Department and when evaluating issues pertaining to the budget of the Sheriff's Department. Finally, the community will have access as permitted by law which will provide further transparency of law enforcement activities within Putnam County which will likely foster enhanced trust between the community and the Sheriff's Department.

It is suggested that the Putnam Sheriff's Department obtain the assistance of a consultant with expertise in the field of law enforcement records keeping services to conduct a needs assessment of the Putnam County Sheriff's Department in this area, to evaluate the extent that the current CAD/RMS programs utilized by the Department are meeting the Department's needs and where they are falling short, and what new CAD/RMS programs available in the marketplace now may serve the Department's needs more effectively, submitting a written report outlining this analysis and recommendation to the Putnam County Sheriff's Department who may then make a determination as to how to proceed.

One such program that is available that appears to be a better alternative to the CAD/RMS program now utilized by the Putnam County Sheriff's Department is ARMS, more information for which may be accessed at <https://arms.com/>, and select information for which is attached as **Exhibit "12"**.

C. Financial Considerations of updated CAD/RMS.

While there will likely be additional costs incurred by the county in order to acquire and implement a new CAD/RMS system, the benefits would significantly outweigh the costs. Moreover, even in the event this suggestion was not adopted, the recurring costs noted below would be incurred regardless whether a new CAD/RMS system is implemented or the old CAD/RMS system is merely maintained.

Initial Costs -

1. **Consultant** – An independent consultant will engage in an audit and needs assessment of the Department prior to making recommendations as to what, if any, new CAD/RMS system is needed to ensure that any purchase comports with the needs of the Department.
2. **Training and set up** - These services may be negotiated to be included in the price of the software package.
3. **Hardware** – Items such as mobile data computers for patrol cars and workstations will probably be necessary.

4. **Networking** – Before your RMS program is set up, determine if there are any information technology issues that will require extra funding. Aspects such as whether or not your jurisdiction uses commercially provided wireless networks are key.

Recurring Costs –

1. **Software Maintenance** – Once a new RMS software is installed, it must be maintained and updated, which will likely require continued information technology assistance.
2. **Software Upgrades Not Part of Your RMS Upgrades**
3. **Maintaining Hardware**
4. **Network Expense** – Factor in networking costs to connect law enforcement agency to its internal network to state crime information databases and to the National Crime Information Center (NCIC).

More information is available regarding the benefits of a new CAD/RMS system may be obtained at <https://www.lawofficer.com/the-benefits-costs-of-rms/>, and select information is annexed hereto as **Exhibit “13”**.

There are grant options available to help defray the cost of acquiring an RMS system.

<https://www.policegrantshelp.com/products/rms/> information is annexed hereto as **Exhibit “14”**

3. Installation of Dashboard Cameras in All Law Enforcement Vehicles and Use of Body Cameras for All Law Enforcement Officers

A. Background.

The use of dash cameras within law enforcement vehicles and body cameras on law enforcement officers have become an unquestionable asset to both law enforcement officials and the community as they afford the following benefits:

1. Enhance Police Officer Safety;
2. Reduce Police Department Liability;
3. Provide Transparency for the Community;
4. Improves Conviction Rates, and;
5. Offer a Training Tool for Officers.

“The Impact of Video Evidence on Modern Policing,” was a scholarly article prepared by the International Association of Chiefs of Police and provided the following information as to the value of dash cameras in law enforcement vehicles:

“A 2000 National Institute of Justice study on the police use of technology reported that only 3,400 (11%) of state police and highway patrol vehicles used for patrol were equipped with in-car cameras. Over the following three years the COPS office awarded over \$21 million to state agencies for the purchase and support of in-car cameras. The number of state police vehicles equipped with in-car cameras grew to 17,500, now representing 72% of total state patrol vehicles.

* * *

Today, many police agencies in the United States and worldwide are applying this technology to patrol operations by equipping their vehicles with mobile video recording equipment. Although the early attempts to place cameras in patrol vehicles were plagued with technical and safety problems, miniaturization and advances in technology have made the use of the mobile video recorder practical and affordable. As technology in the field of audio/visual recordings evolves, equipping police vehicles with in-car cameras will be the norm and no longer the exception.”

A full copy of this report is accessible online at <https://bja.ojp.gov/sites/g/files/xyckuh186/files/bwc/pdfs/iacpin-carcamerareport.pdf> and a copy is annexed hereto as **Exhibit “15”**.

“Body-Worn Cameras: What the Evidence Tells Us,” published by The National Institute of Justice Journal, reported on the value of body cameras used by law enforcement officers:

“Body-worn cameras have been viewed as one way to address these challenges and improve law enforcement practice more generally. The technology, which can be mounted on an officer’s eyeglasses or chest area, offers real-time information when used by officers on patrol or other assignments that bring them into contact with members of the community. Another benefit of body-worn cameras is their ability to provide law enforcement with a surveillance tool to promote officer safety and efficiency and prevent crime.

* * *

This technology has diffused rapidly across the United States. In 2013, approximately one-third of U.S. municipal police departments had implemented the use of body-worn cameras.”

The article is accessible online at <https://nij.ojp.gov/topics/articles/body-worn-cameras-what-evidence-tells-us>, and a copy is annexed hereto as **Exhibit “16”**.

Recognizing the value of body cameras worn by law enforcement officers, in June of 2020, Governor Andrew M. Cuomo signed legislation requiring all New York State Police officers to wear body cameras while on patrol (S.8493/A.8674); and creating the Law Enforcement Misconduct Investigative Office (S.3595-C/A.10002). A press release by the Governor’s Office noted the impact of this new law:

“This new law requires all New York State Police patrol officers to use body-worn cameras while on patrol to record immediately before an officer exits a patrol vehicle to interact with a person or situation; all uses of force; all arrests and summonses; all interactions with individuals suspected of criminal activity; all searches of persons and property; any call to a crime in progress; investigative actions involving interactions with members of the public; any interaction with an emotionally disturbed person; and any instances where an officer feels any imminent danger or the need to document their time on duty. The law also requires law enforcement to keep video records of all these interactions.”

A copy of this press release is available online at <https://www.governor.ny.gov/news/governor-cuomo-signs-legislation-requiring-new-york-state-police-officers-wear-body-cameras-and> and a copy is annexed hereto as **Exhibit “17”**.

While this law does not apply to municipal law enforcement agencies within the State of New York and only to New York State Patrol Officers, the benefit of both dash cams and body cams in law enforcement is without question as law enforcement agencies throughout the United States of America are acknowledging the benefits of these tools, implementing them and seeing the benefits of them.

However, the Putnam County Sheriff’s Department is not among the thousands of law enforcement agencies throughout the nation and world taking full advantage of body and dash cams. On the contrary, the Sheriff’s Department has no body cams and has only implemented dash cams in some of its vehicles. The Putnam County Sheriff’s Department has dashboard cameras for officers on patrol and narcotics officers, but investigators do not have dashboard cameras in their vehicles. While investigators are not typically involved in direct engagement with members of the public, investigators do perform follow up cases that may lead to physical encounters with subjects under investigation.

B. Recommendation For Purchase and Use of Body and Dash Cameras by Putnam Sheriff's Department.

It is recommended that the Putnam County Sheriff's Department install dashboard cameras in all vehicles and require the use of body cameras on all law enforcement officials while on duty.

As noted above, the benefits afforded to both law enforcement and the community are unquestionable, including establishing a record-keeping system to reduce liability for litigation against the Putnam County Sheriff's Department.

C. Financial Considerations.

Funding is and has been historically available for local law enforcement agencies to purchase and implement dash cameras and body cameras. A United States Department of Justice fact sheet noted the initial statistics pertaining to the 2015 Body-Worn Camera Pilot Implementation Program:

“As part of President Obama’s commitment to expand funding and training to law enforcement agencies through community policing initiatives, the Bureau of Justice Assistance (BJA), part of DOJ’s Office of Justice Programs (OJP), announced a \$20 million Body-Worn Camera (BWC) Pilot Implementation Program in May 2015 to respond to the immediate needs of local and tribal law enforcement organizations. OJP enhanced the funding to the BWC Pilot Implementation Program by adding over \$2.5 million, allowing BJA to exceed its target of 50 agencies by making 73 awards. BJA processed 285 applications from 42 states, the District of Columbia, and tribal governments. These applicants requested over \$56 million in federal funds and sought the purchase of over 55,000 cameras. The selected training and technical assistance provider, CNA, will assist BJA to provide oversight, training, and performance management.”

A copy of this fact sheet is available online at <https://www.justice.gov/usao-edca/file/777171/download> and a copy attached as **Exhibit “18”**.

While it is unknown if Putnam County has previously sought any of these grants available for body and/or dash cameras, it is clear that currently other funding sources are available that law enforcement agencies throughout the United States of America are benefiting from.

One possible funding source is the Edward Byrne Memorial Justice Assistance Grant (JAG) Program, which provides a description of its mission as follows:

“The JAG program is the leading source of federal justice funding to state and local jurisdictions. The JAG Program provides states, tribes, and local governments with critical funding necessary to support a range of program areas including law enforcement, prosecution, indigent defense, courts, crime prevention and education, corrections and community corrections, drug treatment and enforcement, planning, evaluation, technology improvement, and crime victim and witness initiatives and mental health programs and related law enforcement and corrections programs, including behavioral programs and crisis intervention teams.”

More information regarding this possible funding source is available online at <https://bja.ojp.gov/program/jag/overview>. A copy of which is attached as **Exhibit “19”**

Another possible source of funding is through the CAMS Program run by the The New York State Attorney General’s which has been successfully used by other law enforcement agencies throughout the state as noted in the article, “Three Upstate Police Departments Get Body Cameras,” a copy of which is available online at <https://www.govtech.com/public-safety/Three-Police-Departments-in-Upstate-NY-Get-New-Body-Cameras.html>, and a copy of which is attached as **Exhibit “20”**.

The New York State Attorney General’s website describes the program as follows:

“The CAMS (Capture an Account of a Material Situation) Program is an Office of the Attorney General grant funding program to support the creation or expansion of body-worn camera programs for eligible law enforcement agencies throughout New York State. CAMS dedicates \$2 million of funds seized as crime proceeds from joint federal and state criminal investigations to fund the purchase of body-worn cameras.”

More information regarding this possible funding source is available online at <https://ag.ny.gov/cams-program#:~:text=CAMS%20dedicates%20%242%20million%20of,eligible%E2%80%9D%20for%20the%20CAMS%20program%3F&text=The%20agency%20must%20be%20able,match%20to%20the%20CAMS%20grant>. A copy is attached as **Exhibit “21”**

Grant writing assistance is also available through Police 1 by Lexipol who notes on its website the following:

“Our grant writers are all active members of the public safety community with combined grant writing experience of 30+ years. Their success rate for grant approval is 60% higher than the national average and to date have been funded for over \$70M in funding for public safety.”

More information regarding this possible source of funding assistance is available online at <https://www.police1.com/police-grants/>. A copy is attached as **Exhibit “22”**

4.) Training

A. Background.

Anyone who has given any thought at all to the professionalization of law enforcement personnel, or to obtaining general recognition of law enforcement as a profession, will have to agree that one of the most important steps we must take in its accomplishment is the establishment of educational standards and training which are comparable to those which are found in many other "professions".

In 1923 by August Vollmer, famous chief of police (now deceased) of Berkeley, California. With reference to police recruiting he said: "The first step in any plan to make our police departments more competent to control crime is keeping out rather than the removal after they get in-of undesirable, incompetent, and mentally or physically unfit persons from the police force..., an unfit or incompetent policeman weakens the moral fiber of his associates and at the same time destroys the confidence of the public in the department. The protective organization suffers, and society always pays the bill when the 'policemen' of a community are dishonest, brutal, stupid, and physically or temperamentally unsuited to their work."

Vollmer, who at the time of this statement was Chief of Police of Los Angeles, made seven recommendations which he felt would raise the standards and vastly improve the police departments of virtually every city in the United States.

1. Establish and maintain higher standards of education, mental, moral and physical requirements for applicants.
2. Observation of all recruits by a medical psychologist during their training period.
3. Withhold police authority from the recruit until he has proved by his conduct and his knowledge that he is fit to discharge the duties of his position.
4. Establish preparatory and promotional courses for policemen in colleges and universities.
5. Establish crime prevention divisions and appoint a trained criminologist to conduct the activities of the division.
6. Establish a merit system in police departments.
7. Educate the public and secure its friendship and cooperation with the police department.

In light of recent events regarding Blacks in our country an entirely new set of expectations will allow police officers to develop new skills that focus on activities that improve the quality of life for everyone. Officers must be evaluated on their efforts to engage members of the community and the partnerships they build, their ability to work as problem solvers and make informed decisions. Making this part of the performance evaluation process increases the value of developing partnerships.

<https://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=5013&context=jclc>

A copy is attached to as **Exhibit “23”**

B.) Recommendations for additional training:

1. **Trauma-informed policing Training-** as a result of the pandemic police department leadership must recognize the need to fortify their officers with the proper training and support mentally, physically and emotionally as they continue to respond and serve those adjusting to their new normal, (homelessness, food insecurities, domestic violence, child abuse, illness, grief, mental distress, etc...) It will also allow police leadership to gauge how police are handling their own stress on the job. All **police officers** will need to develop new skills to better facilitate interactions with the various community members. [Trauma Training for Criminal Justice Professionals | SAMHSA](#) A copy is attached to as **Exhibit “24”**
2. **Emotional Intelligence Training** - to allow the police to be more accountable for their own self-care, which would have a positive impact on stress, sleep, and reduced feelings of burnout, anger, fatigue and more effective conflict resolution skills [Emotional Intelligence in Policing - Police Chief Magazine](#) A copy is attached to as **Exhibit “25”**
3. **Maintain Implicit bias /cultural competency** training- to increase fairness in officer decision-making and to enhance the outcomes of police-citizen encounters. We think of bias traditionally as animus and prejudice toward a certain group of people. That is explicit bias. We now have a better understanding of how prejudice manifests itself throughout our society. We now understand that bias is less explicit but more likely “implicit” <http://fipolicing.com/psychology-of-bias/> A copy is attached as **Exhibit “26”**
4. Apply **Critical Decision Making Model** for use by Sheriff and Sheriff Deputies in managing critical incidents, especially those involving subjects who are not armed with firearms and who may be experiencing a mental health or other crisis. https://www.policeforum.org/assets/ICAT/module%202_cdm_dec16.pdf **Exhibit “27”**
<https://samuelwalker.net/wp-content/uploads/2016/09/PERF-Critical-Decision-Making.pdf> **Exhibit “28”**

5. Mental Health: Currently Putnam County has a mental health division. Expanding that division to have a mental health professionals on staff in cases where law enforcement has to engage people with mental disabilities. <https://www.bloomberg.com/news/articles/2020-11-13/nyc-pilot-sends-health-workers-in-place-of-police> Exhibit “29”

C. Financial Considerations Training.

While there are Federal, State and County training practices in place today, the recent events around racism (killing of unarmed Black men) the additional training measured outlined above come with a cost. The benefit of implementing new training would significantly outweigh the costs.

Costs –

- **Consultant** – An independent consultant will engage in an audit and needs assessment of the Department prior to making recommendations as to what, if any, new Training is needed to ensure that any cost comports with the needs of the Department.
- **Grants** - There are grant opportunities for municipality police training <https://www.police1.com/police-grants/articles/pa-pd-gets-15k-grant-for-body-worn-cameras-kBdmbNHKrB32yTeK/> Exhibit “30”
<https://www.police1.com/law-enforcement-policies/articles/ny-police-unit-that-pairs-cops-and-social-workers-to-begin-in-october-cJRcahOuanFVilxr/> Exhibit “31”

5.) Expanding Patrol Officer Recruitment

A.) Background

Los Angeles today is one of the most heterogeneous cities in the nation, with large Hispanic, African American, Asian, and non-Hispanic white populations (see Table 4.1).

Race	Population	Percentage
Non-Hispanic, Single Race White	1,099,188	29.7%
African American	401,986	10.9%
Asian or Pacific Islander	369,334	10.0%
Other	17,962	0.5%
Non-Hispanic, Multi-Racial	87,277	2.4%
All Hispanics	1,719,073	46.5%

General U.S. population trends reflect this diversity. American society is ever diversifying, most recently because of Hispanic population growth. Between 1980 and 2000, the non-Hispanic population grew 16 percent, and the Hispanic population grew 142 percent. In Los Angeles the non-Hispanic population declined 8 percent between 1980 and 2000, while the Hispanic population grew 111 percent, spurring total city population growth by 25 percent. Police work in Los Angeles cannot ignore the cultural diversity of the city or the speed with which its demographics are changing. The LAPD must train its officers to recognize cultural differences and barriers if it is to serve its people effectively. As noted in one analysis of law enforcement in multicultural communities, “The more professional a peace officer is, the more sophisticated he or she is in responding to people of all backgrounds and the more successful he or she is in cross-cultural contact.”¹⁸ Cultural and diversity awareness must include an understanding of cultural issues not only related to

Table 4.1 Los Angeles Population by Race Total Percentage	
Non-Hispanic, single race White	1,099,188 29.7
African American	401,986 10.9
Asian or Pacific Islander	369,334 10.0
Other	17,962 0.5
Non-Hispanic, multiracial	87,277 2.4
All Hispanics	1,719,073 46.5

Police professionalism today goes far beyond “just the facts ma’am.” It reinforces the fact that a police officer’s prime responsibility is to serve the community. It is impossible to adequately serve a community without first understanding the community’s needs and demands. It is therefore essential that law enforcement officials understand the cultures of the communities they serve.

https://www.rand.org/content/dam/rand/pubs/monograph_reports/MR1745/MR1745.ch4.pdf

Exhibit “32”

Although Putnam County is not as racially and ethnically diverse as major cities, we are seeing diversification trends in our county population. Just looking at population trends from 2000-2010, we see over 50% population growth for Asian Americans, Black / African Americans, and Latinx.

[CensusViewer maps, data and statistics pages for all states, counties and cities.](#)

Putnam County, New York - Overview	2010 Census		2000 Census		2000-2010 Change	
	Counts	Percentages	Counts	Percentages	Change	Percentages
Total Population	99,710	100.00%	95,745	100.00%	3,965	4.14%
Population by Race						
American Indian and Alaska native alone	175	0.18%	137	0.14%	38	27.74%
Asian alone	1,882	1.89%	1,190	1.24%	692	58.15%
Black or African American alone	2,350	2.36%	1,562	1.63%	788	50.45%
Native Hawaiian and Other Pacific native alone	35	0.04%	24	0.03%	11	45.83%
Some other race alone	2,833	2.84%	1,596	1.67%	1,237	77.51%
Two or more races	1,965	1.97%	1,360	1.42%	605	44.49%
White alone	90,470	90.73%	89,876	93.87%	594	0.66%
Population by Hispanic or Latino Origin (of any race)						
Persons Not of Hispanic or Latino Origin	88,049	88.31%	89,769	93.76%	-1,720	-1.92%
Persons of Hispanic or Latino Origin	11,661	11.69%	5,976	6.24%	5,685	95.13%
Population by Gender						
Female	49,921	50.07%	47,997	50.13%	1,924	4.01%
Male	49,789	49.93%	47,748	49.87%	2,041	4.27%
Population by Age						
Persons 0 to 4 years	5,108	5.12%	6,621	6.92%	-1,513	-22.85%
Persons 5 to 17 years	18,542	18.60%	18,753	19.59%	-211	-1.13%
Persons 18 to 64 years	63,643	63.83%	61,224	63.94%	2,419	3.95%
Persons 65 years and over	12,417	12.45%	9,147	9.55%	3,270	35.75%

<http://censusviewer.com/county/NY/Putnam> Exhibit “33”

The county sheriff’s officers should reflect the population they protect and serve.

B.) Recommendations to increase diversity on Putnam County Sheriff’s Department Patrol Officers:

1. Support changing the civil service exam scoring system to pass / fail to increase the qualified pool of applicants
2. Increase number of Spanish speaking officers by administering civil service exam in Spanish
3. Include additional demographic information on the application to capture LGBTQIA, People of Color (Asian, Latinx, or African American / Black) applicants
4. Actively promote lateral transfers by recruiting from larger municipalities with diverse, trained police forces. For example, the city of Danbury, CT, has recently hired police officers from New York City.
5. Create a sustained, recruitment outreach program to populations of color in Putnam County

C.) Financial Considerations for recruitment campaign

The recruitment campaign can be a part of the community outreach process. Having more opportunities to engage with the public also increases awareness of the career opportunities at the Sheriff’s Department.

Another form of recruitment can occur through social media posts such as sharing stories of fellow Deputies’ career paths or discussing aspects of their jobs that they find interesting and rewarding.

For recruitment through lateral transfers, the county may incur additional savings through not having to train the incoming officers through the police academy.

There are also grants the county can apply to get assistance on hiring new officers. Below is an example of grant opportunity:

<https://www.police1.com/police-grants/articles/ohio-city-hiring-additional-police-officers-using-grant-funding-PTcTDvCCEebaxUog/> **Exhibit “34”**

6.) Building Public Trust Through Transparency

A.) Background

Building trust and nurturing legitimacy on both sides of the police/citizen divide is the foundational principle underlying the nature of relations between law enforcement agencies and the communities they serve. Building trust requires community engagement skills that are effective. Existing research (<https://www.pnas.org/content/115/32/8057>) **Exhibit “35”** demonstrates that when people contact the police, the fairness with which police are perceived to act affects citizens' trust and confidence in the police and their sense that the police deserve to be obeyed.

B.) Recommendations on Building Public Trust Through Transparency

1. Establish open public forums for the community to raise about concerns of safety and where to report complaints. Increase visibility and accessibility of FOIL request form.
2. Increase public access to police policy/policy changes by publishing Putnam County Sheriff's Department policies online.
3. Publish Putnam County Sheriff Department's Mission Statement online. Mission statement should pledge commitment to Procedural Justice and respect for all races and gender identity should be included in the Mission statement
4. Establish official Putnam County Sheriff Department social media accounts on Twitter and Facebook. Putnam County is a rural county with low population density and not many places to gather in public (notwithstanding current COVID restrictions). Currently, there is no easily accessible public forum for members of the community to engage with the County Sheriff's Department. Sheriff Langley has a Facebook page, but not everyone in the county knows the sheriff's by name. Public Social Media accounts announcing happenings and community engagement is an easy and low-cost way to inform the public about important matters and also provides a platform to connect and engage with the community in a non-enforcement manner.

C.) Financial Considerations

The majority of recommendations require little additional funding for implementation. There may be a need for initial editing and compliance assistance to prepare policies and other documentation being published online.

7.) *Engagement with Youth in Communities of Color*

A.) Background

Youth civic engagement is worthy of investment. Youth are essential assets for their communities through helping others, improving community infrastructure and services, advocating for social justice, and identifying and enacting solutions to community problems. Youth have unequal opportunities for civic engagement. The civic potential of youth of color is underutilized. The media often present stereotyped views of youth, and youth of color especially, as rebellious, impulsive, and deviant. Youth initiatives should focus more on building assets and strengths.

This is a nationally accepted program involving the placement of a law enforcement officer within the educational environment dating back to the 1950's. The SRO program (School Resource Officer) became a monumental success in Flint, Michigan became a model for school officer programs across the country. In 1973, what we know as SRO's were assigned to Junior and Senior High Schools to teach classes, counsel students, be a resource and enforce the law. The officer is involved in a variety of functions that enhance the relationship between the school community and law enforcement. The SRO takes action on law-related issues but becomes a resource for many more important areas such as violence diffusion, safety programs, alcohol and drug use prevention, and crime prevention. <http://www.fayar.net/sro/sroprogram.html>.

Exhibit “36”

The SRO program is essential to cushioning County operational finances. The best way to maintain funding is to have a positive relationship between the school district and the law enforcement agencies that are providing service. SRO programs tend to take some of the burden away from patrol officers due to the convenience of being already present. Law enforcement agencies also can get involved with the SRO programs in order to help youth attitudes toward police officers and improve their image in the community. By fostering a positive relationship with Law enforcement, schools will have a better chance of maintaining their school resource fund therefore the County will not be impacted as much (David C. May and Travis A. Hart- Eastern Kentucky University, Richmond, Kentucky. USA & Rick Ruddell -University of Regina, Regina, Saskatchewan Canada). The department of Justice provides grants for mentoring youth affected by the opioid crisis and drug addiction that correlates with incidents that SRO's may encounter OJJDP FY 2021 (<https://www.justice.gov/grants>). **Exhibit “37”** Additionally through the DOJ there are also grants for research and evaluation on school safety (<https://www.justice.gov/grants>). **Exhibit “38”** Due to the covid 19 pandemic there has also been a rise in Domestic Violence which can impact our students. The DOJ offers a grant labeled OJJDP FY 2021 Strategies To Support Children Exposed to Violence (<https://www.justice.gov/grants>). **Exhibit “39”**

B.) Recommendations on engagement with communities of color

1. The presence of the **School Resource Officer** in the Putnam County schools should serve as a positive role model for many students who are not exposed to such roles. The S.R.O. may have daily responsibilities and roles to fill. However, they are not: a hall monitor, school security guards, or the school disciplinarian. S.R.O.'s are prevention, intervention, planning, and emergency response. These roles are fulfilled through the triad approach, Law enforcement officer, law-related educator, and advisor. Our recommendation is to focus on planning, crime prevention, evaluation, and technology improvement programs. The SRO is a member of the faculty and administrative team working together to solve problems in the school community, who also takes a personal interest in students and their activities

https://www.educationworld.com/a_issues/issues/issues214.shtml **Exhibit “40”**

2. Appoint Youth Officer position to check in with at risk youths through home visits and one-on-one mentorship.

<https://www1.nyc.gov/site/nypd/bureaus/administrative/youth-services.page>
Exhibit “41”

Through COVID the SRO should be working daily to connect with students to maintain or build trusting relationships. This may mean house visits to those considered in need of continued contact or law related education conducted virtually.

3. Police Athletic League program is a positive thing in the community - add supporting documentation on its effectiveness

<https://www.palnyc.org/> **Exhibit “42”**

C.) Financial Considerations for Community Engagement

An independent consultant will engage in an audit and needs assessment of the Department prior to making recommendations as to what if any is needed.

1. Cost of employing an SRO varies, estimated salaries and benefits alone are often in the 50,000 to 80,000 range.
2. Grants - There are several grant opportunities available to police municipalities to either underwrite or help offset the cost of funding youth engagement programs.

3. New York State has established a New source of Safety Funding in attempt through a "Guardians for schools license plate through A. 6053 and S. 763 that would help pay for school resource officers and facility safety improvements in public schools, among other security measures see (<https://www.asralertsystems.com/school-safety-funding#newyork>).

Exhibit “43” National funding through the FY 2020 Edward Byrne Memorial Justice Assistance Grant (JAG) is also available. Funds awarded by JAG under FY 200 solicitation may be used to provide additional personnel, contractual support, equipment, supplies, contractual support, and training.

4. In the African American community arts and athletics has been supplementary to striving for a proper balanced educational experience. The Music Teachers National Association (MTNA) is offering grants to act as a conduit between local Law Enforcement and Youth of Color to foster trust and engagement ultimately creating a better harmonious community(<https://www.mtna.org>). **Exhibit “44”**

- i. In keeping with conservative budgets in our county research through the (DOJ) Department of Justice website has also indicated other particular grants such as " Keep Young Athletes Athletes Safe".

5. Additional grant opportunities:

- (<https://www.justice.gov/grants>) **Exhibit “45”**
- <https://www.policegrantshelp.com> **Exhibit “46”**
- (Community Policing Development (CPD) Microgrants Program) **Exhibit “47”**
- (<https://www.mtna.org>) **Exhibit “48”**
- (<https://www.justice.gov/grants>) **Exhibit “49”**
- (<https://www.asralertsystems.com/school-safety-funding#newyork>) **Exhibit “50”**
- <https://www.ojp.gov/funding/explore/current-funding-opportunities> **Exhibit “51”**

8.) *Engagement with Communities of Color*

A.) Background

There is a documented lack of trust between communities of color and law enforcement.

<https://www.pnas.org/content/115/28/7190> **Exhibit “52”** In a poll conducted in June 2020, nearly half of African American / Black Americans have confidence that the police will treat them the same way. <https://www.pbs.org/newshour/politics/two-thirds-of-black-americans-dont-trust-the-police-to-treat-them-equally-most-white-americans-do> **Exhibit “53”** From the police’s perspective, a majority of officers said in 2016 that relations between the police in their department and black people in the community they serve were “excellent” (8%) or “good” (47%). However, far higher shares saw excellent or good community relations with whites (91%), Asians (88%) and Hispanics (70%). About a quarter of police officers (26%) said relations between police and black people in their community were “only fair,” while nearly one-in-five (18%) said they were “poor” – with black officers far more likely than others to say so. <https://www.pewresearch.org/fact-tank/2020/06/03/10-things-we-know-about-race-and-policing-in-the-u-s/> **Exhibit “54”** There is much room for improvement.

B.) Recommendations on engagement with Communities of Color

1. Expand “Coffee with a Cop” outreach to events relatable to communities of color in Putnam County, i.e. Black History month events or Caribbean Day celebration.
2. Through the Dispute Resolution Center of Hudson Valley, create on-going, public dialogue sessions with members of the public and representatives from the Sheriff’s department to resolve misunderstandings and differences.

C.) Financial Considerations

There are several grants available for police agencies to develop community outreach programs. One example is: <https://cops.usdoj.gov/cpdmicrogrants> **Exhibit “55”**

9.) *Hate Crime Prevention*

A.) Background

What is a hate crime? According to New York State’s Anti Hate Crime Resource Guide, a hate crime is a traditional offense that is motivated by bias. A person commits a hate crime when one of a specified set of crimes is committed targeting a victim because of a perception or belief about their race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation, or when such an act is committed as a result of that type of perception or belief.

These crimes can target an individual, a group of individuals or public or private property. <https://www.ny.gov/we-are-all-immigrants/new-york-state-anti-hate-crime-resource-guide> **Exhibit “56”** Examples of crimes that fall under the Hate Crime Statute include (but not limited to) are: assault, stalking, criminal trespass, coercion, and harassment. <https://www.ny.gov/designated-hate-crimes> **Exhibit “57”** In 2019, there were over 7000 cases of hate crimes reported in the United States.

<https://www.justice.gov/hatecrimes/hate-crime-statistics> **Exhibit “58”**

In New York state, there were 619 cases of hate crime in 2019

<https://www.criminaljustice.ny.gov/crimnet/ojsa/hatecrimeincidents2019.pdf> **Exhibit “59”**

In 2019, hate crimes reported have risen by 64% in the Hudson Valley region. <https://www.theexaminernews.com/putnam-considers-human-rights-commission-to-combat-hate/> **Exhibit “60”** <https://hudsonvalleypost.com/hate-crimes-rapidly-rising-in-new-york-hudson-valley/> **Exhibit “61”**

In the same report on hate crime incidents in New York state, Putnam County had zero incidents of hate crimes reported. We emphasize the word “reported”. Hate crimes are severely under-reported. In 2015, the Bureau of Justice Statistics estimated that 207,880 hate crimes occurred in the United States. Less than 6,000 were reported to the FBI. <https://www.niot.org/cops/resources/hate-crime-reporting-gap-why-it-matters> **Exhibit “62”**

Residents in the county have experienced incidents of harassment. Many feel that Putnam County currently has no process to handle hate crimes. Currently, there is no human rights commission in the county. Law enforcement has a role in helping to educate and support children and adults about the problems resulting from bullying, teasing, and all forms of bias; ways to prevent and intervene in bullying situations; and how to break cycles of bullying and transform behavior.

B.) Recommendation:

Create a community-wide public awareness campaign that provides information, awareness, and resources for community members and victims of hate crimes. The awareness campaign can range from identifying intolerance to providing resources for potential victims. (“Preventing Hate Crimes in your community”)

<https://www.ojp.gov/feature/hate-crime/prevention-and-response> **Exhibit “63”**

Not In Our Town is a movement to stop hate, racism and bullying, and build safe, inclusive communities for all.

<https://www.niot.org/about-us> **Exhibit “64”** It offers case studies and guides for schools, communities and law enforcement on topics such as:

1. building cultural understanding <https://www.niot.org/sites/default/files/cops-p344-pub.pdf> Exhibit “65”
2. bullying prevention <https://www.niot.org/sites/default/files/cops-p334-pub.pdf> Exhibit “66”
3. course on transgender issues awareness <https://www.jpmaweb.com/product/awareness-of-transgender-issues-free/> Exhibit “67”

C.) Financial Considerations

The resources from the Office of Justice under the Department of Justice and Not In Our Town are available at no cost. The awareness campaign requires participation from members from the Sheriff’s Department to conduct regularly scheduled sessions with the public. The benefit to the community is having the added knowledge on what hate crimes are but also having reassurance that law enforcement cares about the wellbeing of the public. These awareness events will increase good will and trust from the public.

10.) *Civilian Oversight*

A.) Background

Currently, captains in the Sheriff’s department investigate any report or allegations of misconduct. They are placed in a challenging position to police their own staff and colleagues. The police cannot and should not police the police. Civilians need to have oversight of police misconduct allegations.

What are the benefits of a civilian oversight board?

Police oversight can benefit not only the individual complainant, but also the larger community, police and sheriff’s departments, and even elected or appointed officials. The actual benefits that occur depend on how well the involved groups work together and the type of model implemented. Some benefits are:

1. Complainants are given a place to voice concerns outside of the law enforcement agency.
2. Oversight can help hold the police or sheriff’s department accountable for officer’s actions.
3. Oversight agencies can help improve the quality of the department’s internal investigations of alleged misconduct.
4. The community at large can be reassured that discipline is being imposed when appropriate, while also increasing the transparency of the disciplinary process.
5. When the oversight agency confirms a complainant’s allegation(s), complainants may feel validated.
6. And similarly, when the oversight agency exonerates the officer, the officer may feel vindicated.

7. Oversight agencies can help improve community relations by fostering communication between the community and police agency.
8. Oversight agencies can help reduce public concern about high profile incidents.
9. Oversight agencies can help increase the public's understanding of law enforcement policies and procedures.
10. Oversight agencies can improve department policies and procedures. Policy recommendations can prevent issues by identifying areas of concern and subsequently offering options to improve policing.
11. Oversight agencies can assist a jurisdiction in liability management and reduce the likelihood of costly litigation by identifying problems and proposing corrective measures before a lawsuit is filed.
12. Mediation has multiple benefits to both citizens and police officers. If the oversight agency provides mediated solutions, it can help complainants feel satisfied through being able to express their concerns to the specific police officer in a neutral environment. Mediation can also help police officers better understand how their words, behaviors and attitudes can unknowingly affect public perceptions.
13. By establishing an oversight system, public officials are provided the opportunity to demonstrate their desire for increased police accountability and the need to eliminate misconduct. <https://www.nacole.org/benefits> **Exhibit "68"**

B.) The subcommittee recommends the formation of a Putnam County Civilian Complaint Review Board (CCRB) so that the public can have oversight of the misconduct investigation process of law enforcement. The Village of Ossining in Westchester County has a model for reference:

The Civilian Police Complaint Review Board ("CPCRB") was created to promote public confidence in the ability of the Village of Ossining to provide a governmental structure to fairly investigate, review and dispose of civilian complaints made against its police officers, giving due regard for the rights and interests of both the civilians and police officers involved.

The board consists of five civilian members, one civilian alternate member, one law enforcement supervisor, and one line officer (with respective alternates).

<https://www.villageofossining.org/civilian-police-complaint-review-board> Exhibit “69”

For Putnam County, the CCRB will promote public trust in the Putnam County Sheriff’s Department. The function of the CCRB includes but not limited to:

1. ability to bring in independent, outside investigator for serious allegations of police misconduct
2. perform background checks on potential new hires to the Sheriff’s Department
3. participate in police misconduct investigations

<https://scholarship.shu.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1572&context=shlr> Exhibit “70”

<https://midhudsonnews.com/2020/09/22/poughkeepsie-civilian-review-board-discussed/> Exhibit “71”

<https://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=3349&context=lcp> Exhibit “72”

C.) Financial Considerations

The civilians serving on the board will be volunteers. The independent investigator will only be required on an as-needed basis.

Grant possibilities to fund administrative costs related to CCRB

<https://www.criminaljustice.ny.gov/ofpa/jagmain.htm> Exhibit “73”

III. Conclusion:

This Memorandum including the report and recommendations of our Sub-Committee to the Panel are respectfully submitted along with the exhibits attached hereto, with the request that this Panel adopt not only the recommendations set forth herein, but the request that the County Executive seek a six-month extension from the New York State Governor’s Office and/or New York State Office of the Budget to afford this Panel and all of the sub-committees of the Panel ample opportunity to receive and review the additional information and documentation that was required by the Executive Order to be furnished to this Panel so that the directives contained within the Order could be effectuated.

It is respectfully again noted that without this Panel and each of its subcommittees being provided full disclosure of all of the information and documentation required by the Executive Order, we are unable to complete the review required and to then prepare comprehensive recommendations. As a point of illustration, although the Putnam County Sheriff's Department has hundreds of policies, the Panel was only provided a dozen. It is without question that this Panel cannot review and provide recommendations for revision pertaining to policies it has not seen. Nor can this panel make comprehensive recommendations on equipment utilized by the Sheriff's Department if it has not been provided an inventory of equipment now used. Nor can this panel make recommendations pertaining to funding without being provided with a budget currently in place for the Sheriff's Department.

Accordingly, the report and recommendations being provided herein are being offered in protest, as this sub-committee asserts that it and the greater Panel have not been afforded the opportunity to review all of the information and documents required to be provided by the Executive Order preventing a comprehensive review to take place and complete recommendations to be provided, thereby preventing the true intent of the Executive Order to be realized.

Lastly, a diverse and dynamic group of people of color contributed to the recommendations put forth to the Panel. We care deeply about what is going on in our communities right now, and we are invested in the future of our communities in Putnam County. As the fastest growing segment of the population in Putnam County, we represent the future of the county. The purpose of the executive order is to foster trust, fairness and legitimacy within communities throughout our State and to address any racial bias and disproportionate policing of communities of color. We have a rare opportunity to create equitable, fair, and transformative changes to improve Putnam County's police policies for this generation and our children's generation.

Putnam County Police Policy Review

Education Committee

Participants:

Lou Riolo
Ilyanna Garcia
Liz Kennedy
Denise Gagliardi

We held three sessions. Five individuals participated in all.

The discussion was framed around the various areas of policy discussion and viewing their lens from an educational perspective. This included individual school, educator, student and parents of student/children with disabilities.

We focused a large amount on the Student Resource Officers (SRO) programs that run in our various schools throughout the entire county although other areas did arise during our discussions.

Student Resource Officers (SRO) programs:

It was discussed the need for greater structure of the SRO programs. This includes greater public awareness, improved relationship building. Improved defining role and communication of that role within schools for the benefit of the SRO, students, Administration and faculty is essential. Focus on how SROs' maintain relationships with individuals they come into daily contact should be analyzed. School integration of the SRO is essential to the individual's success and the effectiveness of the program. Greater training for SROs' in the area of students' with disabilities. We believe individuals and personality are invaluable in making or breaking relationships as an SRO. Therefore the process for choosing SRO's for schools should be reviewed where necessary. The position should be filled with individuals who are willing and want to work with student populations. The connection of the SRO to Admin staff and faculty in building is invaluable. Overall we believe that the SRO programs are a major support to our schools and their communities however a review would be important to create even greater success.

Deployment:

Sheriff Department does a very good job of not crossing improper lines. More visibility could occur in spots throughout the county. The question arose what the deployment numbers per day exist throughout the county and the dispersion of those deployments.

Procedural Justice:

Coffee with a cop, meet your SRO or programs that may be introduced through the schools (not only for SROs but other Sheriff Department staff) could be created without reach to school communities. Create opportunities of communication via schools. Having a Newsletter column in school or district information packets that may go out monthly or at least a few times a year could improve communication. Sheriff Department members being present at back to school nights to give quick informational symposiums for parents was another example presented.

Bias:

Review training used presently. The question of is this training constantly updated and do Sheriff Department members attend regularly? What screening processes are used with regards to hiring to remove any individuals with bias towards any group? Making a greater effort of hiring people of various and differing ethnicity and backgrounds to diversify department. Connect with various groups in the school community such as ELL/ESL students to create positive relationships and stereotypes.

De-escalation:

To what degree are officers trained to address citizens with mental illness and individuals with disabilities? Is this training ongoing? Educating police on dealing with young adults with autism and similar socially restraining disabilities is important and needs to be ongoing. To assist policing, making a concerted effort to support use of state driver licenses/ID with markings denoting potential disability to better inform Police of individual's cognitive/social/emotional state. In most instance SROs' are well trained in engaging students in challenging situations.

Law Enforcement Diversion Programs:

Not applicable.

Restorative Justice:

Prioritize training SROs in form of restorative justice practices. Potentially then use SRO program to work with others within department to improve the use of restorative justice where applicable.

Community Based Outreach & Conflict Resolution:

Allowing SROs to spend time in the greater school community even in a casual nature. One suggestion attending athletic events in plain clothes off duty (but still being paid). Have SROs and past SROs collaborate when creating the reorganization of outreach issues. Once again as state earlier inform community of SRO roles in the schools in conjunction with school districts.

Problem Oriented Policing and Hot Spot Policing:

Helpful to see the data on this. SRO use with student population if applicable.

Focused Deterrence:

Continuation of Drug Court (Judge Reitz) and potentially working with probation and court system to create something similar for students who are under age of eighteen. Work with schools on drug concerns and issues.

Crime Prevention through Environment Design:

Were unable to see application of this in education.

Violence Prevention & Reduction Interventions:

Sexual assault and the lack of reporting was discussed. Creating an environment where this reporting can be handled in a better fashion. In addition greater education through the schools with assistance of law enforcement to educate students on this topic.

Models Policies Promulgated by the Municipal Police Training Council:

Not applicable.

The New York State Law Enforcement Agency Accreditation Standard:

Not applicable

MEMO TO: Putnam County Executive MaryEllen Odell
Deputy Putnam County Executive Thomas Feighery
Putnam County Sheriff Robert L. Langley, Jr.
Putnam County District Attorney Robert V. Tendy

SUBJECT: 2020 Putnam County Police Policy Review, Law Enforcement Sub-Panel
Recommendations

DATE: December 30, 2020

Thank you for the opportunity to participate in the Putnam County Police Policy Review. The Law Enforcement Sub-Panel understands the importance of this effort and the responsibility and trust placed in us. We spent several weeks compiling recommendations for your consideration. We used the Outline for Community Discussion on Reform and Reinvention of Policing in Putnam County, better known as “The Workbook,” as our guide. The results are 10 pages of recommendations including specific policy changes, expanded training, new equipment, and improved practices to make our community even stronger and safer than it is today. Here are some highlights of our recommendations.

1. We need more law enforcement officers in Putnam County. So that our female and Hispanic populations are adequately represented in our police force, we recommend placing extra effort into hiring female officers and officers with Spanish language skills. In addition to increased hiring, backfilling officers with overtime and/or using improved schedule and shift management is recommended to create a force multiplier effect.
2. The Sheriff’s budget should be increased. Our County plan should not produce unfunded mandates, nor should it require a tax increase. Understanding the many demands for County resources and the normal budget process, we urge you to consider reallocating resources and searching for efficiencies, such as merging Town, Village and County police forces. Additionally, we recommend you identify new and additive federal, state, private and non-profit funding and grants. Initiatives should be prioritized and placed on a timeline with milestones. Everything can’t be done at once.
3. We highly recommend greater attention to officer wellness and training. Law enforcement is stressful. We want our officers to have the best training, develop the strongest skills with rapid adaptability for violent and non-violent situations, and be in the right place at the right time to keep us safe and secure.
4. Our officers should have body cameras. Body cameras protect the officers, people involved in emergencies and various situations, and by-standers. They create an accurate record of events that are useful in the court system, officer training, and crime prevention.
5. It is important to review our police policies to ensure they comply with State law. Our Putnam County police policies can be stricter than State law, not less.
6. The Putnam County Sheriff’s office should be accredited. After two years, we should have a renewed sense of urgency in obtaining the New York State Law Enforcement Agency Accreditation immediately.

Although we understand the basis and requirements of the Governor's Executive Order 203, we did not try to fix a racial bias problem that doesn't exist in the Sheriff's office. That said, we think there is always room for improvement, and you'll see that reflected in our recommendations.

We are available for further consultation and to address any questions on our recommendations. Thank you again for the opportunity to serve Putnam County.

Carla Lucchino, Sub-Panel Leader

Ryan Beckwith

Bob Cullen

Jason Klein

Katherine O'Sullivan

Andy Powers

Bob Rivera

Mirna Santiago

Cindy Trimble

PUTNAM COUNTY POLICE POLICY REVIEW

LAW ENFORCEMENT PANEL RECOMMENDATIONS

December 2020

The following recommendations are submitted in accordance with the Outline for Community Discussions on Reform and Reinvention of Policing in Putnam County, known as “The Workbook.”

Team Members:

Carla Lucchino, Leader
Ryan Beckwith
Bob Cullen
Jason E. Klein
Katherine O’Sullivan
Andy Powers
Bob Rivera
Mirna Santiago
Cindy Trimble

1. DEPLOYMENT:

- a. As part of their 2021 budget review, the Putnam County Legislature recently looked into police department overlap and duplication. Where there are redundant law enforcement/police capabilities, and residents pay taxes for a Town or Village police force (Kent, Carmel, Cold Spring and Brewster) in addition to the Putnam County Sheriff’s Office (PCSO), consideration should be given to merging these police departments together. People in these towns and villages should not have to pay twice for police protection, particularly since this merger would create efficiencies that could fund panel recommendations, including body cameras, more racial equity training, accreditation, stronger recruiting of minority officers, and improved data collection. These economies of scale and scope would support building a more professional police force better equipped to address issues of racial justice.
- b. If the police forces in Putnam County are merged together, we should re-assess the numbers of police officers deployed and the locations of their deployments. Having more police, particularly in high crime areas, would be a plus for our County. Over-extended officers, who deal with the stress of long or double shifts, and the inability to take time off and adequately rest between shifts, is dangerous for the safety and wellness of our officers. It is also dangerous for the public’s welfare, and exposes our County and its taxpayers to litigation and damages resulting from negative outcomes attributable to officer fatigue.

- c. If we improve the tracking and data accumulation of police actions, particularly as they impact different communities, we could use this information to make police deployment decisions. This would help us avoid over-policing marginalized communities.

2. USE OF FORCE:

- a. Currently, the title of the Sheriff's Use of Force Policy reads: "Use of Force." The title should be changed to the following: "Use of Force Policy (NYS Executive Law Article 35, §840(4)(d)(3))"
- b. Currently, under Section 300.1.1, Definitions, states:
"Deadly force – Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious physical injury. This includes force that, under the circumstances, is readily capable of causing death or serious physical injury. (Executive Law §840)."

We recommend the following change. Replace the definition of "Deadly Force" with the definition of "Deadly Physical Force" as follows: "Deadly physical force means physical force which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury. (NYS Penal Law, Article 10, Section 10(11))."

NOTE: Don't modify the definition of Deadly Physical Force. Use exactly what's provided by the legislature in State law. The Law cited in the current policy refers broadly to the Executive Functions, Powers and Duties of the Municipal Police Training Council (MPTC), and does not refer the reader back to the actual definition of Deadly Physical Force. The Executive Law reference should be changed to match the NYS Penal Law reference.

- c. We recommend adding the following definition to Section 300.1.1, Definitions:
Brandish - For Use of Force reporting purposes, required under Executive Law §837-t, the Municipal Police Training Council (MPTC) adopted a definition of Brandish that is analogous to use and discharge for firearms, and use and deploy for impact weapons and electronic control weapons. The MPTC defined brandish/use/discharge and brandish/use/deploy as the operation of a weapon in a manner capable of causing physical injury. As defined by the MPTC, the mere pointing of a firearm, an impact weapon, or an electronic control weapon at a subject is not considered brandishing, use or discharge of a firearm, or brandishing, use, or deployment of an impact or electronic control weapon, and therefore, not a reportable Use of Force incident.

- d. We recommend adding the following language to the Use of Force Policy sections 300.1.1 (Definitions) and 300.3 (Use of Force):

Objectively Reasonable: An objective standard used to judge an officer's actions. Under this standard, a particular application of force must be judged through the perspective of a reasonable officer facing the same set of circumstances, without the benefit of 20/20 hindsight, and be based on the totality of the facts that are known to that officer at the time that the force was used. (Graham 490 U.S. 396 (1989) and MPTC)

NOTE: The term "objectively reasonable" is used in the Putnam County Use of Force Policy Section 300.4.

- e. Currently, the Use of Force Policy, Section 300.3.2 Use of Force to Effect an Arrest, states:

A police officer or a peace officer may use reasonable physical force to affect an arrest, prevent escape of a person from custody, or in defense of self or others from imminent physical force. (Penal Law §35.30)

We recommend the following change: "A police officer or a peace officer, in the course of effecting or attempting to effect an arrest, or of preventing or attempting to prevent the escape from custody, of a person whom he or she reasonably believes to have committed an offense, may use physical force when and to the extent he or she reasonably believes such to be necessary to effect the arrest, or to prevent the escape from custody, or in self-defense or to defend a third person from what he or she reasonably believes to be the use or imminent use of physical force." (NYS Penal Law §35.30)

NOTE: Recommend using language as defined by statute, which is the NYS Penal Law.

- f. Currently, Section 300.3.2 Use of Force to Effect an Arrest, states:
Force shall not be used by a deputy to (Executive Law §840):

1. Extract an item from the anus or vagina of a subject without a warrant, except where exigent circumstances are present.
2. Coerce a confession from a subject in custody.
3. Obtain blood, saliva, urine or other bodily fluid or cells from an individual for scientific testing in lieu of a court order where required.

We recommend the following changes:

Force shall not be used by an officer for the following reasons:

1. To extract an item from the anus or vagina of a subject without a warrant, except where exigent circumstances are present,

2. To coerce a confession from a subject in custody,
3. To obtain blood, saliva, urine, or other bodily fluid or cells, from an individual for the purposes of scientific testing in lieu of a court order where required, and
4. Against persons who are handcuffed or restrained unless it is used to prevent injury, escape, or otherwise overcome active or passive resistance posed by the subject.

NOTE: Recommend using language provided by MPTC and adding item 4 as included in MPTC model policy.

- g. Currently, Section 300.5, Reporting the Use of Force, cites Executive Law §840. We recommend this be changed to cite NYS Executive Law §837t and 9NYCRR6058.
- h. Under Section 300.5.1, Notifications to Supervisors, we recommend the following addition:
“J. Incidents where a firearm was discharged at a subject.”

NOTE: In accordance with New York State Executive Law §837v, any discharge of a weapon, while either on duty or off duty, in the direction of a person, should be verbally reported to the involved officer’s supervisor within 6 hours and a written report prepared within 48 hours of occurrence.

- i. We recommend the following change to Section 300.8, Training:
“New York State Police Reform and Reinvention Collaborative Workbook issued by Governor Cuomo in August 2020, mentions, suggests, and recommends additional and specialized training for police officers approximately 150 times. Police Department budgets should be increased to accommodate increased in-service and continuing education training to improve service. The State of New York should provide additional funding to counties, cities, towns and villages for their police departments, and not burden police departments further with unfunded mandates. “
- j. Ensure there is adequate oversight of our use of force policy implementation. Get the policy right and make sure it’s followed. Consider creating an Internal Affairs organization, if one doesn’t currently exist. Perhaps there should be a probation period for newly promoted officers.

3. PROCEDURAL JUSTICE:

4. BIAS:

- a. Hispanics represent 16% of the population, 26% of arrests (2019), 29% of felony arrests, but just 2% of identified law enforcement staff. The PCSO should revamp and expand recruiting efforts for non-white officers, most especially Hispanic officers. It should also encourage, and consider subsidizing, Spanish-language training for officers. Until we have more multi-lingual officers, consider using AT&T's language line. Expand community outreach to local Hispanic organizations. Perhaps an outside consultant could be used to assist to conduct an Equity Audit that examines the County's demographics in comparison to our current police force. Also consider recruiting directly from high schools and colleges. We should hire talented and highly qualified officers that improve police services in Putnam County.
- b. The PCSO should review leadership training and promotion policies to ensure no bias exists to exclude underrepresented communities from advancement.
- c. Evaluate our 5-year trend in bias complaints. Compare this to nearby similar counties in NYS. Adjust the PCSO's bias training as needed. Consider training in implicit bias for police officers and community groups that involve residents assisting the police. This will help to avoid inadvertent racial profiling and stereotyping.
- d. It is important to have a police force with officers that have secondary educations. We recommend Putnam County consider providing financial support and incentives for higher education degrees to our police officers. The County could reimburse officers at the SUNY tuition credit rate for workforce degrees in disciplines such as public administration and criminal justice. This reimbursement could be prorated depending on the academic grade obtained by the officer in the program. For example, an officer who receives an "A" grade should be reimbursed at 100 percent, a "B" grade at 80 percent, and a "C" grade at 70 percent. A grade lower than "C" should not be reimbursed. A provision could also be added stating that if an officer transfers to another department within five years of receiving a degree paid for by Putnam County, that officer should reimburse the county for his or her educational expense.

5. DE-ESCALATION:

- a. In addition to supplementary Use-of-Force training (NY State required 21 hours of annual in-service training), require annual in-service training such as Bias Reduction Training (including community-specific bias, implicit bias, and cultural competency), Constitutional Conduct Training, De-escalation Training, and Crisis Intervention Team (CIT) Training with an emphasis on sourcing high quality, rigorous, and evidence-based programs. De-escalation policy and training should emphasize and teach tactics and techniques that promote safe restraints and non-violent outcomes, where appropriate, in police activities.

- b. Consider creating a unit or units of non-police emergency first responders trained in Crisis Intervention Team (CIT) and De-escalation tactics. This unit could be deployed in instances of emergency calls related to substance abuse, mental health, and domestic crises. These responders may consist of a team of nurses, EMTs, social workers and/or psychological professionals. They may be dispatched out of the Sheriff's office or out of the County's Emergency Services office. They may be escorted or backed-up by a Deputy and they should be funded directly from the County budget or by a supplementary budget line provided to the Sheriff's office specifically for the creation and staffing of this unit.

6. LAW ENFORCEMENT ASSISTED DIVERSION PROGRAMS:

- a. The Putnam Assisted Diversion Programs should be conducted in collaboration with Town and Village police departments. Do we distribute simple wallet size cards with names, numbers, addresses and services to the public? Can this be accomplished in conjunction with the Putnam County drug court?
- b. If there isn't a drug court in Putnam County, consider establishing one. Consider administering the Hope not Handcuffs program at the judicial level with input from the Putnam County District Attorney.

7. RESTORATIVE JUSTICE:

- a. Consider a Restorative Justice program that arranges a meeting with the police officer and a social service agency representative in addition to the victim and the offender.
- b. Use metrics to determine the success of our Restorative Justice program(s), such as a reduction in recidivism.
- c. Consider operating Restorative Justice programs under the Probation Department and/or the District Attorney's office rather than the Sheriff's office.
- d. In addition to expanding Judge Reitz's Drug Court, consider other diversionary programs including Veteran's Treatment Court, Mental Health Court, etc. Additionally, the New York State Division of Criminal Justice Services (NYSDCJS) Division of Probation and Correctional Alternatives funds Alternative to Incarceration (ATI) Programs. Some of the ATI programs are run by not-for-profits funded by the State and Counties as well as grants. Consider the following ATI programs for Putnam County: Mental Illness Programs, Pretrial Services, Treatment Alternatives for Safer Communities (TASC) and Drug and Alcohol Programs, Specialized Programs, Community Service Programs, and Defender Based Advocacy.

8. COMMUNITY BASED OUTREACH AND CONFLICT RESOLUTION:

- a. It's extremely important to communicate and share information with residents. Formally engage community members, especially those from marginalized groups, to solicit input on police officer training.
- b. Consider expanding Neighborhood Watch Programs.
- c. Consider developing a network of police liaison volunteers to assist with police/community relations in schools, chambers of commerce, religious institutions, and other local affinity groups; especially with the Hispanic community.
- d. Mutual appreciation and understanding through collaboration between the public and the police builds present and future trust, loyalty, respect and positive relationships. Consider greater involvement of the Sheriff's office in support of the Putnam County Drug and Treatment Courts so that police officers gain a better understanding of the personal issues faced by the participants, and the participants gain an improved understanding of law enforcement.
- e. Consider adding new and diverse voices from marginalized groups into the PCSO's Community Advisory Board.
- f. Consider resurrecting former Sheriff Smith's Putnam County Sheriff's Citizen Academy as a means of educating the public on the interaction between police officers and community residents. This would improve the PCSO's understanding of community concerns and also help residents understand the concerns of police officers when performing their jobs. This could mitigate, for example, apprehension by drivers, passengers and police when residents are stopped for traffic violations.
- g. Consider expanding other citizen collaboration programs including Junior Cadet programs such as the Sheriff's Cadet and Police Cadet program. Increase recruitment for this program in local schools and find more ways to involve local youth with police officers. This also provides a pipeline for development of future police officers.

9. PROBLEM ORIENTED POLICING AND HOT SPOT POLICING:

- a. Unless this is already being done, use demographic and community needs data, such as information on crime trends and traffic issues, to determine where and how many police officers are deployed. High crime areas should receive the most police attention to prevent and/or apprehend effectively.
- b. Consider collecting data on how police officers spend their time to compare to crime statistics. Are police officers deployed where they are needed most or are they deployed to meet quotas? Deploy police officers when and where the demand for their services is greatest.

10. FOCUSED DETERRENCE:

- a. Consider using 10-year trend crime statistics when designing crime reduction strategies.
- b. Officers should know our community, and if possible, identify suspicious people, vehicles and activities to deter the distribution of drugs and associated criminal acts in our community. The use of more surveillance cameras could help populate a database of information that can be used in preventing crime and arresting criminals.

11. CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN:

- a. Consider conducting home and business security evaluations (similar to military threat assessments) and use the results to improve safety and security.
- b. Safety and Security improvements such as the addition of security systems, alarms, lighting, etc., should be incorporated into County, Town and Village Code and considered in evaluating applications to Town and Village Planning and Architectural Review Boards.

12. VIOLENCE PREVENTION AND REDUCTION INTERVENTIONS:

- a. Putnam County should work with the Courts, the Sheriff's office, and non-profit organizations to ensure we make maximum use of programs that reduce recidivism.

13. MODEL POLICIES PROMULGATED BY THE MUNICIPAL POLICE TRAINING COUNCIL:

- a. Consider surveying police officers to determine the adequacy of their training. Compare the training of Putnam County officers to comparable NYS police forces and make improvements as needed. Do we provide sufficient training (number of hours)? Is it the right type of training for the crime in Putnam County?
- b. Consider improved police training for domestic violence incidents. Taking "at the scene" actions based on evidence to mitigate or rescind false accusations, especially when alcohol or illegal drugs are involved, would expedite fair resolutions and serve justice. This helps all parties involved and safeguards time and taxpayer dollars.
- c. Ensure that police training focuses on day-to-day duties such as community policing, non-violent public interaction, and crime prevention, in addition to training for violent and serious crime prevention and reaction.

- d. The proper treatment of victims must be part of a police officer's training. The NYPD now has someone from the Victim Services Administration in each police precinct to assist with domestic violence or rape cases. This is funded through the social service and health agencies. Can we get this type of funding? Also consider adopting trauma-informed practices into police training. This training helps police officers examine victim/survivor behavior and psychology, which can inform policing strategies for vulnerable populations.
- e. We recommend training, as needed, when deploying new technology. This should include training on the proper management and storage of sensitive data.

14. THE NEW YORK STATE LAW ENFORCEMENT AGENCY ACCREDITATION STANDARDS:

- a. The PCSO should be accredited.

15. OTHER:

- a. Provide body cameras for all police officers. This protects officers from false charges and provides a clear record of all incidents with no editing of video or audio by civilians that may be at the scene and start recording an incident. Additionally, greater use of video equipment would improve our understanding of police officer's daily duties, aid court prosecutions, serve as a training tool, and provide input to better evaluate police officer performance.
- b. FEMA annually identifies 30-35 cities and towns that are at risk of international or domestic terrorist acts, such as riots. The towns identified can apply for grant money to buy tanks, guns, ammo and even Israeli consultations. Peekskill, for example, recently bought a bomb resistant tank. Consider holding public hearings prior to any application for Defense Dept. and/or Dept. of Homeland Security/FEMA funding for equipment and consulting.
- c. Consider a mini public relations campaign utilizing both traditional and social media to create community awareness of this Putnam Police Policy Review. Explain that it is focused on not only preventing reductions in state funding for our police but on enhancing community relations with local law enforcement.
- d. Establish Performance-Based Criteria for sourcing reputable and qualified partners and vendors. Award contracts based on best value rather than lowest price.
- e. Private businesses and institutions that use local law enforcement resources as an alternative to hiring private security and thus diverting our officers from serving local residents should pay a fee for these services. A case in point is the Arms Acres Methadone Clinic on Old Route 6 in Carmel.

- f. Consider modifying or increasing the Sheriff's budget in order to implement some or all of these recommendations, including those in support of Executive Order 203. Unfunded mandates can't be implemented. Make greater use of federal and state funded programs, and consider greater use of asset forfeiture funds from the District Attorney. Although these funds can't be used for salaries, they can be used for programs and equipment. Putnam County should consider hiring a grant writer, unless we already have one.
- g. Be sure to consider the wellness of our police officers as changes are made. The fluctuating stress level of police work is understated. Although it can be difficult to deal with the public, the mental health of our police officers is critical to the safety of the public.
- h. When an officer is in training, or called to back-up non-police emergency responders, there must be adequate replacement personnel, so we do not need to resort to expensive and exhausting overtime.
- i. The Putnam County Sheriff should consider establishing a survey on the Sheriff's Facebook page with questions about the public's interactions with police officers. This would provide positive and negative feedback and this feedback could be used to make improvements as needed.

MaryEllen Odell, County Executive
Tom Feighery, Deputy County Executive
Putnam County Office Building
40 Gleneida Avenue
Carmel, New York 10512

January 12, 2021

Attn: Members of the Putnam County Police Policy Review Panel,

Attached please find the recommendations of the LGBTQIA+ Subcommittee of the Putnam County Police Policy Review Panel for improving community-police interactions across Putnam County. We submit these recommendations with the acknowledgement that we are a small, mostly white, cisgender group of volunteers who lack real-world experience with negative police encounters, profiling or violence. In an attempt to reach a broader cross section of Putnam County's diverse LGBTQIA+ population, we posted a survey on several platforms and gathered input from other self-identifying LGBTQIA+ community members, as well as parents and caregivers of LGBTQIA+ youth. The enclosed recommendations are based on that input, in addition to research on issues unique to our community.

We note that New York State Executive Order No. 203 – New York State Police Reform and Reinvention Collaborative, dated June 12, 2020, mandated a “**collaborative**” undertaking specifically “to develop practices to better address the particular needs of the **communities of color** to promote public safety, improve community engagement, and foster trust.” We do not feel that goal has been achieved here. Between the unnecessarily short timeline and the siloing of participants in the form of poorly designated, identity-based sub-panels, we do not feel that the needs and concerns of Putnam's Latinx and Black communities have been appropriately centered in this process. However, we are compelled to offer these specific recommendations which pertain generally to the LGBTQIA+ residents and visitors to Putnam County, as requested. We hope they will be considered and implemented as part of a much broader, more vigorous, and ongoing effort to improve everyone's relationship with the Putnam County Sheriff's Department.

Our recommendations also do not touch upon broader systemic issues or concerns within policing nationally, particularly those concerning the ethics around use of force, mass incarceration, body cameras, crowd control, or other important community considerations outside of our subcommittee's scope or expertise. The lack of inclusion of these topics do not imply a tacit acceptance of the “status quo” or a lack of interest in their reform. We also are not equipped to provide recommendations to correct the shocking lack of diversity within the Department, including LGBTQIA+ deputies. This should be Step One in reforming the Department.

The County must also engage the resources available from the Human Rights Campaign (www.hrc.org), the Transgender Law Center (www.transgenderlawcenter.org), the National Center for Transgender Equality (www.transequality.org), Lambda Legal (www.lambdalegal.org/), or other similar organizations for guidance on implementing inclusive LGBTQIA+ policies within the Sheriff's Department and across all County services.

We welcome your questions on the points we have raised, and we truly hope this is the beginning — not the end — of the process.

Sincerely,

Sean Conway, Cari Hallion, Melissa Marino, Eileen McDermott, and Jeannie Park.

RECOMMENDATIONS

We have divided these recommendations into groups of similar functions, however those which are in bold represent the Top 5 priorities identified in our community survey.

SAFETY RESPONSIBILITIES

- **Require all School Resource Officers to undergo ongoing anti-bias and sensitivity training regarding LGBTQIA+ issues, specifically focusing on LGBTQIA+ youth, and transgender, non-binary, and gender nonconforming awareness.**

References: Policies 203.3, 320.5.9.f; 320.5.9.l; 341.11-a; 341.11-b; 401.3

- **Require all department employees to undergo ongoing anti-bias and sensitivity training regarding LGBTQIA+ issues, specifically focusing on LGBTQIA+ youth, same-sex families, and transgender, non-binary, and gender nonconforming awareness.**

References: Policies 203.3, 320.5.9.f; 320.5.9.l; 341.11-a; 341.11-b; 401.3

- Require all Officers and affiliated professionals (Social Workers, EMTS, etc.) to undergo training specifically related to identifying potential domestic violence and abuse within LGBTQIA+ households.

References: Policies 203.3, 409.1

- **Implement and publicize a policy clearly stating whether employees may belong to, or promote and publicize, through social media or other means, any organization that has credible explicit or implicit links to domestic or international terrorism, or violent, homophobic, transphobic, racist or sexist ideologies, or any Ethno-Nationalist causes or campaigns.**

Reference: Policies 320.5.8.g, 320.5.8.i, 320.5.9.f, 320.5.9.l, 1000.7.1.e

- Study, implement and publicize policies outlining standards of safety for individuals held in gender-segregated detention; clearly communicate to any potentially vulnerable person facing detention what policies are in place to ensure their protection while in police custody.

COMMUNITY RESPONSIBILITIES

- **Study, implement and publicize a Civilian Complaint Board, in addition to the Community Advisory Committee, for anyone to address grievances regarding the Department through an independent body, ensuring its membership explicitly includes diverse voices from across Putnam County through the active and open recruitment of volunteers.**

Reference: Policy 341.9, 1010.3.2.a

- Allow civilian observers to attend all anti-bias or sensitivity training sessions attended by members of the department and/or make training materials readily available to the public
- Establish a dedicated LGBTQIA+ Outreach Coordinator to act as a liaison between the Department and community, dedicated to ongoing dialog, and researching and reporting on training opportunities and best-practices.

Reference: Policy 341.9

- Ensure detailed descriptions of all Departmental Policies are made readily available to public via the Sheriff's website, in both English and in Spanish, and commit to making available translations in any other language(s) deemed significant and necessary by the Department, by the County, by request from a Town or Village government located within Putnam County, or by a petition submitted by residents of the County demonstrating such need.

ADMINISTRATIVE RESPONSIBILITIES

- Review Departmental Documents for gendered language.
 - a. **Remove binary gender declarations (male/female) on all departmental forms and remove such questions entirely, or replace with open-ended response fields.**
 - b. Review all documents and policies for any gendered words (i.e.: “his/her”, “manpower,” “widow”) and replace them with gender-neutral language.
References: Numerous, for example “Quality of Service” forms, pistol permits, or “Use of Force” reports; Policies 203.7.1.b, 300.3.3.h, 1000.3

- Maintain statistics for all police encounters involving voluntarily self-identifying LGBTQIA+ individuals, as witnesses, victims, or suspects, for continued analysis.

Report of the Panel on Homeless Outreach for Review of Police Procedures

December 10, 2020

Compiled by Fr. Richard Gill, Homeless Panel Chair, St. Lawrence O'Toole Church, Brewster NY

frrichardgill@gmail.com; cell: 301-873-8418

Background:

Estimates for the number of homeless in Putnam County are based on a HUD study each year that takes into account people in women's shelters, hotels, and those living in the open. The number for this past year in the County was 54 homeless. Putnam County currently has no facility for homeless persons but the Department of Social Services under Michael Piazza is ready to respond under Code Blue laws when needed.

Since approximately 2005, a non-profit called Brewster Emergency Shelter Program provided winter overnight shelter at a collaborative of churches in the Village of Brewster, and between 5 and 15 men and women would sleep over. BESP dissolved in the spring of 2020.

Brewster Cares, Inc. is a non-profit organization founded by St. Lawrence O'Toole Church in Brewster to help the poor, and upon the demise of BESP, decided to offer overnight shelter and a daytime warming station in the Village. This effort opened in December 2020 and will run through the end of March.

Report Methodology

Between October 2020 and mid-December of 2020, I conducted interviews and surveys of three dozen members of the Putnam County Community who are either homeless themselves or work with the homeless population in our area. Some are clergy and some are lay people.

Our questions were focused on the perceptions of the relationships between members of the homeless community and local police.

Summary of Conclusions

1. Nearly *everyone was positive regarding the helpfulness and compassion of local police toward the homeless*. This includes both the Village Police and also the Sheriff's department.
2. Since the only shelter is in Brewster, the western part of the County refers homeless for help in Newburgh or Beacon where there are operating shelters.
3. If the police are not aware, *they perhaps would be helped by having a directory of area shelters* for occasions when they are called.
4. Workers at the Brewster shelter report that *local police have always been responsive, professional, and compassionate whenever they needed to be called because of an incident during the night*. These incidents usually have to do with drinking and belligerent conduct on the part of one or two homeless. Invariably, they know how to handle the situations and de-escalate in a professional way.
5. At the Brewster Cares shelter, we have heard reports that in bad weather, police have gone to the homeless encampments in the woods around the reservoirs to look for homeless people and bring them to motels in Code Blue situations.
6. *One recommendation several people had would be for the police to learn some basic Spanish*, as the homeless population in Putnam County is roughly half American and half Latin American immigrants.



PUTNAM COUNTY SHERIFF'S OFFICE

Attn: Command Staff
3 County Center
Carmel, New York 10512
845-225-4300

SHERIFF
Robert L. Langley Jr.

Quality of Service Evaluation Form

Instructions: Please take the time to... about the Putnam County Sheriff's Office. We encourage you to... about... experience... with our member(s). The information you provide is appreciated and will be used to improve the quality of service we provide. Please complete as many of the below fields as possible so that we can properly evaluate your comments. Personal information will not be disclosed to the public, unless required by law.

I wish to file a (please check one): [] Commendation [] Complaint

Information about you:

Last Name: _____ First Name: _____ M.I.: _____ Date of Birth: _____
Street Address: _____ City: _____ State: _____ Zip Code: _____
Home Phone: _____ Work Phone: _____ Cell Phone: _____ [] Male [] Female

Are you filing this on behalf of someone else? [] Yes [] No If yes, then complete this section.

Last Name: _____ First Name: _____ M.I.: _____ Date of Birth: _____
Street Address: _____ City: _____ State: _____ Zip Code: _____
Home Phone: _____ Work Phone: _____ Cell Phone: _____ [] Male [] Female
What is their relationship to you? _____

Witness Information (if applicable):

Last Name: _____ First Name: _____ M.I.: _____ Date of Birth: _____
Street Address: _____ City: _____ State: _____ Zip Code: _____
Home Phone: _____ Work Phone: _____ Cell Phone: _____ [] Male [] Female

Putnam County Sheriff's Office Employee Information:

Name and or Badge # _____ Car number employee was driving: _____
Name and or Badge # _____ Car number employee was driving: _____

Provide your comments in the space provided below. Please tell us if you prefer to be contacted by a supervisor.

Multiple horizontal lines for providing comments.

* Email completed form to commandstaff@putnamcountyny.gov - OR - print and mail to the address listed above

PUTNAM COUNTY SHERIFF'S OFFICE

APPLICATION FOR PUBLIC ACCESS TO RECORDS PURSUANT TO THE FREEDOM OF INFORMATION LAW [Article 6, N.Y. Public Officers Law]

To: Records Access Officer
Putnam County Sheriff's Office
Three County Center
Carmel, New York 10512

Sheriff's Office use only
Stamp date application received

PLEASE PRINT OR TYPE INFORMATION

1. Date of this Application: _____

2. I hereby apply to inspect the following records (please reasonably describe the records sought):

3. Sheriff's Case Number or Event Number, if known: _____

4. The records pertain to the following person(s) (circle title if applicable):

Name: _____ -Defendant/Complainant/Driver

Name: _____ -Defendant/Complainant/Driver

5. The records (check one): _____ DO _____ DO NOT pertain to me personally.

6. Date of incident: _____

7. Place of occurrence: _____

8. Description of incident: _____

9. Are the requested records a list of names and addresses that will be used for commercial or fund-raising purposes? _____ YES _____ NO

-CONTINUED ON OTHER SIDE-

10. Applicant Information:

_____		_____
Name (print)		Title
_____		_____
Street address		City, State, Zip Code
_____	_____	_____
Telephone No.	Fax No.	E-Mail Address

11. Preferred delivery method (check one):

- Applicant requests copy(ies) of record(s) via mail.
- Applicant requests copy(ies) of record(s) via fax.
- Applicant requests digital copy(ies) of record(s) via E-Mail.
- Applicant will pick up copy(ies) of record(s) when ready.
- Applicant will inspect the record(s). No copy(ies) requested.

The Sheriff's Office will respond to this request within five (5) business days, as prescribed by law.

FOR SHERIFF'S OFFICE USE ONLY

_____ Request approved.

_____ Request approved with portion(s) redacted.

_____ Request denied.

_____ Insufficient data to perform search.

_____ Record(s) not maintained by this Department.

_____ Records(s), after a diligent search, cannot be found.

_____ Request acknowledged. Approximate date on which

determination is expected to issue: _____.

Records Access Officer

Date

FEE NOTICE: The Sheriff's Office may charge photocopy fees and postage, payable in advance, for copies of records furnished hereunder, as authorized by law.